



An  
Bord  
Pleanála

## Inspector's Report ABP 306461-20

---

<b>Development</b>	Construction of dwelling with detached garage, septic tank with percolation area and assoc. site works.
<b>Location</b>	Cloonagh, Drumlish, Co. Longford.
<b>Planning Authority</b>	Longford County Council.
<b>Planning Authority Reg. Ref.</b>	19289
<b>Applicants</b>	Desmond Connolly & Diane O'Hara
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission with Conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Thomas McKeon
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	08 <sup>th</sup> May 2020
<b>Inspector</b>	Brendan Coyne.



## 1.0 Site Location and Description

1.1. This site (0.37 ha) is located on the western side of a narrow rural cul-de-sac road, in the rural townland known as Cloonagh, c. 2.5 south-west of Drumlish. The site comprises part of a large open field. The site has a road frontage length of c. 75 metres and its roadside boundary is defined with dense hedgerow. The ground level of the site is relatively level. The southern boundary is defined with mature trees and hedgerow and remaining site boundaries are undefined. An overhead utility line runs along the roadside boundary. A farmyard and agriculture buildings are located on adjoining lands to the south-east and adjacent lands on the opposite side of the road to the south-east and further to the north-west. The surrounding area is characterised by agricultural land and dispersed rural one-off housing and agricultural buildings.

## 2.0 Proposed Development

2.1. Permission sought for the following;

- Construction of a detached 2 storey 4-bedroom dwelling (234.5 sq.m.),
- Detached garage (33.75 sq.m.),
- New septic tank and percolation area,
- Associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Longford County Council granted permission for the proposed development subject to 15 no. Conditions. Noted Conditions include:

- C. 2 The dwelling, when completed, shall be occupied by the applicant's family for a period of at least 7 years.
- C. 7 The roadside boundary shall be removed only where required to achieve necessary sightlines at the entrance to the site.

### 3.1.1. **Planning Reports**

Basis for the Planning Authority's decision. Includes:

- The applicants have indicated their connections to the area.
- The applicants propose to construct a dwelling on family owned land for their own use.
- The proposed dwelling will be the applicants permanent place of residence.
- The applicants comply with the criteria set out in policy CS12 of the Longford County Development Plan 2015 – 2021.

### 3.1.2. **Other Technical Reports**

**Area Engineer Report:** States the following;

- The proposed development is located on a very minor tertiary (cul-de-sac) country road with very low traffic volumes.
- The road serving the site was taken in charge by the Council in 1968 and is listed on the Public Roads Schedule.
- It is possible to achieve required sightlines at the entrance to the site.
- It will be necessary to set back the roadside boundary to achieve sightlines.
- The proposed entrance is on a straight stretch of narrow road with good visibility in both directions.
- Conditions recommended in the event of a grant of permission.

**Irish Water:** No objection subject to Conditions.

## 4.0 **Planning History**

**P.A. Ref. 17/301 / ABP Ref. 301361-18** On the 21<sup>st</sup> November 2018, An Bord Pleanála refused permission to Desmond Connolly & Diane O'Hara for the construction of a detached two storey dwelling, a detached garage, a new septic tank and percolation area and associated site works.

The Reason for Refusal was as follows;

1. *Section 2.1.6.1 of the Longford County Development Plan 2015-2021, which sets out the Settlement Strategy for the County, notes the need for appropriate locations for new development to be chosen to protect the agricultural industry and rural areas. It is considered that the proposed development would constitute random housing development in a rural area in close proximity to existing agricultural premises, including sheds for the housing of cattle, and that the proposed development would seriously injure the residential amenities for future occupants by reason of odour, noise and traffic associated with the operation of these agricultural premises. Furthermore, the proposed development by introducing an additional residential unit in close proximity to an existing agricultural premises would militate against the preservation of the rural environment and would, therefore, be contrary to the proper planning and sustainable development to the area.*

## 5.0 Policy and Context

### 5.1. Longford County Development Plan 2015-2021

**Zoning:** The site is located on un-zoned land, outside a zoned town.

**Section 2.1.6.1** seeks to (inter alia) protect agricultural industry and rural areas.

**Section 2.1.6.5 Rural Areas/Open Countryside** - relevant policies include:

**CS 11:** Areas other than those defined as part of the settlement hierarchy and lands zoned as part of this plan, shall be designated as rural for the purposes of the plan.

**CS 12:** a) The following categories of applicant shall be considered for the development of housing in the rural area with a view towards sustaining rural communities:

- Members of farm families, seeking to build on the family farm.
- Landowners with reasonably sized farm holdings who wish to live on their land.

- Members of the rural community in the immediate area, this includes returning emigrants or their children with remaining substantial family or community ties, who wish to permanently settle in the area.
- Persons whose primary full or part-time employment is locally based or who are providing a service to the local community.
- b) Speculative and unsustainable urban generated housing development will be discouraged in the rural area.
- c) Occupancy Conditions may be attached in accordance with Ministerial Guidelines to protect the policy application and integrity.

**HOU RUR 1:** Assessment of residential development in rural areas shall be guided by the suitability of the area in terms of its sensitivity, its ability to accommodate development in a sustainable manner and compliance with the relevant technical criteria.

**HOU RUR 9: Access and Vehicular Circulation**

## 5.2. National Guidelines

***National Planning Framework – Project Ireland 2040  
Sustainable Rural Housing Guidelines for Planning Authorities (2005)***

## 5.3. Natural Heritage Designations:

- 5.3.1. The closest European sites are the Ballykenny-Fisherstown Bog SPA (Site Code 004101) and the Lough Forbes Complex SAC (Site Code 001818), both of which are located c. 5km west of the appeal site, while Clooneen Bog SAC (Site Code 002348) is located c. 7km to the west. 5.3.2. There are also a number of NHAs in the area, the closest of which are the Cloonageeher Bog NHA and the Rinn River NHA, which are 3.5km and 4.5km to the west, respectively.

#### **5.4. EIA Screening**

5.5. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### **6.0 The Appeal**

##### **6.1. Grounds of Appeal**

6.1.1. An appeal was received from Sean Lucy Town Planning Consultant representing the third-party appellant Thomas McKeon, against the decision made by the Planning Authority to grant permission for the proposed development. The following is a summary of the grounds of appeal.

- The application is a repeat of a previous planning application which was appealed under ABP Ref. 301361-18
- The proposed development fails to adequately address or overcome the reason for refusal given under ABP Ref. 301361-18.
- Under appeal ABP Ref. 301361-18 the Planning Inspector report considered that the introduction of residential use in close proximity to existing agricultural premises would have the potential to impact on the continued operation and future expansion of such premises, particularly where the residents of the house have no involvement in agriculture.
- Reference made to The Board's reason for refusal in the determination of this appeal (detailed in Section 4.0 above).
- The proposed development is located in proximity to a working farmyard and within 55 metres from agricultural sheds where the appellant winters his cattle.
- This farmyard and agricultural sheds are not conducive to the creation and protection of residential amenity, particularly those who do not work in agriculture.

- Of primary concern to the appellant is the significant restriction the proposed dwelling would place on the appellant to improve and develop his farmyard.
- Concern expressed that the dwelling may be sold on expiry of the 7-year occupancy Condition imposed.
- The site is not a suitable location for a dwelling for persons that are not involved in farming.
- The proposed development would constitute an unsuitable form of development that would fail to protect agricultural industry in the vicinity and result in a poor quality residential environment for the future occupants of the proposed dwelling by reason of noise, odour and traffic, resulting from the existing housing of cattle and associated agricultural activities in the vicinity.
- The proposed development is contrary to Policy HOU RUR1 which provides that residential development in rural areas should be guided by the suitability of the area in terms of its sensitivity and its ability to accommodate development in a sustainable manner.

## 6.2. Applicant's Response

6.2.1. Cunningham Design & Planning Consultants have responded on behalf of the applicant to the third-party grounds of appeal, addressed under the headings below;

### 6.2.2. *Location of the Proposed Dwelling:*

- The proposed development under the current application is different to that refused permission under P.A. Ref. 17/301 / ABP Ref. 301361-18 by reason of the following;
  - The site size has increased from 0.93 acres to 0.97 acres.
  - The proposed dwelling is now located 18.7m from the southern boundary. Previously it was located 14m from the southern boundary.
  - The proposal now provides a 5m wide buffer zone, back planted with native semi-mature deciduous trees and hedgerow along the southern boundary.



- This increase in separation distance and buffer zone along the southern boundary would adequately screen the proposal from the appellants farmyard.

#### 6.2.3. **Housing Need:**

- It is agreed in both the appeal submitted and the Planners report that the applicants satisfy rural housing need requirements as set out in Policy CS 12 of the Longford County Development Plan 2015 – 2021.
- The appellant expresses concern that the dwelling may be sold on expiry of the 7-year occupancy Condition. The applicant is willing to accept a Condition that this occupancy Condition is extended, as deemed appropriate by An Bord Pleanála in the event of a grant of permission.
- The applicants are both local and fall within the category set out under Policy CS 12 of the Development Plan. Diane O'Hara's immediate family live 300 metres from the subject site.
- The applicants have strong connections to the area, work in Longford and intend on living there for their lives and raising a family in the proposed dwelling.
- Details provided of the place of work of the applicants Diane O'Hara and Desmond Connolly, both in Longford.
- The couple are attempting to build their first home having married three years ago.

#### 6.2.4. **Access Road:**

- The road serving the site is taken in charge by Longford County Council.
- The applicants do not need to travel past the appellant's farmyard in order to gain access to the proposed dwelling.
- The applicants are now willing to move the entrance to the proposed dwelling in a north-westerly direction along the boundary of the site, as shown on the drawing submitted. This would maximise the distance between the proposed entrance and the appellant's farmyard.
- The removal of the roadside boundary would provide sufficient space to enable vehicles to pull in if necessary. The applicants would be willing to accept a Condition to this effect, in the event of a grant of permission.

### 6.2.5. **General Observations:**

- The applicants have no intention in interfering or interrupting with the appellant's farm or any future development of this farm.

### 6.2.6. Appendices lodged with the applicant's response include the following;

- Appendix A: Appellants submission.
- Appendix B: Planning Authority Report
- Appendix C: Council's Area Engineers Report.
- Appendix D: Land Registry details of family landholding and drawings of the proposed development.
- Appendix E: Site Layout Plan showing revisions to the location of the proposed vehicular entrance further to the north-west.
- Appendix F: Letter of Consent from Frank O'Hara for the removal of roadside hedgerow and back-planting if required. Drawing submitted shows the proposed vehicular entrance moved closer to the north-western boundary.
- Appendix G: Letter from the applicants outlining their family connections with the area, their current place of residence in rental accommodation in Drumlish and their need for a house.

## 6.3. **Planning Authority Response**

The Planning Authority did not respond to the grounds of appeal.

## 6.4. **Further Responses**

Further to the applicant's submission, the appellants submitted a letter, c/o Sean Lucy & Associates Ltd., elaborating on the issues raised in their grounds of appeal. No new material issues arise.

## 7.0 **Assessment**

7.1. The main issue for consideration is overcoming the reason for previous refusal, as given under ABP Ref. 301361-18 for similar proposed development on the site. I am

satisfied that all other issues were fully addressed under ABP Ref. 301361-18 and that no other substantive issues arise. This issue for consideration is addressed below.

## **7.2. Overcoming Reason for Previous Refusal**

7.2.1. Under ABP Ref. 301361-18 permission was refused for the construction of a detached two storey dwelling, a detached garage, a new septic tank and percolation area and associated site works on the subject site. The Reason for Refusal is set out in Section 4.0 above. The proposed dwelling under the current application is substantially the same in design terms as the dwelling refused planning permission under ABP Ref. 301361-18. The applicants are also the same i.e. Desmond Connolly & Diane O'Hara. The most notable differences between the current application and the previous application P.A. Ref. 17/301 / ABP Ref. 301361-18 are as follows;

- The proposed dwelling provides a separation distance of 18.7m from the southern boundary. Under the previous application the proposed dwelling was located 14m from the southern boundary.
- The proposal provides a 5m wide 'buffer zone' along the southern boundary, back planted with semi-mature native deciduous trees. The previous application did not provide this 'buffer zone'.
- The size of the site has increased from 0.93 acres to 0.97 acres.

7.2.2. The appellants grounds of appeal are set out in Section 6.1 above. Concerns raised relevant to the reason for refusal under ABP Ref. 301361-18 include the following;

- The proposed development fails to adequately address or overcome the reason for refusal given under ABP Ref. 301361-18.
- The site is not a suitable location for a dwelling for persons that are not involved in farming.
- The proposed dwelling would be located in proximity to a working farmyard and within 55 metres from agricultural sheds, where the appellant winters his cattle.
- This farmyard and agricultural sheds are not conducive to the creation and protection of residential amenity.

- The proposed development would constitute an unsuitable form of development that would fail to protect agricultural industry in the vicinity and result in a poor quality residential environment for the future occupants of the proposed dwelling by reason of noise, odour and traffic resulting from the existing housing of cattle and associated agricultural activities in the vicinity.
- The proposed development is contrary to Policy HOU RUR1 of the Development Plan which provides that residential development in rural areas should be guided by the suitability of the area in terms of its sensitivity and its ability to accommodate development in a sustainable manner.

7.2.3. The applicants contest the appellant's grounds of appeal, as set out in Section 6.2 above.

7.2.4. Lands adjoining the site to the south-east are agricultural in use, with a farmyard complex containing 2 no. agricultural shed adjoining the south-eastern corner of the site. These agricultural sheds are located c.50 metres from the proposed dwelling. Furthermore, an agricultural shed and farmyard is located c.55 metres to the south-east of the site, on the opposite (eastern) side of the public road. The appellant states that this shed is used for the wintering of animals.

7.2.5. The Longford County Development Plan does not have specific policy setting out separation distances required between residential development and agricultural / farm buildings. I note however that Policy HOU RUR 1 requires that the assessment of residential development in rural areas should be guided by the suitability of the area in terms of its sensitivity, its ability to accommodate development in a sustainable manner and compliance with relevant technical criteria. Furthermore, Section 2.1.6.1 of the Development Plan which sets out the Settlement Strategy for the County, notes the need for appropriate locations for new development to be chosen to protect agricultural industry and rural areas.

7.2.6. In consideration of the above, it is my view that location and siting of the proposed development is not significantly different to that which was refused permission under ABP Ref. 301361-18. As detailed above, the only significant changes are an increase in the setback of the proposed dwelling from the southern boundary by 4.7m, a slight increase in the size of the site and the provision of a 5 metre wide 'buffer zone' of deciduous trees planted along the southern boundary. The applicants also propose

the relocation of the vehicular entrance further to the north-west along the roadside boundary. The application site as outlined in red, and its proximity from the adjoining farmyard and agricultural buildings and adjacent farmyard and agricultural buildings on the opposite / eastern side of the road remains unchanged. It is my view that the development of a residential dwelling in such close proximity to existing agricultural premises, including sheds used for the housing of cattle would seriously injure the residential amenity of the future occupants of the proposed dwelling by reason of odour, noise and traffic associated with the operation of these agricultural premises. The provision of an additional residential dwelling in close proximity to existing agricultural premises would militate against the protection of agricultural industry and the preservation of the rural environment. Such development would be contrary to Policy HOU RUR 1 and Section 2.1.6.1 of the Longford Development Plan and the proper planning and sustainable development of the area. For this reason, I consider that the proposed development has not overcome the reason for previous refusal as given under ABP Ref. 301361-18 and should, therefore, be refused permission for the same reason.

### **7.3. Screening for Appropriate Assessment**

- 7.3.1. The closest European sites are the Ballykenny-Fisherstown Bog SPA (Site Code 004101) and the Lough Forbes Complex SAC (Site Code 001818), both of which are located c. 5km west of the appeal site, while Clooneen Bog SAC (Site Code 002348) is located c. 7km to the west. Having regard to the nature and scale of the proposed development, the characteristics of the appeal site and the separation distance from any European sites, I consider it reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites and a Stage 2 Appropriate Assessment and submission of a NIS is not therefore required.

## 8.0 Recommendation

8.1. I recommend that planning permission should be refused for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

1. Section 2.1.6.1 of the Longford County Development Plan 2015-2021, which sets out the Settlement Strategy for the County, notes the need for appropriate locations for new development to be chosen to protect the agricultural industry and rural areas. It is considered that the proposed development would constitute random housing development in a rural area in close proximity to existing agricultural premises, including sheds for the housing of cattle, and that the proposed development would seriously injure the residential amenities for future occupants by reason of odour, noise and traffic associated with the operation of these agricultural premises. Furthermore, the proposed development by introducing an additional residential unit in close proximity to an existing agricultural premises would militate against the preservation of the rural environment and would, therefore, be contrary to the proper planning and sustainable development to the area.

---

Brendan Coyne  
Planning Inspector

27<sup>th</sup> May 2020