



An
Bord
Pleanála

Inspector's Report ABP-308158-20

Development	Construction of a dwelling house, installation of effluent treatment system with polishing filter and all associated site works
Location	Townparks, Togher, Daingean, Co Offaly
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	20/249
Applicant(s)	Eddie Brewer
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Eddie Brewer
Observer(s)	None
Date of Site Inspection	8th of January 2021
Inspector	Fergal Ó Bric.

1.0 Site Location and Description

- 1.1. The site has a stated area of 0.2 hectares, and it is located in the townland of Townparks, which is located approximately 300 metres south-west of the town boundary of Daingean. The site is located between the R402 (Tullamore Road) and a local county road and presently comprises agricultural lands in pasture. To the north-east of the site are single storey dwellings and some farm buildings, to the south and south-west are established single and two-storey dwellings.
- 1.2. The site is currently accessed via a double agricultural gateway off the R402, to the north-west, however the house is to be accessed via a new domestic entrance off the local county road, to the south-east. The boundary fence comprises a timber post and rail along both road frontages, to the north-west and south-east of the site. The site is open to the field along its eastern and western (side) boundaries. There is a watercourse along the south-eastern (front) boundary.
- 1.3. The site is rectangular in shape and has no features of note. It is taken from a larger field comprising 0.49 hectares. The site boundary is set back by approximately five metres from the eastern site boundary.

2.0 Proposed Development

- 2.1. Construction of a storey and a half dwelling house, installation of an effluent treatment system, polishing filter and associated site works.
- 2.2. The proposed dwelling would have a gross floor area of 196 square metres (sq..).

3.0 Planning Authority Decision

3.1. Decision

Offaly County Council refused planning permission for the proposed development for one reason as follows:

The subject site is located in open countryside within an area of the County that is designated as a pressure area in the Offaly County Development Plan 2014-2020. In such pressure areas, it is Development Pan policy that certain categories of applicants which are defined in policy SSP-18 of the County Development Plan will be given a positive presumption for the development of a permanent rural house. The Council considers that the applicant does not comply with the policy, as the applicant is not from the Local Rural Area, and accordingly the proposed development would materially contravene the Offaly County Development Plan 2014-2020 and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

Planning Report:

Local Needs Policy SSP 18 applies to the proposal. The planning documentation submitted states that his original family home is within the urban boundary of Daingean. Based on the information submitted, the Planning Authority deemed that the applicant did not comply with the requirements of SSP-18, given his place of residence within an urban settlement, and would not be classified as a person born within the local rural area, who is living or has lived in the local rural area for a minimum period of five years, as required under the Rural Housing Policy. A refusal of planning permission was recommended.

3.3. Other Technical Reports

Environment & Water Services Department: No objection, subject to conditions.

Area Engineer: No objection, subject to conditions.

3.4. Prescribed Bodies

Irish Water: No objection, subject to conditions.

3.5. Third Party Observations

None received.

4.0 Planning History

Planning Authority reference number 82/666. In 1982, permission was sought for the construction of a dwelling and septic tank in the name of John Grace. Further information was requested but never responded to, and the application was subsequently deemed withdrawn.

5.0 Policy and Context

5.1. National Policy

5.1.1. Sustainable Rural Housing Guidelines DOEHLG 2005.

The Guidelines require a distinction to be made between 'Urban Generated' and 'Rural Generated' housing need. A number of rural area typologies are identified including rural areas under strong urban influence which are defined as those in proximity to the immediate environs or close commuting catchment of large cities and towns. Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might apply. These include 'persons who are an intrinsic part of the rural community' and 'persons working full time or part time in rural areas'.

5.1.2. National Planning Framework

Policy Objective 19 is to: 'Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e., within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2. Development Plan

5.2.1. Offlay County Development Plan 2014-2020

1.15.6 Housing in the Open Countryside

The Settlement Strategy recognises the tradition of rural living and the requirements of people connected with the rural area and/or with an identified need to reside in the open countryside.

Rural housing will be assessed against the following criteria to determine if there is an issue with ribbon development: •

Number of houses located along the particular stretch of road

What distance of road is fronted by existing rural housing?

Number of access points to existing houses. This does not assume that intensifying the use of an existing access mitigates against ribbon development or overcomes the issue.

Is the site a gap or infill site or is it considered to extend an existing ribbon of houses?

Is there a design solution proposed to integrate building and mitigate against the visual impacts of ribbon development?

5.2.2. Rural Housing Design

SSP-17 It is Council policy to encourage and promote quality design, appropriate scale, form, informed siting, quality materials and finishes and to incorporate where

possible and practicable, the best principles and mechanisms for sustainability and energy efficiency.

In addition, it is also Council policy to ensure that, notwithstanding compliance with the local need criteria, applicants comply with all other normal siting and design considerations including the following:

The protection of features that contribute to local attractiveness including landscape features, historic and archaeological landscapes, water bodies, ridges, skylines, topographical features, geological features and important views and prospects.

The capacity of the area to absorb further development. In particular, the following factors will be examined, the extent of existing ribbon development in the area, the degree of existing haphazard or piecemeal development in the area and the degree of development on a single original landholding.

The ability to provide safe vehicular access to the site.

The ability of a site in an unserviced area to accommodate an on-site wastewater disposal system in accordance with the EPA Code of Practice for Wastewater Treatment Systems for Single Houses (2009), Source Protection Plans within the county, and any other relevant documents /legislation as may be introduced during the Plan period.

The need to comply with the requirements of The Planning System and Flood Risk Management Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government in November 2009.

5.2.3. Rural Housing Policy – Local Need

SSP-18 It is the policy of the Council that within areas of the open countryside identified as a pressure area in Map 1.4: A positive presumption will be given towards a new single house for the permanent occupation of an applicant who falls within one or more of the 3 categories below and meets the necessary criteria.

Category 1: Local Rural Persons (a), (b) and (c)

The following 3 criteria arise in assessing applicants under this category:

The applicant must come within the definition of a 'Local Rural Person' and the proposed site must be situated within their 'Local Rural Area' and the applicant must have a 'Local Rural Housing Need'.

a) A 'Local Rural Person' (applicant) is a person who was born within the local rural area, or who is living or has lived in the local rural area for a minimum of 5 years at any stage prior to making the planning application. It includes returning emigrants seeking a permanent home in their local rural area.

b) The 'Local Rural Area' for the purpose of this policy is defined as the area generally within an 8km radius of where the applicant was born, living or has lived. *(The rural area excludes all urban settlements contained with Tiers 1, 2, 3 and 4 of the settlement hierarchy).*

c) An applicant who satisfies a 'Local Rural Housing Need' is defined as a person who does not or has not ever owned a house in a rural area and has the need for a permanent dwelling for their own use.

Category 2: Persons working fulltime or part-time in rural areas.

Category 3: Exceptional Health Circumstances.

5.3. Natural Heritage Designations

None relevant.

5.4. Environmental Impact Assessment - Preliminary Examination

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. An EIA -

Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The appellant is originally from the village, which is within three hundred metres of the appeal site.
- The appeal site is located approximately one kilometre from his parent's residence within the urban boundary of Daingean and he is their sole carer. He would be able to visit them many times daily if he resided more proximate to his homeplace.
- It is not sustainable to travel from his current place of residence in County Meath to care for his parents.
- He owns the land on which he hopes to build and hopes to become an active member of the local community.
- He has relatives residing outside of the town boundary and has secured employment as a bar manager within the town. He has exhausted all options of acquiring a site within the urban boundary of Daingean.
- He is left with no option, but to build on the outskirts of the town.
- Within the town boundary, there is limited provision for those seeking to return to live within its bounds.
- Sites zoned for residential purposes are not for sale.
- The appellant was born and raised within the town and attended school there.
- The site is deemed as open countryside within the Development Plan, yet there are many houses and an industrial plant in its vicinity.
- He played with the local Daingean GAA club and remains a member to date.

Included with the appeal submission is a land use map, illustrating the location of his parents dwelling, his place of employment and the location of the appeal site.

6.2. Planning Authority Response

The Planning Authority stated that it had noted to content of the first party appeal submission and had nothing further to add to the Planner's report.

7.0 Assessment

7.1. The main issues in this appeal relate to the reason for refusal, in this regard compliance with Offaly Rural Housing Policy. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The proposals in terms of dwelling design, access and servicing are considered satisfactory. The main issues can be dealt with under the following headings:

- Compliance with Rural Housing Policy.
- Appropriate Assessment.

7.2. Compliance with Rural Housing Policy

7.2.1. The proposed development is a one-off dwelling in the open countryside. The '*Sustainable Rural Housing – Guidelines for Planning Authorities*', issued by the Department of the Environment, Heritage and Local Government in April 2005; indicate that the site is located within a 'Stronger Rural Area' – in this instance, largely but not solely, arising from the proximity to Tullamore and Daingean. "In such areas, population levels are generally stable within a well-developed town and village structure and in the wider rural areas around them. This stability is supported by a traditionally strong agricultural economic base and the level of individual housing development activity in these areas tends to be relatively low and confined to certain areas".

7.2.2. Policy SSP-18 of the Development Plan aims to prevent urban sprawl and retain the open and rural character of rural areas and the protection / enhancement of biodiversity of those lands that lie within it. The Planning Authority decided that the

appellant did not demonstrate compliance with policy SSP-18 of the Plan, regarding local needs policy for a rural dwelling at this location.

- 7.2.3. The Planning Authority's reason for refusal, states that the proposed development would not be in accordance with the Development Plan policy SSP-18, which requires the applicant to demonstrate a rural housing need based on their social/economic links to a particular rural area. They must demonstrate that they comply with one of the categories (1) to (3) set out within the Development Plan. The appellant has not demonstrated that he is originally from this rural area, or originally from a rural area within 8 kilometres of the site or that he does not or has not owned a house, so therefore Category 1 (a) to (c) are not applicable. I am not satisfied that the applicant would comply with Category (2) of the policy either, given that he has not demonstrated a functional need by virtue of his employment to reside in the rural area. Neither has he documented any medical circumstances that would require him to reside in a rural area as required under category (3) of the policy.
- 7.2.4. The Sustainable Rural Housing Guidelines defines rural areas under strong urban influence as those within proximity to the immediate environs or close commuting catchment of large cities and towns. Circumstances for which a genuine housing need may apply include persons who are an intrinsic part of the rural community and persons working full time or part time in rural areas. In addition, 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 and should have regard to the viability of smaller towns and rural settlements.
- 7.2.5. The appeal site forms part of a larger field with an overall area of approximately 0.49 hectares. It is stated that these lands were purchased in 2017 by the applicant. The overall lands do not relate to any agricultural landholding. Information submitted in support of the application states that the applicant wishes to remain resident in the local area to help his parents, who reside within the urban area of Daingean. He has also submitted a letter of a job offer from his employer, again this employment would be based within the urban boundary of Daingean.

- 7.2.6. It is stated that the applicant has lived in County Meath for several years. Therefore, it is considered that he has not demonstrated a rural housing need based on his specific economic or social links to reside in this rural area, as required under Policy Objective SSP-18 of the Development Plan, the Sustainable Rural Housing Guidelines and Policy Objective 19 of the National Planning Framework.
- 7.2.7. In the absence of an identified locally based, site specific economic or social need to live in the area, it is considered that the proposed development would contribute to the development of random rural housing in the area, exacerbate the existing pattern of ribbon development and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would negatively impact on the viability of the adjacent urban settlements of Daingean and Tullamore.

8.3 Appropriate Assessment

Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

I recommend that planning permission be refused for the following reason:

9.0 Reasons and Considerations

The subject site is located within a 'rural area under pressure for rural housing, as identified in the Offaly County Development Plan 2014. Furthermore, the site is located in an area that is designated as under urban influence in the Sustainable Rural Housing Guidelines and in the National Planning Framework, where National Policy Objective 19 aims to facilitate the provision of single housing in the countryside, based

on the core consideration of demonstrable economic or social need to live in a rural area. Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicant has demonstrated a rural housing need to live in this rural area as required under policy objective SSP-18 of the Development Plan. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Offaly County Development Plan, 2014 or in national policy for a house at this location. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Fergal Ó Bric

Planning Inspectorate

18th January 2021