



An  
Bord  
Pleanála

## Inspector's Report

### ABP-308430-20

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<b>Development</b>	Construction of bungalow with services and domestic garage with ancillary works.
<b>Location</b>	Lackan, Ballynestragh, Co.Wexford
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	2020/0532
<b>Applicant</b>	Sarah Brennan.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party v. Decision
<b>Appellant</b>	Sarah Brennan.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	22 <sup>nd</sup> January 2021.
<b>Inspector</b>	Susan McHugh

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## 1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Lackan, Ballynestragh, Co. Wexford, approx. 4km north of the town of Gorey.
- 1.2. The settlement of Killinieran is located c. 2.7km to the north east, Hollyfort is c.2km to the west, and Barnland is c.1.4km to the south east. The area is characterised by an undulating landscape with one off housing and agricultural buildings located along the local road network.
- 1.3. The site forms part of a larger agricultural field that is part of the applicant's family landholding and is located on the western side of a narrow minor county road. The applicants grandparents house and place of residence is located on the eastern side of the road just south of the appeal site.
- 1.4. The site is located in an upland area. It is elevated from the road and slopes from north to south and is bounded by mature trees.
- 1.5. The site which is rectangular in shape and has a stated area of 0.88ha.

## 2.0 Proposed Development

- 2.1. Permission is sought for:
  - Construction of new four bedroom single storey type dwelling with a stated floor area of 218sqm. The house has a ride height of 4.5m. It is split level, with a difference in internal floor levels of 1m. It includes a raised patio to the front taking account of the slope on the site.
  - Finishes include a nap plaster, and natural stone cladding, and blue/black slate roof finish. The raised balcony area includes a glazed balustrade, with 'dura cladding frame out' to two of the principal windows on the front elevation.
  - Erection of domestic garage with a stated floor area of 45sqm. and a ridge height of 5m, located to the rear of the proposed house.
  - Wastewater treatment system and percolation area.
  - Water supply is proposed from a private well.
  - Access to the site will be provided via a new splayed entrance.

2.2. The application was accompanied by the following;

- Rural Housing Application Form and associated documents.
- Site Characterisation Form and details of proposed waste water treatment system from Carlow Concrete Tanks.
- Cover letter from Molloy Architects and applicant.

### 3.0 Planning Authority Decision

#### 3.1. Decision

The Planning Authority decided to **refuse** permission for the above described development for 1 no. reason.

1. 'The application site is located within an area designated as an Uplands area under the Wexford County Development Plan 2013-2019 (as extended). Within these areas, it is the policy of the Council to restrict the development of one-off dwellings to applicants with an established housing need and linkage to the area, and who demonstrates an over-riding economic and/or social need to reside at that location. This is to ensure that the amenities and character of this sensitive rural area are preserved. Based on the information submitted, the applicant has failed to demonstrate her own over-riding economic need to reside at this sensitive location. Furthermore, it is evident to the Planning Authority that alternative, less visually-sensitive lands are available to the applicant which may better provide for her accommodation needs. The proposed development is therefore considered to be contrary to Section 4.3 and Objectives RH07 and L05 of the Wexford County Development Plan 2013-2019 (as extended), to Section 3.2.1 of the Sustainable Rural Housing Guidelines 2005, to Section 5.3 and National Policy Objective no. 19 of the National Planning Framework -Project Ireland 2040, and therefore to the proper planning and sustainable development of the area.'

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The 1<sup>st</sup> planners report is the basis for the planning authority decision. It includes:

- Applicant's age is not a factor in assessment of compliance with rural housing policy in this upland area, but rather the applicants social and /or economic need for a dwelling at this location.
- Remains unclear as to where the applicant is currently living.
- Not satisfied that the applicant has an economic need to reside at this location.
- Applicant has demonstrated that she is a local rural person within the locality.
- Sightlines of 65m can be achieved with works to the roadside boundary.
- Request for further information in relation to the following;
  - Identify applicants current place of residence on a site location map relative to the application site.
  - Provide details outlining the full extent of family-owned lands that she intends to farm, including evidence from DAFM or similar of the farmed lands.
  - Submit detailed landscaping plan, prepared by a landscape architect.

The 2<sup>nd</sup> planners report dated 15/09/2020 following further information included;

- Applicant currently living with her family in her grandparents house, across the road from the application site.
- Documents submitted are addressed to or concern the applicants father Coilin Brennan, and not specifically to the applicants economic ties to the land and/over-riding need to reside at this sensitive Uplands location.
- Lands close to the 'Bunker Bar' or in the vicinity of Barnlands more suitable for a dwelling with limited visual impact on the surrounding landscape.
- Applicant has not demonstrated that they have a demonstrable economic need to reside at this highly sensitive location.

- There are lands available to the applicant which are less visually sensitive, and the applicant has not demonstrated why her housing need could not be better provided for at such a location.
- Notes landscaping plan submitted.
- Notes this is the fourth repeat application for a proposed dwelling by the applicant, where none have been appealed to the Board.
- Proposed development fails to satisfy the requirements of the rural housing policy for this area, as set out in section 3 of the WCDP, Section 3.2.1 of the Sustainable Rural Housing Guidelines 2005, and to Section 5.3 and NPO 19 of the National Planning Framework- Project Ireland 2040.
- Recommends permission be refused.

### 3.2.2. Other Technical Reports

- **Environment Section:** Report recommends no objection subject to conditions.
- **Area Engineer:** No report received.

### 3.3. Prescribed Bodies

- None.

### 3.4. Third Party Observations

- None.

## 4.0 Planning History

### *Appeal Site*

**PA Reg.Ref.2019/1109:** Permission **refused** November 2019 for permission to erect a bungalow with services and domestic garage with ancillary works for Sarah Brennan. Reasons for refusal include;

1. Site is located in an area designated in the CDP 2013-2019, as a 'Stronger Rural Area'. Within 'Stronger Rural Areas' it is the policy of the council to

restrict the development of one-off houses to those with an established need to live in the area and other restricted categories of development, in the interests of sustainable development and to preserve the amenities and rural character of the area. It is considered that the applicant does not have a genuine housing need and therefore does not meet the requirements of Table 12; hence the proposed development would be contrary to Objective RH03 of the CDP.

2. Site is located within an Upland area as defined and identified in Section 14.4.3 of the WCDP 2013-2019. Based on the information submitted, the PA are not satisfied that the applicant would meet the criteria for this 'Upland Area' in accordance with policy set out in Table No. 12 of the WCDP, as it has not been clearly demonstrated that the applicant has an overriding need to live at this specific rural location. The proposed development would introduce an additional unnecessary property to an area of high amenity value compromising the sensitive landscape and attractiveness of the area.

**PA Reg.Ref.2019/0554:** Permission **refused** June 2019 for permission to erect a bungalow with services and domestic garage with ancillary works for Sarah Brennan. Reasons for refusal include;

1. Not satisfied applicant meets the criteria for 'Upland Area' in accordance with the policy set out in Table No.12 of the WCDP 2013-2019 as it has not been clearly demonstrated that the applicant has an overriding need to live at this specific rural location. The proposed development would therefore contravene the objectives of the CDP.
2. Application site is located within an Upland area as defined and identified in Section 14.4.3 of the WCDP 2013-2019. It is the policy of the Planning Authority to prohibit developments which are likely to have significant adverse visual impacts, wither individually or cumulatively, on the character of Uplands Areas and to protect their high amenity value and he attractiveness of such areas. The proposed development, by virtue of its scale and bulk, combined with its siting within this sloping site, would be contrary to this policy.
3. Proposed development if permitted would be contrary to Section 17.7, and Objectives L03 and L04 of the CDP 2013-2019 which require proposed

developments to be; sited, designed and landscaped having regard to their setting in the landscape. The proposal contravenes these objectives and would be injurious to the visual amenity of the area.

4. Insufficient information submitted to demonstrate the proposed wastewater treatment system would be suitable within the context of the site. It cannot be determined that wastewater could adequately treated on site. As such the proposed development if permitted would be prejudicial to public health.

*Site to the North of Appeal Site*

**PA Reg.Ref.2018/0548:** Permission **refused** April 2018 for permission to erect a bungalow with services, domestic garage and ancillary works for Emilio and Karen Garcia. The owner of the site indicated on the application form was Coilin Brennan (applicant's father).

*Two Sites to the South West of Appeal Site*

**PA Reg.Ref.2018/1071:** Permission **refused** September 2018 for permission to erect a bungalow with services and domestic garage with ancillary works for Sarah Brennan. Reasons for refusal include;

1. Not satisfied applicant meets the criteria for 'Upland Area' in accordance with the policy set out in Table No.12 of the WCDP 2013-2019 as it has not been clearly demonstrated that the applicant has an overriding need to live at this specific rural location. The proposed development would therefore contravene the objectives of the CDP.
2. Application site is located within an Upland area as defined and identified in Section 14.4.3 of the WCDP 2013-2019. It is the policy of the Planning Authority to prohibit developments which are likely to have significant adverse visual impacts, wither individually or cumulatively, on the character of Uplands Areas and to protect their high amenity value and the attractiveness of such areas. Proposed development if permitted would be contrary to Objectives L03, L04, L09, NH05 and NH07 of the CDP.
3. Proposals to achieve sightlines to the south involve the removal of over 65m of mature trees and woodland, and include works along the road edge outside



the site edged in red. Proposed development would therefore be contrary to Sections 18.12.1 and 18.29.3 of the CDP.

4. Inadequate information submitted to demonstrate that waste and waste water can be adequately treated on site. As such the proposed development if permitted would be prejudicial to public health.

*Site to the Southeast of the Appeal Site*

**PA Reg.Ref.2014/0329:** Permission **granted** July 2014 for permission to erect a split level dwelling with services and ancillary works for Colm Brennan (applicant's grandfather). **Condition no.2** referred to a Section 47 Occupancy agreement for a period of 5 years.

*Site to the South of the Appeal Site*

**PA Reg.Ref.2010/0391:** Permission **granted** April 2010 for permission to erect a bungalow with services and domestic garage for Coilin Brennan (applicant's father). **Condition no. 2** restricted the use to that of the primary permanent residence of the owner of the property.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The operative Development Plan is the Wexford County Development Plan 2013 - 2019.

5.1.2. **Chapter 2** refers to Demographic and Socio-Economic Profile.

**Map No. 3** identifies Percentage Population Change by Electoral Division 2006-2011.

5.1.3. **Chapter 3** refers to Core Strategy

**Map No.5** identifies the settlement strategy with Gorey designated as a Larger Town within the settlement hierarchy. (See map attached).

5.1.4. **Chapter 4** refers to Housing

**Section 4.3** refers to Rural Housing Policy

**Map No.6** identifies the Rural Area Types, and the site is located in a 'Stronger Rural Area'. (See map attached).

**Objective RH03:** *'To facilitate the development of individual houses in the open countryside in 'Stronger Rural Areas' in accordance with the criteria laid down in Table No. 12 subject to compliance with normal planning and environmental criteria and the development management standards laid down in Chapter 18.'*

**Objective RH04:** *'To facilitate individual houses, other than those referred to in 'Stronger Rural Areas' in Table No. 12, in the existing settlements including those settlements defined in the settlement hierarchy as Strong Villages, Smaller Villages and Rural Settlements, subject to complying with normal planning and environmental criteria and the development management standards laid down in Chapter 18.'*

**Objective RH07:** *'To minimise the individual or cumulative adverse visual impacts that local concentrations of one-off housing, outside of settlements, may have on Upland, River Valley and Coastal landscape character units or Landscapes of Greater Sensitivity. In this regard, in locations where the Council considers that there is a risk of individual or cumulative adverse impacts, the Council will only consider proposals for housing developments where the applicant has demonstrated an overriding need to reside in the particular location in accordance with the criteria contained in Table No. 12.'*

Permitted development under areas of strong urban influence include:

*"Housing for 'local rural people' building permanent residences for their own use who have a definable 'housing need' building in their 'local rural area". 'Local rural need' for Stronger Rural Areas is defined as within a 15km radius of where the applicant has lived or was living.*

5.1.5. **Section 14.4.2** refers to Landscape Character Assessment. Map No. 13 identifies landscape units and features with the subject site identified within the Upland Area. (See map attached.)

**Objective L03:** *'To ensure that developments are not unduly visually obtrusive in the landscape, in particular in the Upland, River Valley and Coastal landscape units and on or in the vicinity of Landscapes of Greater Sensitivity.'*

**Objective L04:** *‘To require all developments to be appropriate in scale and sited, designed and landscaped having regard to their setting in the landscape so as to ensure that any potential adverse visual impacts are minimised.’*

**Objective L05:** *‘To prohibit developments which are likely to have significant adverse visual impacts, either individually or cumulatively, on the character of the Uplands, River Valley or Coastal landscape or a Landscape of Greater Sensitivity and where there is no overriding need for the development to be in that particular location.’*

5.1.6. **Section 17.7** refers to the Rural Design Guide. This includes guidance on boundary treatment (17.7.1), sustainability (17.7.2), design brief (17.7.3), site appraisal (17.7.4) and sketch design (17.7.5).

5.1.7. **Section 18.12.2** refers to siting and design requirements for single rural houses, these include criteria in relation to site size, siting, access, effluent treatment, landscaping etc. that should apply. In general, the siting of the house should reflect the position of adjoining developments and should avoid adverse impacts on neighbouring properties from overlooking and undue overshadowing and visual impacts.

## 5.2. **Sustainable Rural Housing Development Guidelines**

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 ‘stronger rural areas’ which are defined as areas where population levels are generally stable within a well-developed town and village structure and in the wider rural areas around them. 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’.

## 5.3. **National Planning Framework – Project Ireland 2040, DoHP&LG 2018**

National Policy Objective 19 refers to the need to distinguish between areas under urban influence and elsewhere. The subject site is not within an area under urban influence. There is a need to 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.

#### 5.4. **Natural Heritage Designations**

There are no designated areas in the vicinity.

Location	Designation	Site Code	Distance
Slaney River Valley	SAC	000781	c.2.5km W
Kilpatrick Sandhills	SAC	001742	c.9.7km E

#### 5.5. **EIA Screening**

Having regard to the nature and scale of the proposed development and the location of the site some distance from any sensitive locations or features, it is considered that 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**

The first party appeal against the decision to refuse permission by the planning authority has been lodged by Joe Bonner, Town Planning Consultant on behalf of the applicant. The appeal was accompanied by a number of maps, photographs and a Copy of Agricultural Lease of former Pitch and Putt course.

The main grounds can be summarised as follows:

- Applicant has demonstrated a social need to reside in the area.
- Applicant has a housing need and currently lives with her parents in her grandparents' home.

- Further details provided in relation to applicants former residence (from birth to 2016), located close to the Bunker Bar and approx. 2km from the appeal site.
- There are no alternative lands available within the 'family landholding'.
- Visual Impact – references in the planning report to significant visual impact are misleading and erroneous.
- Proximate planning precedents – reference to PA Reg.Ref.2019/0349, and PA Reg.Ref.2015/1216 both of which were granted permission for one off houses on sites more exposed than the appeal site.
- Reference to Section 4.3 of the CDP and the Sustainable Rural Housing Guidelines do not assist the applicant in determining whether they can overcome the reason for refusal.

## 6.2. Planning Authority Response

The planning authority have no comment to make on the application.

## 6.3. Observations

- None.

## 6.4. Further Responses

- None.

## 7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered. The issues are addressed under the following headings:

- Compliance with Rural Housing Policy
- Visual Impact
- Wastewater Treatment

- Traffic Safety
- Appropriate Assessment

This is the third planning application on the subject site by the same applicant, all of which were refused by Wexford County Council (WCC) in the last two years. There was also a fourth planning application by the applicant on a site to the southwest of the appeal site, which was also refused by WCC under PA Reg.Ref.2018/1071, in 2018.

The subject application is identical to the recent application under PA Reg.Ref. 2019/1109, but there was no appeal to the Board. The two reasons for refusal in the recent application related to the applicants rural housing need and location of the site within the 'Upland Area' as set out in Table No. 12 of the Wexford County Development Plan for 2013-2019. This is similar to the reason for refusal in the current appeal.

## **7.1. Compliance with Rural Housing Policy**

- 7.1.1. Reason for refusal no.1 relates to the applicants housing need.
- 7.1.2. The current settlement strategy for Co. Wexford is clearly set out in the County Development Plan 2013 – 2019 and summarised in section 5.1 above.
- 7.1.3. Map No. 3 of the county development plan indicates that the appeal site is located within an area of population increase (between 0% to 10.3%) in the period between 2006-2011. The 2016 Census indicates a population increase (between 5 to 10%) for the electoral division.
- 7.1.4. The Core Strategy Map No.5 and Rural Area Types, Map No.6 of the plan indicate that the appeal site is located on the edge of an area under Strong Urban Influence, but within a rural area designated as a 'Stronger Rural Area'.
- 7.1.5. The appeal site is located in the Upland area as indicated on Map No. 13 approx. 4km to the north of the Gorey, which is designated as a 'Larger Town' in the settlement hierarchy.
- 7.1.6. The plan notes that Larger Towns 'have well-developed services, good transport links and community facilities and have the capacity to accommodate additional growth subject to investment in physical infrastructure. The network of smaller

villages and rural settlements will have a more limited role. These areas provide important services for local communities and their rural hinterlands.’

- 7.1.7. Clear policy is set out at both a national and local level regarding rural housing need. The ‘Sustainable Rural Housing Guidelines for Planning Authorities’ actively seeks to direct pressure for new residential development to the nearby established settlements. National Policy Objective 19 of the National Planning Framework (NPF) refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence, i.e. the commuter catchment of cities and large towns and centres of employment. National Policy Objective 19 also refers to the need to 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.
- 7.1.8. Section 4.3.3.2 of the Wexford County Council Development Plan sets out policy and objectives in relation to ‘Stronger Rural Areas’. Applicant’s in such areas need to comply with the criteria set down under Table 12 which includes ‘local rural people’, who currently reside or have previously resided within 15km of the site for a minimum period of 5 years.
- 7.1.9. In addition, Objective RH07 of the CDP seeks ‘to minimise the individual or cumulative adverse visual impacts that local concentrations of one-off housing, outside of settlements, may have on Upland’ landscape character areas. In such areas proposals for housing developments will be considered where the applicant has demonstrated an overriding need to reside in the particular location.
- 7.1.10. The applicant submits that they comply with the housing need criteria above. The documentation on file provides the following information about their local housing need:
- Letter from the applicant confirming strong family ties with the area.
  - Land Registry Folio details for Coilin Brennan applicants father.
  - Applicant was born and reared in the area.
  - Applicant lived in Knockavota c. 2km from the site between 2002 and 2013, with corresponding map showing location. Applicant then moved to Lackan with her

parents and resided in the dwelling directly adjacent to the south with her parents from 2013-2018.

- Applicants parents sold the property and currently reside in the applicant's grandparents dwelling to the east also indicated on supplementary map. This dwelling was constructed under PA.Reg.Ref.2014/0329 and owned by Colm Brennan, the applicants grandfather.
- Applicants parents own the Bunker Bar, where the applicant works and which is located approx. 4km from the appeal site.
- Applicants grandfather on her mother's side Mr. Joe Breen is a native of 'The Rock' and Knockavota area, with their family dating back generations in the area.
- Correspondence from Dept. of Employment Affairs and Social Protection confirming the applicants address dated July 2018.
- Copy of medical document confirming the applicants address dated July 2018.
- Letter from primary school in Gorey confirming applicants attendance between 2006-2014 and confirming her address dated October 2019.
- Letter from Coillte confirming the applicants address and work experience of 1 week in Newtownmountkennedy dated February 2019.
- Letter from Department of Agriculture, Food and the Marine confirming applicants father Coilin Brenan's address and herd no. dated September 2018.

7.1.11. I am therefore, satisfied on the basis of the information on file that the applicant has submitted adequate evidence to demonstrate compliance with the Rural Housing Policy set out in the current Development Plan.

7.1.12. However, having regard to the location of the subject site on the edge of a 'Stronger Rural Area' and proximity to the Larger Town of Gorey, the proposed development must also be assessed under national planning policy guidance as set out in National Policy Objective 19 of the National Planning Framework (NPF) and the Sustainable Rural Housing Guidelines. These policies seek to direct housing need in areas under urban influence towards towns and villages as more sustainable locations.



- 7.1.13. In this regard, I note that the applicant has not demonstrated an economic need to live in the area. I concur with the PA that the farming details submitted with the application relate to the applicants father and not the applicant. The nature of the applicants part time work in the family owned Bunker Bar, does not require residency at this location. I am satisfied therefore that the applicant has not demonstrated in her own right, an overriding need to reside in the particular upland location as required under Objective RH07 of the CDP. I consider therefore, that the applicant has failed to demonstrate a defined economic or social need to reside in this location.
- 7.1.14. I am not satisfied therefore, that the current proposal complies with Objective 19 of the NPF, and the guidance set out in the Sustainable Rural Housing Guidelines.
- 7.1.15. I recommend, therefore, that planning permission be refused on this basis.

## **7.2. Visual Impact**

- 7.2.1. Reason for refusal no. 1 refers to the preservation of amenities and character of this sensitive rural area within which the proposed development is located. Specifically, the PA consider the proposed development to be contrary to Section 4.3 and Objectives RH07 and L05 of the Wexford County Development Plan 2013-2019.
- 7.2.2. The site is located on the western side of a steeply rising narrow minor county road in an upland area, the immediate area of which is wooded.
- 7.2.3. There are two properties located to the south of the appeal site. Both are set in woodland and located at a lower level to the appeal site.
- 7.2.4. The house on the western side of the road was granted permission in 2010 under PA Reg.Ref.2010/0391 for the applicants father. With reference to the landholding details submitted by way of further information I note this house as constructed and site no longer form part of the family landholding.
- 7.2.5. The house on the eastern side of the road, and at a significantly lower level to the road, is known as 'Barr na Coille'. This property is indicated in the application as the applicants grandparents' house, and now the applicants and parents place of residence. I would note that this property benefits from an overall site area of 9.12ha. and that permission was granted in 2014 for a house under PA

Reg.Ref.2014/0329 for the applicants grandfather, and is now the home of the applicant and her parents.

- 7.2.6. Further to the north of and at a higher level relative to the appeal site, on the western side of the road are a row of five no. houses. Without the benefit of woodland trees and at a higher elevation in my opinion these sites are significantly more exposed in the landscape.
- 7.2.7. The applicant submits that one of these houses granted permission under Reg.Ref.2019/0349 and another permission granted PA Reg.Ref.2015/1216 were constructed on sites more exposed than the appeal site and represent a planning precedent.
- 7.2.8. The former application site referred to by the applicant, is located along this row of houses to the north. I note permission was refused a year earlier under PA Reg.Ref.2018/0548 for a house by the applicants father. In relation to the latter permission, I would note that the application site is located approx. 1.5km to the north of the appeal site.
- 7.2.9. Notwithstanding, all of the above the current application is assessed on its own merits.
- 7.2.10. The subject site has been cleared of trees and slopes from north to south with a change on level from 193m to 181m.
- 7.2.11. Details submitted with the application indicate that the proposed single storey house will be situated at the higher northern part of the site, set back from the public road by approx.50m. Finished floor levels at ground floor level are indicated as 191.5, stepping down to 190.625 at lower ground level to the front. The proposed garage is located to the rear of the proposed house.
- 7.2.12. The site benefits from a variety of existing mature deciduous trees along its boundaries. A landscaping plan was submitted by way of further information which indicates that further planting along the boundaries in addition to providing raised mounds on the lower part of the site are proposed. I noted on the day of my site inspection that the roadside hedgerow of the application site has largely been removed and the site is exposed to the south east.

- 7.2.13. The proposed driveway is indicating as winding across the site to negotiate the change in site levels.
- 7.2.14. While I accept that the proposed house is single storey and set some distance back from the front boundary, it is nonetheless located approx. 10m above the level of the public road. In my opinion the construction of a house, garage and driveway on this site in this upland area would detract from the visual amenity of the area.
- 7.2.15. I also note that the subject site is particularly exposed as the land to the west and south west also falls dramatically towards the Bann River and valley. I am also mindful of the local concentration of one off houses and the development pressure for one off houses in the immediate vicinity. In my opinion, the proposed development would contribute to cumulative adverse visual impacts and set an undesirable precedent for further development in this sensitive upland area.
- 7.2.16. While I note the PA considered the suitability of alternative sites within the overall family landholding, which the applicant has confirmed to be c. 55 acres, I have limited my assessment to the subject site under appeal.
- 7.2.17. I am satisfied therefore, that the proposed development would be contrary to Objectives RH07 and L05 of the Wexford County Development Plan and that the decision of the PA should be upheld.

### 7.3. **Wastewater Treatment**

- 7.3.1. Permission is sought for a proposed wastewater treatment system and percolation area.
- 7.3.2. A site characterisation form and details of the proposed Carlow precast Bio-Green waste water treatment system and raised percolation bed were submitted Carlow Concrete Tanks dated March 2019. The proposed system is the same as the previous application on the site under P.A.Reg.Ref.2019/1109, which was considered acceptable by the planning authority.
- 7.3.3. Distances to site boundaries existing wells, etc., are in accordance with the recommendations provided in the EPA *Code of Practice Wastewater Treatment and Disposal Systems serving Single Houses* (EPA 2009). The wastewater treatment

system and percolation area are downslope from the proposed house and the proposed well is located uphill.

- 7.3.4. No concerns were raised by the Environment Section of the planning authority and recommended no objection subject to standard conditions and requirements. I can confirm from my site inspection that the trial holes on site were closed over and therefore not open for inspection.
- 7.3.5. Having regard to the foregoing, I am satisfied that sufficient information has been provided by the applicant to determine that the development would have no adverse impact on public health.

#### **7.4. Traffic Safety**

- 7.4.1. It is proposed to widen the existing agricultural entrance to access the site and set back the roadside boundary in order to achieve the required sightlines. The applicant has submitted details demonstrating that sightlines of 65m in both directions can be achieved along this County Road.
- 7.4.2. On the day of my inspection, I noted that the road was very lightly trafficked and traffic speeds were low given the width and steep gradient of the road.. Notwithstanding the fact that a report from the Area Engineer of the PA was not received, I concur with the PA that the works proposed are acceptable.
- 7.4.3. I am satisfied therefore, that turning movement associated with the proposed entrance would not give rise to a traffic hazard.

#### **7.5. Appropriate Assessment**

Having regard to the nature and scale of the proposed development, a one off house in a rural area, and the distance to 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 the Board uphold the decision of the planning authority to **refuse** planning permission for the following reasons and considerations.

## 9.0 Reasons and Considerations

1. The site of the proposed development is located in a rural uplands area which is identified as on the edge of a 'Stronger Rural Area', as set out in the Wexford County Development Plan 2013 -2019, and as being within an 'Area under Strong Urban Influence' in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005. On the basis of the submissions made in connection with the planning application and the appeal, in particular, the proximity of the site to nearby established settlements, location in an upland area, and the nature of employment of the applicant, the Board is not satisfied, notwithstanding the provisions of the Development Plan, that the applicant has demonstrated a rural generated housing need for a dwelling at this rural location contrary to National Policy Objective 19 of the National Planning Framework 2018. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development, which would be located in an unzoned, unserviced uplands rural area would constitute random residential development in a rural area that is under strong development pressure, and which already has an excessive density of housing development. It is the policy of the planning authority, as set out in the Wexford County Development Plan 2013-2019, to minimise the individual or cumulative adverse visual impacts that local concentrations of one-off housing, outside of settlements, may have on Upland areas. It is considered that the proposed development would exacerbate the haphazard and unplanned form of development in this rural area, would intensify urban sprawl on the road, would exacerbate ribbon development, would militate against the preservation of the rural environment, and would represent an undesirable precedent for further such development in the area. The proposed development would, therefore, be contrary to Objectives RH07 and L05 of the

Wexford County Development Plan 2013-2019 and to the proper planning and sustainable development of the area.

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Susan McHugh  
Senior Planning Inspector

28<sup>th</sup> January 2021