



An
Bord
Pleanála

Inspector's Report ABP-308503-20

Development

Planning permission for a proposed development consisting of the construction of a detached dwelling house, detached garage, roadside entrance, wastewater treatment system and all percolation area and all associated works.

Location

Funshog, Ardee, Co. Louth.

Planning Authority

Louth County Council.

Planning Authority Reg. Ref.

20603.

Applicants

Daniel & Emma Louise Rogers.

Type of Application

Planning Permission.

Planning Authority Decision

Refuse.

Type of Appeal

First Party.

Appellants

Daniel & Emma Louise Rogers.

Observer(s)

None.

Date of Site Inspection

10th day of December, 2020; and, 12th day of January, 2021.

Inspector

Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The appeal site is generally square in its overall shape and has a given site area of 0.357ha. It is located in the 'Townland' of Funshog, c400m by way of the L-5258-0 local road to this road's junction with the heavily trafficked 'N2' which lies to the south of it and c4.6km to the south east of Ardee's historic town centre.
- 1.2. At the time of inspection, I observed that the site formed part of a larger agricultural field that appears to be in use for growing crops with access to this field appearing to be via an agricultural gate located on the rear boundary of the adjoining residential property to the south of the site. Outside of but heavily cut down and shaped existing mature hedgerow that fronts onto the L-5258-0 the site itself is not demarcated.
- 1.3. Between the aforementioned mature hedgerow and the edge of the restricted in width roadside carriage of the L-5258-0 there is a deep drainage ditch. At the time of inspection this ditch contained high and fast flowing water.
- 1.4. To the south and north of the site there are existing new and mature residential properties as well as a commercial and industrial units located in close proximity to the north. The immediate dwelling to the south appears to be recently completed on foot of P.A. Ref. No. 17/537 and there is a gap between the site and the nearest dwelling to the north.
- 1.5. The site is located in the open countryside where the predominant land use is agriculture and where there is a significant proliferation of one-off detached dwellings.

2.0 Proposed Development

- 2.1. By way of this planning application permission is sought for:
 - Construction of a 2-storey 4-bedroom detached T-shaped asymmetrical in appearance dwelling with single storey gabled shaped front porch. The proposed dwelling has a given 266.78m² gross floor area and a stated maximum ridge height of 8.706m. A simple palette of materials of external materials, finishes and treatments are proposed. These consist of a stone porch, main external walls to be rendered, roof finished with blue/black slates and uPVC windows and door openings.

- A single storey garage with a plain gable ended design has a given 55.1m² gross floor area and a maximum ridge height of a stated 6.046m (Note: External dimensions of 9.9m x 6.535m). A matching palette of materials, finishes and treatments are proposed for this detached structure.
- Installation of a wastewater treatment system and percolation area.
- Provision of a well for potable water supply.
- Provision of an entrance onto the local road and the replacement of roadside boundary predominantly with planting.
- All associated site and development works.

2.2. This application is accompanied by a '*Qualifying Criteria Form for One Off Rural Housing*' and the following documentation:

- Letter from the principal of St. Kevin's National School indicating that Daniel Rogers was a pupil during 1989 to 1997.
- Letter from principal of Scoil Uí Mhuirí indicating that both applicants are past pupils of this school with Emma-Louise is now employed in a permanent capacity as a biology and science teacher.
- A birth certificate for Daniel Rogers.
- Letter of consent from the owner of the land which applicants Daniel Rogers father.
- Letter and documents from the Bank of Ireland.
- Document indicating Daniel Rogers is a member.
- Utility Bills.
- Land Registry details.
- Letter from Parish Priest of Dunleer.
- Letter from applicant Daniel Rogers.
- Site Characterisation Form.
- Letter from Collon Tanks & Landscaping Ltd.
- A Supplementary Planning Application Form.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to **refuse** planning permission for the following stated reason:

“The proposed development, by reason of its location would result in a seventh one-off rural house in a row which would exacerbate ribbon development and would result in an intrusive encroachment of physical development into the open rural landscape. The proposed development will also necessitate the removal of c.60metres of mature roadside hedgerow to facilitate sightlines which will further exacerbate the visual prominence of the dwelling. The proposed development would militate against the preservation of the rural environment and would set an undesirable precedent for other such development in the vicinity. Such development would be contrary to Policy SS25 and Policy SS53 of the Louth County Development Plan, 2015-2021 which seeks to prevent ribbon development and which require applications for one-off houses demonstrate compliance with the Development Management Assessment Criteria for One-Off Rural Housing as detailed in Section 2.19.7. The proposed development would, therefore be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer’s report is the basis of the Planning Authority’s decision. This report includes the following comments:

- The applicant had successfully demonstrated a planning need for a rural house.
- Concern is raised in relation to the large number of one-off dwellings situated along the local road for which it is proposed to construct the dwelling.
- There appears to be no other suitable site available on the landholding other than the lands within the father’s ownership addressing the subject local road and to permit a further dwelling at this location would exacerbate ribbon development at this location.

- Concern is expressed for the significant removal of hedgerow required to accommodate access for the proposed dwelling onto the local road and the visual impact of the same.
- Concern is raised of the lack of screening proposed.
- The design of the dwelling is considered to be generally acceptable.
- No concern is raised in relation to the size of the garage and it is recommended that the height of this structure should be no higher than that permitted under P.A. Ref. No. 17/537 which relates to the site to the immediate south.
- The site size is above the minimum requirement set out under Policy SS51 and SS52 of the Development Plan.
- The proposed development would not give rise to any serious residential amenity.
- The request for further information by the Infrastructure Section in relation to the extent of ditch to be piped to facilitate the proposed entrance is noted however, given that the site is not considered to be acceptable in principle it is not considered appropriate to request further information in relation to this matter.
- Report concludes that the proposed development be refused due to it being contrary to Policy SS25 and Policy SS53 of the Development Plan.

3.2.2. Other Technical Reports

Environment: No objection, subject to safeguards.

Infrastructure: Concludes with a request for further information on the following matters:

- Requested to show a hardstanding 'pull in' bay between the proposed site fence line and the public road.
- Requested that the applicant illustrate the location of the existing open drainage ditch along the site/public road interface.
- Concern no infiltration test results or calculations provided and therefore additional surface water drainage details required.

3.3. Prescribed Bodies

3.3.1. None.

3.4. **Third Party Observations**

3.4.1. None.

4.0 **Planning History**

4.1. **Site:**

4.1.1. No recent and/or relevant site history.

4.2. **In vicinity:**

4.2.1. I note that reference is made to planning history of one-off dwellings in the immediate and wider area in relation to similar applications. However, there are no Board precedents for this type of development in this locality.

5.0 **Policy & Context**

5.1. **National Planning Policy Provisions**

- National Planning Framework – Project Ireland, 2040.
- Sustainable Rural Housing Guidelines for Planning Authorities, (2005).
- Code of Practice Wastewater Treatment Disposal Systems serving Single Houses, (2009).
- Implementation of new EPA Code of Practice on Waste Water Treatment and Disposal Systems Serving Single Houses - Circular PSSP1/10.

5.2. **Local Planning Provisions**

5.2.1. **Development Plan**

5.2.2. The appeal site lies in a rural area, zoned 'Zone 5' in the Louth County Development Plan, 2015 to 2021, which under Section 3.10.5 has a stated objective: "*to protect and provide for the development of agriculture and sustainable rural communities and to facilitate certain resource based and location specific developments of significant regional or national importance. Critical infrastructure projects of local, regional or national importance will also be considered within this zone.*"

- 5.2.3. Section 3.10.4 of the Development Plan indicates that: *“it is an objective of the Council to preserve a clear distinction between the built up areas of settlements and the surrounding countryside”*.
- 5.2.4. Policy RD37 is relevant. It states: *“to permit limited one-off housing*, agricultural developments, extensions to existing authorised uses and farms, appropriate farm diversification projects, tourism related projects (excluding holiday homes, institutional and educational facilities, leisure and recreation related projects and renewable energy schemes”*. (Note: * refers to Section 2.19.1 of the Development Plan which sets out the Qualifying Criteria).
- 5.2.5. Section 2.19.1 sets out the Local Needs Qualifying Criteria and it indicates that: *“applicants for one-off rural housing will be required to demonstrate compliance with criteria relevant to the specific Development Zone in which the dwelling is to be located.”* Policy SS 19 and SS 20 further reiterate this requirement.
- 5.2.6. In relation to the Category under which the applicant applies, it is indicated that the applicants are applying under the Category 1 and 2. Category 1 reads: *“applicant(s) is the son/daughter of a qualifying landowner. The applicant must demonstrate a rural housing need and show that they do not already own a house or have not owned a house within the rural area of the County for a minimum of 5 years prior to making an application”* and Category 2 reads: *“that they have lived for a minimum period of 10 years in the local rural area (including cross-border), they have a rural housing need, they do not already own a house or have not owned a house within the rural area of the County for a minimum of 5 years prior to making an application”*.
- 5.2.7. Table 2.9 of the Development Plan sets out dwellings gross floor area and minimum site size. For Zone 4 the maximum cumulative gross floor area is stated to be 220m² and the minimum site size in Hectares is 0.2ha. Dwellings above the stated maximum gross floor area have to demonstrate compliance with Policy SS 52 which indicates that the Council will require the site area be correspondingly increased by a ratio of 20m² for each 1m² of additional floor area of the dwelling.
- 5.2.8. Section 2.2 of the Development Plan sets out the criteria for rural housing design and siting criteria.
- 5.2.9. Section 2.19.12 indicates that the: *“visual amenity of many areas throughout the rural parts of the County, and especially in locations adjacent to settlements, has suffered*

greatly by the creation of ribbon development, where ribbon development is defined as “four or more houses in a continuous row along a public road includes those houses constructed prior to 1st October 1964”.

5.2.10. It also indicates that: “such development damages the appearance of rural areas, detracts from the setting of town and villages and can sterilise back-lands, often hampering the planned expansion of settlements. Additionally, it can compromise access to farmlands and generate road safety problems ... historically, consistent opposition to ribbon development has been applied in previous development plans and will continue to be the case”.

5.2.11. Policy SS 53 of the Development Plan is of relevance. It states: “to prevent the creation of ribbon development by not permitting more than four houses in a row along any public road. A minimum gap of 300 metres shall be maintained between such developments. An exception to this requirement may be considered where the dwelling is required to meet the housing needs of a son/daughter/foster child of a qualifying landowner and where the planning authority is satisfied that there is no other suitable site available on the landholding”.

5.2.12. Policy SS 54 of the Development Plan is of relevance. It states: “to preserve a clear break of a minimum of 300-metres between the boundary of existing settlements and any permitted development along adjoining roads”.

5.2.13. Section 2.19.3 of the Development Plan deals with the matter of ‘Infill Development’. It indicates that many road frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the appearance of the locality which help it maintain its rural character. It refers to the definition for infill development as provided for under the Sustainable Rural Housing Guidelines, 2005, which allows for consideration to be given to the degree to which a proposal might be considered to be infill, i.e. “the degree to which existing development would be extended or whether distinct areas of ribboning would coalesce as a result of infill development”. It goes on to state that: “the infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage”.

5.2.14. Policy SS 55 of the Development Plan is relevant. It states: “to permit infill development where a small gap sufficient to accommodate one house only, within an otherwise

substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale and siting”.

5.2.15. Policy SS 56 of the Development Plan is relevant. It states: “*to apply a presumption against development that would exacerbate ribbon development by extension or leading to the joining up of existing developed areas along public roads”.*

5.2.16. Other Relevant Development Plan provisions include:

Policy SS 63: Access/Hedgerows.

Policy SS 64: Access/Hedgerows.

Policy SS 65: Wastewater/Surface Water Drainage.

5.2.17. Development management criteria for one-off rural housing are set out in section 2.19.7 and include impact on natural resources, landscapes as well as site suitability in terms of drainage with the latter matter requiring compliance with EPA guidelines.

5.3. Natural Heritage Designations

5.3.1. The nearest European site is SPA: Stabannan Braganstown Special Protection Area (Site Code: 004091) which is situated c6.9km to the north east of the site.

5.4. EIA Screening

5.4.1. The proposed development comprises a ‘project’ for the purposes of environmental impact assessment and falls within a class set out in Part 2, Schedule 5 of the Planning and Development Regulations 2001 (as amended), Infrastructure Projects, construction of more than 500 dwelling units.

5.4.2. This proposal consists of a modest in nature and scale development of essentially one residential dwelling unit and garage served by a proprietary wastewater treatment system together with its associated site development works. As such the proposed development will give rise to very limited environmental emissions subject to standard safeguards and appropriate required maintenance of the proprietary wastewater treatment system.

5.4.3. The site itself does not form part of nor is it near any European site. Moreover, there is no connectivity between it and the nearest European site, i.e., SPA: Stabannan-Braganstown Special Protection Areas (Site Code: 004091). Having regard to the above, 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.

5.5. Built Heritage

- 5.5.1. There are a number of National Monuments within the landscape setting of this appeal site. The nearest being National Monument LH01427 which is identified as a 'ENCL' and is located c242meters to the west of the site. In addition to this there a number of other archaeological features designated as National Monuments within c360m of the site, that is 'RGDH' LH02644 and 'ENCL' LH02643 as well as within c450m 'CHUR' LH01429; 'CRSC' LH01430; and 'BURI' LH01431.
- 5.5.2. Based on the proximity of the site to a number of national archaeologically sensitive sites I consider that there is potential for archaeological remains to be *in situ* under the ground but yet undiscovered within the locality of the site and its setting.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal can be summarised as follows:
- The Planning Authority acknowledged that the applicant had a genuine local need for a dwelling at this location.
 - The existing hedgerow has been faced since the decision of the Planning Authority and it is contended that upon completion of these works, they are now able to demonstrate that the visibility requirements of 75m in both directions at a setback of 3m in both directions without the need for removal of extensive level of hedging along the roadside boundary.
 - They are happy to maintain the existing hedgerow and to provide additional planting in order to create a dense shelter belt.
 - The proposed dwelling would be part of an extended ribbon of 11 dwellings along the road.
 - It is contended that the proposed site is an infill site.

- This is an exceptional circumstance where the applicant qualifies for a dwelling but there are no other suitable sites available to them on the landholding which is given as being 6.0873ha in size.
- Under the current Development Plan similar developments have been permitted in similar site contexts.
- It is not accepted that this proposed dwelling represents ribbon development.
- The Board is requested to overturn the Planning Authority's decision in this case.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response can be summarised as follows:

- On the matter of family history and ties to the area no concerns were raised.
- The Planning Authority is now satisfied that the applicant can provide the required sightline visibility without having to remove the roadside hedgerow.
- The proposed development represents ribbon development, and it is not accepted that the examples of ribbon development cited establish precedent for the development sought.

7.0 Assessment

7.1. Introduction

7.1.1. I consider the key planning issues relating to the assessment of this appeal case can be considered under the following broad headings:

- Principle of the Proposed Development & Policy Context
- Visual Amenity Impact
- Access & Road Safety

7.1.2. The matter of 'Appropriate Assessment' also needs to be assessed.

7.1.3. Before I commence my assessment of the above matters, I note that the Planning Authority in this case was satisfied that the applicant complied with the Development Plan requirements for a dwelling house. They were also generally satisfied in terms

of the siting and design of dwelling house through to the wastewater treatment plant compliance with the EPA requirements for this type of development.

- 7.1.4. Notwithstanding these conclusions by the Planning Authority, having regard to the information provided with this application and on appeal alongside with the fact that the applicants seek the proposed development under Category 1 and 2 of the Development Plan's settlement strategy for rural dwellings I raise it as a concern that Category 1 as set out in the Development Plan requires applicant(s) to be the son/daughter of a qualifying landowner and that they must demonstrate a rural housing need and show that they do not already own a house or have not owned a house within the rural area of the County for a minimum of 5 years prior to the making of an application.
- 7.1.5. In relation to this criterion, I accept based on the information provided that the landowner meets the definition of a qualifying landowner and that Daniel Rogers, who is one of the applicants is the qualifying landowner's son. I also consider that it would appear that neither applicants own a home or has previously been granted permission for a rural dwelling house in this or in another area for a minimum of 5 years prior to the making of the planning application.
- 7.1.6. Similarly, Category 2 requires demonstration that applicants: *"have lived for a minimum period of 10 years in the local rural area (including cross-border), they have a rural housing need, they do not already own a house or have not owned a house within the rural area of the County for a minimum of 5 years prior to making an application"*.
- 7.1.7. Whilst I raise it as a concern that the applicants have provided limited clarity on the matter of own a house prior to the making of this application, of concern both applicants have occupations outside of this rural locality with Emma-Louise Rogers working the nearest to the site in which the proposed dwelling is sought as a teacher at a school in Dunleer. Whereas Daniel Rogers works significantly more remote from the site as a garda in Castleblayney since 2019 and previous to this based in Swords, County Dublin.
- 7.1.8. Whilst it may be accepted in good faith that the applicants are living at Funshog their employment this is not established without doubt in the information submitted with this application, there is also no affidavit in relation to the lack of ownership of a dwelling

house, and crucially neither applicants employments and places of employments are rural based with Emma-Louise Rogers places of work being urban based, in the settlement of Dunleer c10km to the east of the site; and with Daniel Rogers work being based from a garda station located c41km to the north of the site.

- 7.1.9. I therefore raise a concern based on the documentation submitted with this application that the applicant has not sufficiently demonstrated genuine rural housing need as opposed to desire for a rural dwelling at a location where one of the applicants does have intrinsic family ties.
- 7.1.10. This concern is further added to by the fact that this appeal site is located in a rural area that despite the significant ribbon development to the south and north of it as well as within the overall Townland setting of Funshog lies outside of a designated settlement in open countryside of good quality agricultural land and where there is no public water or drainage public infrastructure nor are there any facilities or other services in walking distance.
- 7.1.11. In addition to this the site is also located in an area that is identified as being under strong urban influence in the Sustainable Rural Housing Guidelines for Planning Authority's, 2005.
- 7.1.12. The reasons as to why the site is considered to be an area under strong urban influence is most likely due to a number of locational factors including but not limited to its proximity to a number of large urban areas, strong urban structure present and proximity to the N2 corridor, the M1 corridor, the urban settlements of Dundalk to the north east and Drogheda to the south east. It is also located less than an hour drive to the centre of Dublin and Dublin Airport.
- 7.1.13. On this point I note that the National Planning Framework states that the: "*Irish countryside is, and will continue to be, a living and lived in landscape focusing on the requirements of rural economies and rural communities, while at the same time avoiding ribbon and over-spill development from urban areas and protecting environmental qualities*". It also recognises that there is a continuing need for housing provision for people to live and work in the countryside.
- 7.1.14. It further indicates that careful planning is required to manage the demand in our most accessible countryside around cities and towns. In this regard it advocates focusing on the elements required to support the sustainable growth of rural economies and

rural communities stating that: “*it will continue to be necessary 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*”, with this being subject to site through to design considerations.

7.1.15. In keeping with this National Policy Objective 19 of the said document states inter alia that 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 areas and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements”.*

7.1.16. Moreover, National Policy Objective 3a sets out an objective to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements.

7.1.17. As there is no definition given in the Development Plan to define what a ‘*genuine need*’ is, I consider the above guidance at national level fills this vacuum. Against this basis I consider that the documentation provided by the applicant has not demonstrated a genuine economic and/or social need for a dwelling house at this rural location.

7.1.18. In conclusion on this matter, it is my view that neither applicants meet the criteria for a dwelling house in the absence of a genuine need. To permit the proposed development would be in conflict with policy provisions at a local level but more crucially at national level. It would also establish an undesirable for this type of residential development in such a location whose visual amenity has been significantly diminished in an adverse way by such *ad hoc* developments in the past and whereby the local road that the site fronts onto has a somewhat suburban character despite its location in the open countryside due to the significant proliferation of one-off dwellings. Due to the significant proliferation of this type of development in this rural area the capacity of its open countryside to absorb similar developments has in my view been exceeded and will require careful consideration in future where an actual genuine need economic and/or social need can be robustly demonstrated.

- 7.1.19. This matter I consider is a new issue for the Board to consider in terms of their determination of this appeal.
- 7.1.20. My second concern relates to drainage. On this matter I note that the Planning Authority outside of the concerns expressed by them for the drainage ditch along the roadside boundary and the lack of provision of infiltration test results or calculations provided also along this boundary raised no other significant drainage issues. With the issues raised considering the need of further information. Reasonably in my view the Planning Authority deemed that given the substantive reason for refusal of the development on a separate matter they decided to not request further information from the applicant. Their drainage concerns did not form part of their reasons for refusal.
- 7.1.21. I concur with the Planning Authority that the information provided in relation to drainage of the roadside ditch is inadequate. But I also raise additional concerns in relation to the high-water table observed and the general poor waterlogged conditions of grounds in this locality at the time both of my site inspections.
- 7.1.22. Moreover, in this locality I observed that there evidence of water loving plant species and the ground levels were too boggy and water sodden to safely make one's way onto the site area itself.
- 7.1.23. Along the roadside boundary, i.e., the eastern boundary of the site I observed on both occasions high water levels in the roadside deep roadside ditch with the water in this ditch moving flowing at speed.
- 7.1.24. Of further concern I note that the site is located in a groundwater protection scheme with the groundwater protection response indicated as 'R1'.
- 7.1.25. In addition to this the applicant proposes to serve this dwelling house by way of a proprietary wastewater treatment system and to drill a well to provide a potable water supply.
- 7.1.26. As previously discussed, there is a significant proliferation of dwelling houses in the immediate area reliant on the same type of self-provided services to meet the demands of modern living and the locality is part of an area of intensively farmed land.
- 7.1.27. I note that the Site Characterisation Form gives a T-test result of 6.97min/25mm and considers that the site is suitable for a secondary treatment system with polishing filter.

No P-test results are given, and no indication is given that any soakaways are provided to meet the additional requirements of the roadside boundary.

- 7.1.28. Based on my inspection of the site and its setting alongside having regard for the documentation on file I am not satisfied that adequate information has been provided to allay concerns that the proposed development, if permitted, would not be prejudicial to public health; that no contamination of ground and/or surface water would arise; and, or that it would not give rise to an increased risk of localised flooding outside of the site area as well as within the site area. I am also not satisfied that the information on file has sufficiently demonstrated that the site can be sustainably served by way of on-site well for its potable water needs nor that the provision of additional wastewater treatment systems would not give rise to any issue for existing potable water supplies in the vicinity.
- 7.1.29. The Board may consider this a new issue in their determination of this appeal case. I further consider that these matters in themselves would substantiate refusal of permission for the development sought under this application.

7.2. Principle of the Proposed Development and Policy Context

- 7.2.1. As previously noted, the appeal site is located on lands that are located in the open countryside where the Planning Authority under their Development has a zoning objective of to protect and provide for the development of agriculture and sustainable rural communities alongside to facilitate certain resource based as well as location specific developments of significant regional or national importance. In addition, critical infrastructure projects of local, regional, or national importance will also be considered within this zone (Note: Development Zone 5).
- 7.2.2. In relation to such areas Chapter 2 of the Development Plan clearly indicates that in keeping with national policy provisions the Planning Authority will seek to facilitate the careful management of one-off houses in rural locations within the county. It further indicates that such applications shall be required to demonstrate compliance with the Local Needs Qualifying Criteria outlined in Section 2.19.1 of the said plan, with Policy SS 19 of the Development Plan also seeking this compliance.
- 7.2.3. As such the principle of the proposed development sought is a type of development that is only deemed to be permissible in certain limited circumstances.

- 7.2.4. As set out in the previous section I raise concerns that the applicants in this case have failed to substantiate a socio and/or economic genuine rural housing need for the development sought by them at this locality. A locality which is under significant pressure from urban generated housing and a locality where the open countryside's visual amenities have been significantly diminished by similar developments.
- 7.2.5. Of further concern, if permitted, the proposed dwelling would be situated on the northernmost end of an existing group of six dwellings that are all aligning with the western side of the L-5258-0 with only a limited gap of c46m between the northernmost boundary of the site and next group of to the north that also address the western side of the L-5258-0. In addition to this, on inspection of the surrounding area it is very evident that within the immediate and wider setting of the site there is a strong proliferation of one-off detached dwellings as well as a number of examples of ribbon developments.
- 7.2.6. Whilst the appellant seeks that this site be considered an infill site rather than an extension of ribbon development, I raise a concern that the site is part of a productive larger parcel of farmland that together with the land to the immediate north of it acts as a visual break to the *ad hoc* and piecemeal linear development that has occurred on the western side of this substandard in width, vertical and horizontal alignment local road. With the buildings associated with this local road all by and large turning their back on and having no meaningful physical or functional relationship with the agricultural land behind them. These buildings have principal elevations that face onto the local road and are also served by individual entrances opening onto the local road.
- 7.2.7. I note that the Development Plan seeks to maintain gaps of a recommended 300m between examples of ribbon development under Policy SS 53 of the Development Plan. This is not present between the existing dwelling adjoining the southern boundary of the site and the nearest dwelling to the north of the site and if permitted, this development would result in mere 46m gap between the linear grouping of one-off dwellings to the south of it and the linear group of dwellings to the north all address the western side of the L-5258-0. This gap would be insufficient to provide any visual relief and break to the linear development that has substantially eroded the visual quality and attributes of this countryside location in an adverse manner. It would also further strengthen the visual incongruity of what is a substantially built-up road frontage

which is out of character with the pattern of development one would expect in such a rural location.

- 7.2.8. Under Section 2.19.13 there is a presumption against the further infilling of small gaps like that in which the site is located within an otherwise substantial and continuously built-up road frontage.
- 7.2.9. Moreover, whilst Policy SS 53 seeks to prevent the creation of ribbon development by not permitting more than four houses in a row along any public road alongside sets out a minimum gap of 300metres to be maintained between such developments it also allows for an exception to this requirement where the dwelling is required to meet the housing need of a qualifying landowner and where the planning authority is satisfied that there is no other suitable available site on the landholding.
- 7.2.10. While I accept that the only available sites within the qualifying landowners modest landholding is either the subject site or the land to the immediate north of it as previously discussed the applicant has not demonstrated that they have a genuine rural need for a dwelling house at this location having regard to local through to national planning provisions as opposed to a 'desire' for a dwelling at this locality. To permit the proposed dwelling would therefore be contrary to Policy SS 53 of the Development Plan.
- 7.2.11. Moreover, it would be further contrary to Policy SS 55 of the Development Plan which seeks to permit infill development where a small gap sufficient to accommodate one house only, within an otherwise substantial and continuously built up frontage subject to safeguards due to it effectively creating a site between it and the linear group of development to the north of it which, if developed, would result in the amalgamation of two substantial and continuously built up frontages on the western side of the L-5258-0.
- 7.2.12. In turn it would also be contrary to Policy SS 56 of the Development Plan which clearly sets out that the Planning Authority has a presumption against development that would exacerbate ribbon development by extension or leading to the joining up of existing developed area along public roads.
- 7.2.13. I note that the Development Plan provisions on these matters area consistent with the Sustainable Rural Housing Guidelines which advocates avoiding the creation of ribbon

development through to haphazard development in rural areas under strong urban influence.

7.2.14. Based on the above considerations I concur with the Planning Authority's given reason for refusal for the proposed development sought under this application.

7.3. **Visual Amenity Impact**

7.3.1. It is incumbent that an application for a one-off rural dwelling house demonstrates compliance with Section 2.9.7 of the Development Plan. This is a requirement under Policy SS 25 of the said plan.

7.3.2. The development management assessment criteria set out under Section 2.9.7 of the Development include but are not limited to regard being had to the cumulative visual impact; pattern of existing houses and permitted in the vicinity of the site as well as the within the landholding itself. It also requires that regard be had to the siting of the house through to how well it sits into its landscape setting as well as avails of existing natural shelter in terms of the overall design.

7.3.3. I consider that the design of the dwelling house itself is neither contemporary nor traditional in its architectural aspirations. I note that the Planning Authority raised no specific concerns in this regard, however, I consider that a lighter contemporary in approach and built form dwelling house together with a more qualitative palette of materials, finishes and treatments with a more sensitively landscape garden setting would have resulted in a less visually dominant built form at this location. Moreover, a single storey or dormer dwelling would in time subject to qualitative landscaping could be more easily integrated into the countryside and would be less visually legible as observed in its surrounds. Such an approach in my view would have resulted in a less visually intrusive built insertion into this landscape setting and a more qualitative site context appropriate approach.

7.3.4. Notwithstanding, the Planning Authority did raise a concern with regards to the height of the garage structure.

7.3.5. On the latter concern I share the concerns of the Planning Authority's Planning Officer that the height of the garage structure is out of context and unnecessarily high for a single storey structure in this visual context. The Planning Authority considered it more appropriate that a reduction in height akin to that permitted on the adjoining site to the south would be preferable. I concur with this conclusion.

- 7.3.6. In terms of landscaping response, I consider that the initial proposal to remove extensive mature road frontage would be contrary to Section 2.19.17 of the Development Plan which indicates that: "*planning permission may not be considered favourably where excessive lengths of hedgerow or trees need to be removed to facilitate the development*". This is further reiterated under Policies SS 63 and SS 64 of the Development Plan.
- 7.3.7. I note that the appellant as part of their submission indicate that refacing of the existing hedgerow which I note appeared to have been carried prior to my inspection of the site and probably as part of their further information response.
- 7.3.8. The revised boundary would now result in the proposed development not requiring the extensive removal of the existing roadside hedgerow in order to achieve required sightlines onto the local road.
- 7.3.9. Of concern an examination of recent street view images of the site's road frontage shows that this hedgerow contained several mature trees with evidence of their presence remaining in the now significantly refaced and topped down existing hedgerow.
- 7.3.10. The level of intervention carried out to this mature hedgerow and the loss of mature native trees has in my view resulted in a significant diminishment of the visual contribution of this hedgerow and its trees to the visual amenities of this local area. It also is likely to have resulted in diminished biodiversity in this locality.
- 7.3.11. Moreover, I question the extent to which this intervention has been carried out in that it resulted in excessive loss of existing trees which in my view was not necessary and the use of a qualified arboriculturist or landscape specialist could have resulted in sightlines being achieved in a less destructive manner.
- 7.3.12. Whilst I consider that substantive improvements could be achieved in terms of appropriate reinstatement of this roadside boundary alongside requiring a site context appropriate landscaping scheme for the overall site as well as its northern, western, and southern boundaries. Such improvements would not overcome the other issues raised in this report. Which I also note include road safety and traffic hazard concerns.
- 7.3.13. In addition, the proposed additional entrance onto this local road together with the design, massing through to built-form of the built structures proposed alongside the substandard landscaping scheme, would in my view add to the cumulative visual

incongruity of ribbon and linear development that has occurred along the western side of the adjoining L-5258-0 local road, both to the south and north of the site.

7.3.14. I therefore consider that the proposed development, if permitted, would result in serious injury to the visual amenities of the area in a manner that fails to accord with the proper planning and sustainable development of the area.

7.4. Access & Road Safety

7.4.1. I consider that the proposed development, if permitted, would not give rise to a significant volume of additional traffic and that the site itself is not remove from the L-5258-0 junction with the N2 which provides easy access to the wider public road network. Notwithstanding, I am not satisfied that the local road serving the proposed development is of a standard to accommodate additional non-essential developments given that it is significantly substandard in its width, with the section of road running alongside the deep ditch present between the existing hedgerow and the roadside carriage not being of a sufficient width to accommodate two average sized vehicles travelling in opposite direction. Of further concern this local road is of a poor horizontal and vertical alignment at this point with the commercial and industrial units to the north of it adding to the substantive number of cars I observed using it during my inspections of the site and its setting.

7.4.2. I am not convinced based on the information provided that the proposed entrance onto a substandard in nature local road despite the low volume of traffic it would generate, that the proposed development would not endanger public safety by reason of a traffic hazard and obstruction of road users.

7.4.3. Moreover, I am not satisfied based on the information provided that adequate details have been provided with this application and on appeal to address the drainage issues of the site. In particular, the deep drain that lies between the mature hedgerow on this eastern boundary and the roadside carriage which was high with fast flowing water on the day of my site inspection. This ditch layout is also a significant safety issue in terms of any intensification of traffic movements and traffic manoeuvres along this section of road given the restricted width of the local road in the vicinity of where a proposed new entrance is proposed in a northerly and southerly direction.

7.4.4. Furthermore, the posted speed limit on this road is 80kmph and despite the substandard nature of this local road I observed a number of vehicles travelling at

excessive speed along it. I considered that the posted speed limit is excessive given the design and substandard nature of this road in its current form.

- 7.4.5. The Board may consider this a new issue in their assessment of this appeal and they may consider that there are more substantive matters on which to base a reason of refusal upon.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to modest nature and extent of the development sought under this application, the appeal site's location at considerable distance from any European site, I consider that no Appropriate Assessment issues arise and 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.

7.6. **Other Matters Arising**

7.6.1. **Compliance with Policy SS 25:**

Policy SS 25 of the Development is referenced by the Planning Authority in their given reason for refusal of the proposed development sought under this application. This Development Plan policy requires that: "*applications for one-off houses demonstrate compliance with the Development Management Assessment Criteria for One-Off Rural Housing as detailed in Section 2.19.7 of the Development Plan*". For the various reasons set out in my assessment below, that is to say the visual amenity impact, traffic safety, landscape capacity to absorb further such development, the substandard nature of the local road on which it is dependent on for access and egress to the wider public road network, site suitability concerns and the like I concur with the Planning Authority that to permit the proposed development would be contrary to Policy SS 25 as all of these issues would be contrary to the development management assessment criteria set out under Section 2.19.7 of the Development Plan.

- 7.6.2. **Built Heritage:** Given the proximity of the site to a number of National Monuments and despite the site forming part of a larger field that has been subjected to ploughing and other associated agricultural interventions over the years should the Board be minded to grant permission as a precaution I recommend the imposition of an archaeological condition in order to appropriately deal with any undiscovered archaeological remains below ground that may be present.

8.0 Recommendation

- 8.1. I recommend that planning permission should be **refused** for the reasons and considerations set out below. I note that Reasons and Considerations No.s 1, 3 and 4 whilst essentially relating to new issues nonetheless correlate with the Planning Authority's cited reason for refusal which in part considered that the proposed development, if permitted, would be contrary to Policy SS 25 of the Louth County Development Plan, 2015 to 2021.

9.0 Reasons and Considerations

1. Having regard to the proliferation of one-off housing and the strong linear pattern of development that characterises development on adjoining land to the south and fronting onto the western side of the L-5258-0 and similarly on neighbouring land in close proximity to north that also fronts on the western side of the L-5258-0, with site located in a rural location identified as an 'Area under Strong Urban Influence' in Louth County Development Plan, 2015 to 2021, and under the Sustainable Rural Housing Guidelines for Planning Authorities, 2005. In addition, having regards to the provisions of the said Development Plan, the Sustainable Rural Housing Guidelines for Planning Authorities and to the National Policy Objectives set out under the National Planning Framework, which in a consistent manner all seek to manage the growth of rural areas that are under strong urban influence in order to avoid over-development and to ensure that the provision of single such areas are provided based upon demonstrable economic and/or social need to live in such rural areas, it is considered that the applicants do not come within the scope of genuine housing need criteria as set out in these planning policy documents.

The proposed development, in the absence of any identified locally based economic through to social need for a dwelling house at this location, would contribute to the encroachment of random rural development in an area of open countryside where there is a proliferation of such building types and it would militate against the preservation of the rural environment through to the efficient and sustainable provision of public services and infrastructure.

The proposed development would, thus, be contrary to the policies set out in the National Planning Framework and the Development Plan for this type of

development, in particular National Policy Objective 19 of the National Planning Framework which seeks to facilitate the provision of housing based on the core consideration of demonstrable economic or social need to live in a rural area.

Therefore, to permit the proposed development would be contrary to the proper planning and sustainable development of the area.

2. It is the policy of the Planning Authority as set out in the Louth County Development Plan, 2015 to 2021, to have a presumption against and seeks to control ribbon development. This is provided for under Policy SS 53 and SS 56, the provisions of which are considered to be reasonable.

The proposed development would be in conflict with these policies having regard to the pattern of development characterising adjoining and neighbouring land fronting the L-5258-0 to the south and north of the site which are characterised by a long linear rows of mainly residential built forms addressing the western side of this local road.

The proposed development, if permitted, would consolidate, and contribute to the build-up of ribbon development in an open rural area where this type of development has significantly eroded the intrinsic visual qualities and amenities of this rural landscape as appreciated from the public domain alongside reduce available high quality agricultural land from productive use. This would militate against the preservation of the rural environment as well as lead to demands for the provision of further public services and community facilities in a locality where it is not economically viable to provide them.

The proposed development would, therefore, be contrary to the said Development Plan Policy SS 53 and SS 56 as well as would be contrary to the proper planning and sustainable development of the area.

3. It is considered that the proposed development taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive concentration of development served by septic tanks in the area and the Board is not satisfied on the basis of the information provided with this application, that the

proposed development, would not, therefore, be prejudicial to public health and that it would not give rise to contamination of surface and ground water in the area.

4. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the proposed development would generate on a substandard in width and alignment local road at a point where the maximum posted speed limit applies and where there are multiple individual entrances dependent upon the same local road for access and egress.

Patricia-Marie Young
Planning Inspector

19th day of January, 2021.