



Development	Construction of a house, domestic garage and form new site entrance onto roadway
Location	Fartagh, Lisduff, Virginia, Co. Cavan
Planning Authority	Cavan County Council.
Planning Authority Reg. Ref.	19300
Applicant	S. Monaghan & J. Cooney
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions.
Type of Appeal	Third Party
Appellants	Brian and Regina Galvin
Observer(s)	None
Date of Site Inspection	08 th May 2020
Inspector	Brendan Coyne.

1.0 Site Location and Description

1.1. The site (0.41ha) is located on the western side of a local road, in the townland of Fartagh, c. 6.5km south-east of Virginia and c. 4km south-west of Mullagh in County Cavan. The site is rectangular in shape and comprises an undeveloped agricultural field. An ESB line traverses through the site. The northern side and western rear boundaries are defined with native hedgerow and deciduous trees. The roadside boundary is defined with a low-rise embankment and mature deciduous trees. The southern side boundary is defined with a timber post and wire fence. A detached two storey dwelling is located on adjoining lands to the south. The site is relatively level and its ground condition was firm and dry on the date of site inspection. The site has a roadside frontage width of c. 38 metres and a total depth of c. 104 metres. The surrounding area is characterised by agricultural land, dispersed rural one-off housing and agricultural buildings.

2.0 Proposed Development

- 2.1. Application as lodged on the 02nd August 2019 - Permission sought for the following;
- Construction of a detached 1.5 storey 3-bedroom dwelling (195 sq.m.),
 - Detached garage (30 sq.m.),
 - Proprietary wastewater treatment unit and raised soil polishing filter,
 - Associated site works.
- 2.2. Revised Proposal as submitted by way of Significant Further Information on the 12th December 2019.
- Relocation of the vehicular entrance further to the north to allow for greater visibility sightlines.
 - Revisions to the southern elevation of the proposed dwelling including the omission of the first-floor bedroom window.

Documentation / Drawings submitted includes the following:

- Map indicating the ownership of the site in the name of the applicant's father, John Monaghan.
- Detailed Landscape Plan
- Plans and elevations of the proposed vehicular entrance and a site layout plan showing sightlines at the entrance.
- A plan from ESB Networks Design Engineer indicating intention to divert the LV line around the proposed development.
- Shadow impact report
- Rural Design Statement

3.0 **Planning Authority Decision**

3.1. Meath County Council granted permission for the proposed development subject to 9 no. Conditions. Noted Conditions include the following;

C.2 The developer shall pay the sum of €5,060 to the Planning Authority in respect of public infrastructure and facilities benefiting the area.

C.3 The proposed dwelling when completed shall first occupied as the place of residence of the applicant for a period of seven years.

C.5 Treatment requirements of the area between the entrance gates and the road.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

3.2.2. ***Initial Report (25/09/2019)***

- The applicant has not demonstrated compliance with Policy RHP1 and Objectives RH05, RH06 and RH07 of the Cavan Development Plan 2014 – 2020.
- The proposed development would result in 4 no. dwellings in a row.
- The proposed dwelling is of appropriate scale and mass for its rural location.

- The window on the side elevation of the proposal at first floor level should be omitted, to prevent overlooking of the neighbouring dwelling to the south.
- The road serving the site is one lane only. Traffic speeds are not considered excessive along this road.
- There are places for vehicles to pull in along the public road, in the event of on-coming traffic. This would manage traffic speed along the road.
- The proposal would retain the northern and rear boundaries of the site.

3.2.3. Further information was requested requiring the following:

1. (i) Submit land registry documentation confirming that the applicant is the owner of the site.

(ii) Submit details of family ownership and a map showing the location of the family home and the number of dwellings approved on the landholding previously.
2. Justify the site chosen for the planning application, having regard to the family landholding submitted under P.A. Ref. 18/429.
3. Detailed landscape plan.
4. A plan / drawing of the proposed vehicular entrance.
5. Clarify intentions for the ESB pole and lines which traverse the site.
6. Submit details of sight distances at the proposed entrance.
7. Shadow diagram analysis.
8. Revised drawings showing the omission of the first-floor bedroom window on the southern side elevation.
9. Rural Design Statement for the proposed development.
10. Confirm whether the site has ever been flooded.

3.2.4. ***Second Report (06/01/2020).***

- The site and landholding (10.2ha) is in the ownership of the applicant's father, John Monaghan.

- The site was gifted to the applicant by her Father and is currently being transferred over into her name.
- P.A. Ref. 18/429 relates to an application made by the applicant's brother.
- The applicant complies with Development Plan rural housing need criteria for this rural area type.
- The proposal would not adversely impact on neighbouring property by way of overlooking or overshadowing.
- Adequate sightlines are provided at the entrance to the site.
- The landscaping plan submitted is deemed acceptable.
- The proposed development would result in 5 no. dwellings along a stretch of 350 metres. This is deemed acceptable.
- Having regard to the nature of the proposed development and its distance from Natura 2000 sites, an Appropriate assessment is not required.

3.2.5. Other Technical Reports

Engineer Report:

- The hedgerow to the north may need to be cut back to achieve sight distances.

4.0 Planning History

4.1.1. Subject Site

P.A. Ref. 031591 Permission REFUSED in 2004 to John Monaghan for the construction of a two-storey dwelling house, new entrance and install bioclear wastewater treatment unit. The Reasons for Refusal were as follows;

1. The Planning Authority is not satisfied on the basis of the submissions received that the proposed development would not be prejudicial to public health.
2. Taken in conjunction with existing and permitted development in the area, the proposed development would constitute an excessive density of suburban type development in a rural area. The proposed development would, therefore, be contrary

to the proper planning and sustainable development of the area and contravene stated policies of the County Development Plan.

4.1.2. **Adjoining site to the south**

P.A. Ref. 06327 Permission GRANTED in 2006 to Brian Galvin for the construction of a construct a detached dormer style garage.

P.A. Ref. 03572 Permission GRANTED in 2003 to John Monaghan for the construction of 2 no. two-storey dwelling houses, new combined entrances and the installation of 2 no. bioclear wastewater treatment units.

4.1.3. **Adjacent site further to the north**

P.A. Ref. 18/429 Permission granted in 2018 to Darren Monaghan for the construction of a two-storey dwelling house, domestic garage, form new site entrance onto public roadway and install proprietary mechanical wastewater treatment system.

5.0 **Policy and Context**

5.1. **Development Plan**

Cavan County Development Plan 2014-2020 is the statutory plan for the area.

Section 2.5.1 Settlement Hierarchy - the towns and villages and settlements of the county are divided into six tiers.

Appendix 5 Rural Area Types: The site is situated within a rural area under 'strong urban influence'.

The following definitions, policies and objectives relating to Rural and Urban Generated Housing are noted:

Section 2.7.4 Definitions - Rural and Urban Generated Housing

In accordance with the 'Sustainable Rural Housing Guidelines for Planning Authorities,' it is necessary to define rural and urban generated housing.

- Housing in rural areas, within an established rural community sought by persons working in rural areas or in nearby urban areas can be described as **rural generated housing**.
- Housing in rural locations sought by persons living and working in urban areas can be described as **urban generated housing**.

Rural generated housing need categories:

The Planning Authority considers that the following broad categories constitute a rural generated housing need.

A. Persons who are an intrinsic part of the rural community

- Persons who have spent substantial periods of their lives living in rural areas as members of the established rural community e.g. farmers, their sons and daughters and/ or any persons taking over the ownership and running of farms, as well as, people who have lived most of their lives in rural areas and are building their first homes.
- Returning emigrants who lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for elderly family members, or to retire
- Persons originally from the local rural area who wish to return.
- Persons currently residing in the local rural area and who can demonstrate a requirement for a permanent residence there.
- Persons who need to reside near elderly parents so as to provide security, support and care, or elderly people who need to reside near immediate family.

B. Persons working full-time or part-time in rural areas

- Persons involved in full time farming, forestry, inland waterway or related occupations, as well as, part-time occupations where the predominant occupation is farming or natural resource related.
- Persons whose work is intrinsically linked to rural areas, such as teachers in rural schools or other persons whose work predominantly takes place within rural areas.
 - Persons who are employed in the rural area and can suitably demonstrate that they will continue to do so for the foreseeable future.

RHP1 Rural generated housing needs should be accommodated in the locality in which they arise and where the applicant comes within the development plan definition of need, subject to satisfying good planning practice in matters of location, siting, design, access, wastewater disposal and the protection of environmentally sensitive areas and areas of high landscape value.

RHO1 Urban generated housing needs should be accommodated in areas identified for housing in the adjoining towns and villages.

RHO2 All rural housing planning applications shall be required to complete a “Rural Housing Application” form. The purpose of this form is to ascertain the need for housing in rural areas and to allow the Planning Authority to monitor trends to ensure effective decision making.

RHO3 Applications in rural areas shall be for individual dwelling houses only and must be made in the name of the person who is the intended occupier of the dwelling house.

RHO4 To apply occupancy condition of 7 years where appropriate, as recommended in Circular SP 5/08 from the DECLG, ‘Rural Housing Policies and Local Need Criteria in Development Plans.’

RHO5 Applicants shall submit evidence of their rural generated housing need at the location they are seeking permission.

Section 2.7.5 Rural Area Types

Key objective: To facilitate the housing requirements of landowners and their immediate family only, subject to satisfying site suitability and technical considerations, whilst directing urban generated housing need in areas identified for housing in the adjoining towns and villages.

RHO6 That development within ‘Areas under Strong Urban Influence’ shall be restricted to landowners and their immediate family members only.**

**Satisfied by the following criteria:

- The applicant is a landowner or a mother, father, son or daughter of the landowner.

- Landowner is defined as an individual with a land holding of a minimum of 10 hectares.
- Applicants not meeting the criteria of ownership of a minimum of 10 hectares will be dealt with on a case by case basis.

RHO7 To apply an occupancy clause of a minimum of 7 years.

CSP9 To provide for rural residential development in accordance with the Rural Settlement Policy.

The following policies, objectives and standards relating to development management in rural areas are noted:

Chapter 10 Development Management Standards

Section 10.14 Development Management Policies for one-off-rural houses

DMO6 To oppose residential development that would contribute to or exacerbate ribbon development.

DMO7 To permit infill development, where appropriate, subject to good planning practice in matters of location, siting, design, access, wastewater disposal and the protection of environmentally sensitive areas and areas of high landscape value.

DMO8 To require all applications for rural houses to comply with the ‘Design Guide for Single One-off Rural Houses within Cavan Rural Countryside.’

Table 4.7: Parking Standards – 2 no. spaces required per residential unit.

The following policies relating to flood risk are noted:

CSP7 To restrict or prevent development in areas at risk of flooding, in accordance with the ‘Planning and Flood Risk’ Guidelines, 2009.

PIO73 To implement adequate surface water drainage measures and prohibit unsuitable development in flood-susceptible areas, as identified in the ‘Strategic Floodrisk Assessment’ (SFRA) for the County.

The following policies relating to waste treatment systems are noted:

PIO94 To require that septic tanks and proprietary effluent treatment systems comply in full with the requirements of the EPA 'Wastewater Treatment Code of Practice,' 2009 or any subsequent Code of Practice which supersedes it.

PIO95 To require that all site assessments are carried out by persons that have a completed the FETAC Certificate and that confirmation of this and of professional indemnity insurance cover is submitted with all site assessments.

DMO18 All proposals involving the installation of an on site wastewater treatment system must be in accordance with the requirements of the 'EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses,' (2009) or any subsequent Code of Practice which supersedes it.

DMO19 All proposals shall be accompanied by a Site Characterisation Form which has been properly completed by a suitably qualified person.

PIO76 To ensure that developers provide effective drainage systems with separate foul and surface water networks.

The following policies relating to roads, access and traffic safety are noted:

DMO24 New development proposals onto certain regionally and locally important county road routes that act as particularly important transport links and that traverse County Cavan shall be assessed having regard to;

- Avoiding unnecessary new accesses, for example, where access could be provided off a nearby county road.
- Ensuring that necessary new entrances are located in such a manner as to provide effective visibility for both users of the entrance and users of the public roads so that opportunities for conflicting movements are avoided.
- Avoiding the premature obsolescence of regional roads in particular, through creating excessive levels of individual entrances.

DMO25 To avoid the removal of existing roadside boundaries except to the extent that this is needed for a new entrance, and where required for traffic safety reasons.

DMO26 If traffic safety requires that the existing front boundary treatment must be set back, it will be requirement that a replacement boundary is put in place and that this

boundary is similar to the one removed. In cases where the boundary to be removed consist of non-native species than the replacement boundary shall be a mix of native species.

DMO27 New front boundaries of rural dwellings shall comply with guidelines for landscaping as outlined in section 3.0 of 'Design Guide for Single One off Rural Houses within Cavan Rural Countryside.' The new front boundary shall replicate the original roadside boundary and walls shall be permitted for entrance splay only and shall be of a design and height appropriate to the rural area.

5.2. **Other Relevant Government Guidelines**

National Planning Framework – Project Ireland 2040

Sustainable Rural Housing Guidelines for Planning Authorities (2005)

Development Management Guidelines (2007)

Code of Practice Wastewater Treatment Disposal Systems serving Single Houses (October 2009)

Implementation of new EPA Code of Practice on Wastewater Treatment and Disposal Systems Serving Single Houses - Circular PSSP1/10.

The Planning System and Flood Risk Management – Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009).

Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE2011).

5.3. **Natural Heritage Designations:** The appeal site is located 1.6km to the north-west of the Killyconny Bog (Cloghbally) SAC (Site Code: 000006) and 2.5km to the north-east of the River Boyne And River Blackwater SAC and SPA (Site Codes: 002299 and 004232).

5.4. **EIA Screening**

5.5. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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. A third-party appeal was received from Stephen Mason Architectural and Planning Services on behalf of Brian and Regina Galvin who reside at the dwelling on lands adjoining the site to the south. The main grounds of appeal are summarised under the headings below;

6.1.2. *Pattern of Development / Ribbon Development:*

- The proposed development would create ribbon development and thereby would be contrary to policy requirements of the Cavan County Development Plan.
- A previous planning application was refused permission in 2004 on the subject site under P.A. Ref. 031591. The applicant was John Monaghan. There were 2 no. reasons for refusal, summarised as follows;
 1. On the basis of submissions received, the Planning Authority is not satisfied that the proposed development would be prejudicial to public health.
 2. Taken in conjunction with existing and permitted development in the area, the proposed development would constitute an excessive density of suburban type development in a rural area.
- Under this application, the submission received from The Eastern Regional Fisheries Board raised the following concerns;
 - A very high number of planning applications for dwellings have been sought in the River Boyne Catchment area.
 - Development would have adverse effects on fisheries, due to the number of houses in this area.

- The proliferation of houses in the area may lead to contamination of local water resources.
- The Appellant provides a summary of other planning applications granted permission for residential dwellings in the surrounding area. These include the following
 - P.A. Ref. 16548 - Decision Date: January 2017.
 - P.A. Ref. 18429 - Decision Date: December 2018.
 - P.A. Ref.19139 - Decision Date: May 2019.
- The appellant puts forward that the granting permission for these dwellings, after permission was refused in 2004 for P.A. Ref. 031591 has resulted in an increase in the density of suburban type development in this rural area.
- Permission was refused for a dwelling under P.A. Ref. 08/1506 on adjacent lands, 150m to the south-east. The Planners Report of this application expressed concerns with regard the amount of development in the area.

6.1.3. **Traffic / Roads Issues**

- The subject site is accessed from a single width public road.
- The road in the vicinity of the subject site is in a poor and deteriorating condition, mainly due to large vehicles arriving and leaving from a nearby industrial unit.
- There are 9 no. existing vehicular entrances serving dwellings and an industrial unit within a c.300m stretch of road to the front of the subject site.
- There are 4 no. other entrances to fields within this c.300m stretch of road.
- The proposed dwelling would result in the 10th entrance along this c.300m stretch of road.
- The creation of ribbon development may create road safety issues, due to an increased volume of traffic along the road.
- The road is popular with walkers but is increasing used by high-speed traffic taking a short-cut between adjacent roads.

- Recently approved residential dwellings along the road has led to increased volumes of traffic along the road. Any additional residential development will add to this volume of traffic.

6.1.4. Flooding

- The appellant questions the applicant's response to the question of flooding of the site.
- The appellant has witnessed their donkey (which occupies the site by agreement with the landowner) sinking into mud and having to be moved regularly to higher ground.

6.2. Applicant's Response

6.2.1. Adrian Smith of Adept Project Management Consultants, has responded on behalf of the applicants to the third-party grounds of appeal, as follows;

- The proposed development will not negatively impact the appellants dwelling.
- There is not a legal agreement in place between the landowner and the appellant for the use of the land as stated.
- The applicant does not consider that the roads in the vicinity of the site are in a poor and deteriorating condition and will have no impact on traffic safety.
- The proposed development will not create ribbon development.
- The applicants have found no evidence of flooding on the site.
- The site has been in the family landholding for over 50 years. At no time during this time has the site been flooded.
- The site is relatively flat and has a drainage ditch along its north-western boundary which adequately drains the site.
- According to data from Met Eireann, April 2019 was the wettest April in recent years and the preceding March was a very wet month. Following a site inspection by a qualified engineer, it was reported that the site was dry underfoot and

appeared naturally drained with no negative vegetation indicators present in the field.

6.3. Planning Authority Response

6.3.1. The Planning Authority's response is as follows;

- Historic applications in the vicinity of the site have been noted in the assessment of the application. There is no relevance in this assessment to potential future development of sites within the landholding until a planning application has been lodged with the Planning Authority.
- The issue of traffic was considered in the assessment of the application. The Area Engineer has no concerns regarding the issue of traffic.
- The Planning Authority reviewed the OPW flood maps of the site and found that no flood event has been recorded at the site. The appellant did not indicate that the site is subject to flooding but rather 'their donkey sinks into mud and regularly has to be moved to higher ground'.
- The site assessment submitted indicates that the ground conditions of the site are capable of the disposal of effluent and the water table is located 1m below ground level.
- The applicant is the daughter of a landowner living in the area, who meets the rural housing criteria for the area, for areas under 'Strong Urban Influence'.
- The proposed development would not constitute ribbon development, does not flood, would not raise a traffic hazard and would not result adversely impact on the residential amenity of neighbouring dwellings.
- The proposed landscaping plan is deemed acceptable.

6.4. Observations

None

7.0 Assessment

The main issues for consideration, as raised in the Grounds of Appeal, are as follows;

- Pattern of Development / Ribbon Development
- Traffic / Roads Issues
- Flood Risk

However, having reviewed the documentation submitted and having regard to relevant policy in the Cavan County Development Plan and relevant Government Guidelines, I consider that the issue of Rural Housing Need should also be addressed. These issues are addressed below.

7.1. Rural Housing Need

- 7.1.1. While not raised in the grounds of appeal, I consider it appropriate to assess whether or not the proposed development complies with the Cavan County Development Plan and Government planning policy and Guidelines regarding rural housing need.
- 7.1.2. The site is located c. 6.5km south-east of Virginia and c. 4km south-west of Mullagh in County Cavan, on un-zoned rural lands outside any designated settlement. The site is located in a rural area under 'strong urban influence', as identified on a map in Appendix 5 of the Development Plan. Such areas are identified in Section 3.2 of the '*Sustainable Rural Housing Guidelines for Planning Authorities*' as 'rural areas under strong urban influence' and are defined as rural areas exhibiting characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such areas and pressures on infrastructure such as the local road network. Policy Objective 19 of the National Planning Framework requires that, in rural areas under urban influence, the core consideration for the provision of a one-off rural house should be based on the demonstratable economic or social need to live in the rural area.
- 7.1.3. Section 2.7.5 Subsection 1 of the Development Plan refers to 'Areas under Strong Urban Influence' and sets out their characteristics. Policy RHO6 requires that

development within 'Areas under Strong Urban Influence' be restricted to landowners and their immediate family members only, subject to the following criteria;

- The applicant is a landowner or a mother, father, son or daughter of the landowner.
- Landowner is defined as an individual with a land holding of a minimum of 10 hectares.
- Applicants not meeting the criteria of ownership of a minimum of 10 hectares will be dealt with on a case by case basis.

Objective RHO9 requires that urban generated housing development be directed into towns and villages. The Development Plan's definitions of Rural and Urban Generated Housing and rural generated housing needs criteria are detailed in Section 5.0 above.

7.1.4. Documentation submitted with the application, including a Rural Housing Application Form, details the following;

- The applicant Sharon Monaghan currently lives in Fartagh, Lissduff and the applicant James Cooney currently lives in Curkish, Baileborough in Co. Cavan.
- Sharon Monaghan currently works in Kells, Co. Meath and James Cooney currently works in Baileborough.
- The applicant Sharon Monaghan parents and siblings live in the area and the Monaghan family have lived in the area for several generations.
- The total landholding of the family is 10.25 ha.

7.1.5. Documentation submitted in support of the application includes a letter from the principal of Carrigabruise National School in Virginia confirming that Sharon Monaghan, with an address of Fartagh, Lisduff attended the school from 1990-1998.

7.1.6. It is noted that the Planning Report of Cavan County Council, based on the further information submitted, considers that the applicant meets Development Plan policy regarding rural housing needs criteria, as set out in Sections 2.7.4 and 2.7.5 of the Development Plan.

7.1.7. Having reviewed the documentation submitted, I consider that the applicant Sharon Monaghan complies with the requirements and criteria of Objective RHO6 of the Development Plan. The documentation submitted demonstrates that Sharon Monaghan has close family ties with the local rural area, by reason that her parents

and siblings live in the locality and that Sharon Monaghan's father has a land holding in excess of 10 hectares.

7.1.8. Notwithstanding the above, I consider that the proposed dwelling would comprise an urban generated residential development outside of a designated settlement in the County's settlement hierarchy. As detailed in the Rural Housing Application Form the applicant Sharon Monaghan's place of employment is in Kells, Co. Meath (c. 12 km away) and the applicant James Cooney's place of employment is in Baileborough (c. 17 km away). In my view both establish that the applicants need for a house is urban generated. Such development would be contrary to Objective RHO1 and the Key Objective of Section 2.7.5 of the Development Plan which seeks to ensure that urban generated housing needs are directed to and accommodated in areas identified for housing in adjoining towns and villages. On the basis of the documentation submitted, I am not satisfied that the applicant's housing needs could not be satisfactorily met in a nearby established town, village or urban settlement area.

7.1.9. Given that the proposed dwelling would comprise an urban generated residential development, I consider that the proposed development would be contrary to National Policy Objective 19 of the National Planning Framework which seeks to facilitate the provision of single housing in the countryside, in areas under urban influence, based on the core consideration of demonstrable economic or social need to live in a rural area and the viability of smaller towns and rural settlements. The applicant has demonstrated neither an economic or social need to live in this rural area or demonstrated how their housing needs could not be satisfactorily met in a nearby town or village. For this reason, I recommend that the proposed development be refused permission.

7.2. Pattern of Development / Ribbon Development

7.2.1. The appellant objects to the proposed development on the ground that;

- It would create ribbon development along this stretch of road and thereby would be contrary to the Cavan County Development Plan.
- A dwelling was previously refused permission on the subject site under P.A. Ref. 031591 on by reason that the proposal would constitute an excessive density of suburban type development in a rural area.

- A number of dwellings have been granted permission in the surrounding area including P.A. Ref.'s 16548, 18429 & 19139 in the period 2017-2019.
- Permission was refused for a dwelling under P.A. Ref. 08/1506 on adjacent lands, 150m to the south-east, whereby the Planners Report of this application expressed concerns with regard the amount of development in the area.
- The granting of permission for the proposed development would result in an increase in the density of suburban type development in this rural area.
- Permission for the proposed development would set a precedent for similar development which would damage the rural character of the area.

7.2.2. With regard the issue of ribbon development, the Sustainable Rural Housing Guidelines (2005) recommend against the creation of ribbon development for a variety of reasons relating to road safety, future demands for the provision of public infrastructure as well as visual impacts. The Guidelines define ribbon development as 5 or more houses on any one side of a given 250 meters of road frontage.

7.2.3. There are 4 no. dwellings located on adjoining / adjacent sites, to the south-east of the subject site. The proposed development would result in a 5th house in a row along a stretch of 235 metres of rural road. I consider that such development would contribute to and result in the creation of road frontage type ribbon development along this stretch of rural road that would be suburban in nature and would detract from the character of the surrounding rural area. Such development would be contrary to Objective DMO6 of the Development Plan which seeks to oppose residential development that would contribute to or exacerbate ribbon development. The creation of such ribbon development would also be contrary the Sustainable Rural Planning Guidelines 2005 which recommends against the creation of ribbon development. On these grounds, I recommend that proposed development be refused permission.

7.3. **Traffic / Roads Issues**

7.3.1. The appellant objects to the proposed development on the grounds that the road serving the site is narrow and in poor condition and that the provision of an additional dwelling at this location would add to the volume of traffic using this road. The appellant expresses concern with regard road safety.

- 7.3.2. Objective DMO24 of the Development Plan requires that new entrances are located in such a manner as to provide effective visibility for both users of the entrance and users of the public roads so that opportunities for conflicting movements are avoided. Objective PIO42 of the Development Plan requires that all planning applications be in accordance with the standards and guidelines set out (inter alia) in the Design Manual for Roads and Bridges (NRA DMRB).
- 7.3.3. The NRA document 'Design Manual for Roads and Bridges (DMRB)', requires a sightline 'X' minimum setback of 2.4m from the edge of the public road and requires a 'Y' sightline distance of 160m for road design speed of 85kph. The site is located on the eastern side of a local rural road which is subject to an 80km/h speed limit. The site layout plan submitted shows that sightlines of 2.4m x 100m in both directions can be achieved at the entrance to the site. This will involve the removal of some hedgerow along the roadside boundary to the north of the site. Consent for the removal of this hedgerow has been given from the landowner John Monaghan. I note that the Council's Engineer report outlined no objections to the proposed development. While the sightlines provided do not strictly adhere to the DMRB requirements, given the low volumes of traffic using the road and the narrow single carriageway nature of the road, it is my view that the sightlines provided are acceptable in this instance. Given the limited number of additional vehicular movements the proposed development would generate, it is my view that the proposed development would not result in a traffic hazard or generate any road safety issues. I recommend, therefore, that the appeal should not be upheld in relation to this issue.

7.4. Flood Risk

- 7.4.1. The appellants objects to the proposed development on the grounds of flood risk. The Cavan County Council Planning Report did not raise any concerns with regard this issue, noting that there is no evidence of flooding on site and the site is not registered as a flood event site on the OPW flood maps.
- 7.4.2. Having regard to the OPW flood maps I note that the site is not located within a flood risk area. On the date of site inspection, I found the ground conditions of the site firm under foot and the ditches along the northern side and rear boundaries were free flowing with low water levels in each ditch. There was no evidence of flooding on the

site. On these grounds there is no evidence before me to demonstrate that the site is subject to flooding. I recommend, therefore, that the appeal should not be upheld in relation to this issue.

7.5. Screening for Appropriate Assessment

The closest Natura 2000 site to the appeal site is the Killyconny Bog (Cloghbally) SAC (Site Code: 000006) located 1.6km to the south-east and the River Boyne And River Blackwater SAC and SPA (Site Codes: 002299 and 004232) located 2.5km to the south-west. Taking into consideration the nature and scope of the proposed development, the wastewater treatment system proposed to serve the dwelling, the details provided on the site characterisation form and the existing residential and agricultural development in the immediate vicinity, I am of the opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

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

It should be noted that the reasons cited refer to a new issue in the appeal (Rural Housing Need) and requires circulation to the parties, if the Board adopts this recommendation.

9.0 Reasons and Considerations

1. The site of the proposed development is located within an “Area Under Strong Urban Influence” as set out in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April 2005 and in a rural area under ‘strong urban influence’ according to the Cavan County Development Plan 2014-2020, wherein urban generated housing is directed to areas zoned for new housing

development in towns and villages. In addition, it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, to facilitate the provision of single housing in the countryside, in areas under urban influence, based on the core consideration of demonstrable economic or social need to live in a rural area and having regard to siting and design criteria and the viability of smaller towns and rural settlements and, in rural areas elsewhere, having regard to the viability of smaller towns and rural settlements. Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area, or that the applicant's housing needs could not be satisfactorily met in a smaller town or rural settlement. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. The proposed development would, therefore, be contrary to the Ministerial Guidelines.

2. The proposed development would extend the existing pattern of linear housing along this section of public road and would contribute to undesirable ribbon development in this rural location. The proposed development would, therefore, be contrary to the Ministerial Guidelines, "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April 2005, which recommend against the creation of ribbon development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Brendan Coyne
Planning Inspector

10th June 2020

