



An
Bord
Pleanála

Inspector's Report ABP-309102-21.

Development	Permission for house, garage and WWTP system.
Location	Cladhnach, An Cheathrú Rua, Co. Gaillimh.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	20/1270.
Applicant(s)	Brid Breathnach.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Brid Breathnach.
Observer(s)	None.
Date of Site Inspection	31 st March 2021.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The subject site is located within the rural area, approximately 1km south of Casla and approximately 2.7km north of the designated settlement boundary of Carraroe Co. Galway, in the townland of Cladhnach. The site is accessed directly from the regional Road, the R343, which connects Casla to the north, to Carraroe to the south. The regional road has evidence of significant development pressure for one-off houses with a ribbon of development, on both sides of the road for extensive stretches. There is a solid white line on the road adjacent to the subject site and the wider area includes a variety of house types.
- 1.2. The site has a stated area of 0.27ha and lies to the east of the regional road. The site is relatively level, with minor undulations, and is bound on all sides by dry stone walls. There is an existing access to the site at the southern corner and it is proposed to use this entrance to serve the proposed development. There are some rock outcrops evident on the site as well as rushes in areas of the site rendering it somewhat wet and marshy.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices, chun Teach Nua Cónaithe, Garaiste Nua agus Córas Séarachas nua a thógáil. Spás urláir comhlán na n-oibreacha beartaithe: 194.3 sqm (teach) (ie for the construction of a house, garage and WWTP system. Gross floor space of proposed house, 194.3sqm), all at Cladhnach, An Cheathrú Rua, Co. Gaillimh.
- 2.2. The application included a number of supporting documents including as follows:
 - Plans, particulars and completed planning application form
 - Cover letter
 - Letter from Solicitor advising transfer of land
 - Rural Housing Need details including birth cert, employment details etc.
 - Site Characterisation form
 - Tricel Site Recommendation Report

- 2.3. The proposed house will be set approximately centrally in the overall site, approximately 54m from the roadside boundary and will have a finished floor level of +100.60m. The house design proposes a dormer style dwelling with a floor area of 194.3m². The house will rise to 7.5m at its highest point and includes an ensuite bedroom, open plan kitchen/ dining room, family room, as well as a utility and family bathroom at ground floor level and a master bedroom and two further double bedrooms and shower room at first floor level. The external finish of the building will combine a mix of stone to the front porch and a render to the walls of the house. The design includes barges and blue/black slates to the roof. A detached garage, with a floor area of 35.19m² is also proposed.
- 2.4. A Tricel Wastewater Treatment System is proposed to serve the dwelling and will be located to the front of the proposed house in the wester / roadside area of the subject site. The existing front boundary of the site is to be set back to achieve sight distances and provide a parking strip.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse planning permission for the proposed development for the following stated reasons:

1. The site is located in a rural setting within the Galway Transport and Planning Study Areas, which is an area subject to strong urban influence, as identified in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and Objective RHO 1 of the 2015-2021 Galway County Development Plan where new dwellings are restricted to genuine rural housing need cases. Based on the documentation submitted with the application, it is considered that the applicant does not meet the rural housing need criteria to build a house at this rural location on the basis of her original family home and her alma mater being in excess of eight kilometres from the subject site. Therefore, the proposed development is contrary to the provisions of said guidelines and the rural housing provisions of the Galway

County Development Plan. Accordingly, to grant the proposal would contravene materially an objective of the development plan, would be contrary to ministerial guidelines issued to planning authorities under Section 28 of the Planning and Development Act 2000, as amended, would set an undesirable precedent for similar development in the area and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the following:

- The poor vertical and horizontal alignment of the R374 (regional road) in the general proximity as emphasised by the presence of a continuous white line along the centre of the said carriageway in the vicinity of the site,
- The insufficient sight visibility from the proposed access point along the regional road illustrated in the future information reply,
- The potential for turning movements generated by the proposal onto / off the R374 (regional road) being hazardous at a point outside of the speed limit restriction zones associated with the settlement centres / nodes thereon,

To permit the proposed development would obstruct wider road users utilising this strategic vehicular corridor, be prejudicial to public safety and contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application and the County Development Plan policies and objectives. The report includes an Appropriate Assessment Screening and Flood Risk Assessment section. The Planning Report concludes that further information is required with regard to the applicant and compliance with the requirements of Objective RHO1 of the CDP, as it relates to compliance with rural housing policies. In addition, concern is raised in relation to the development in terms of roads and vehicular access proposals.

Following the submission of the response to the further information request, the final planning report considered that the applicants original family home, and sons school, is approximately 10km from the site. In addition, the report raises concerns in terms of traffic safety grounds. The report concludes that proposed development is not acceptable, and the Planning Officer recommends that permission be refused for the proposed development.

This Planning Report formed the basis of the Planning Authority's decision to refuse planning permission.

3.2.2. Other Technical Reports

None.

3.2.3. Prescribed Bodies

None.

3.2.4. Third Party Submissions

None

4.0 Planning History

None.

5.0 Policy and Context

5.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

5.1.1. The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact development and the prevention of urban sprawl. It is a target of the NPF that 40% of all new housing is to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites with the remaining houses to be delivered at the edge of settlements and in rural areas.

5.1.2. National Policy Objective 19 refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence, ie.

the commuter catchment of cities and large towns and centres of employment. This will also be subject to siting and design considerations. In rural areas elsewhere, it 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.

5.2. Sustainable Rural Housing Development Guidelines 2005

- 5.2.1. The Rural Housing Guidelines seek to provide for the housing needs of people who are part of the rural community in all rural areas and makes a distinction between 'Urban Generated' and 'Rural Generated' housing need. Chapter 4 of the guidelines relates to rural housing and planning applications and states that in areas under significant urban influence, applicants should outline how their proposals are consistent with the rural settlement policy in the development plan. Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might apply, including 'persons who are an intrinsic part of the rural community' and 'persons working full time or part time in rural areas'.
- 5.2.2. The Guidelines further require that new houses in rural areas be sited and designed in a manner so as to integrate well with their physical surroundings and generally be compatible with water protection, roads, traffic and public safety as well as protecting the conservation of sensitive areas.

5.3. Development Plan

- 5.3.1. The Galway County Development Plan 2015-2021 is the relevant policy document relating to the subject site. The site is located outside the development boundary for any identified settlement in the area, including the village of Carraroe and lies within a Rural Area under Strong Urban Pressure (GTPS) and within An Ghaeltacht. The site fronts onto a Regional Road, the R343 where a solid white line is located in the centre of the road.
- 5.3.2. Section 3.8.1 of the Galway CDP deals with rural areas under strong urban pressure and Objective RHO 1 Rural Housing Zone (Rural Area Under Strong Urban Pressure – GTPS) is relevant in this regard. The key objective of the Council is to facilitate genuine housing requirements in local rural communities, subject to satisfactory site

suitably and technical considerations. The plan also seeks to direct urban generated development to areas for new housing development in the adjoining urban centres (towns and villages as identified in the County Settlement/Core Strategies).

5.3.3. Objective RHO3 relates to rural housing zones within landscape categories 3, 4 and 5. This objective notes that documentary evidence will be required to justify the development and will be assessed on a case by case basis.

5.3.4. Objective RHO4 deals with development in An Gaeltacht. It is an objective of the Council that consideration will be given to Irish speakers who can prove their competence to speak Irish and who can demonstrate their ability to be a long-term asset to the traditional, cultural and language networks of vibrant Gaeltacht communities. A language enurement clause of 15 years duration is applicable to approved developments in this category.

5.3.5. Objective RHO9 states that it is an objective of the Council to have regard to the Council's Design Guidelines for Single Rural Houses with specific reference to the following:

(a) It is an objective to encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.

(b) It is an objective to promote sustainable approaches to dwelling house design and encouraging proposals to be energy efficient in the design and layout.

(c) It is an objective to require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings.

5.3.6. Objective RHO11 states that it is the objective of the Council to preserve and protect the open character of transitional lands outside settlements in order to maintain a clear demarcation and distinction between urban areas and the countryside.

5.3.7. DM Standard 6 deals with assimilation of development into landscape and requires that all permissible buildings should avoid locally obtrusive elevated locations and should be located on mid slopes or lower slopes of rising ground where possible. Development should seek to preserve traditional field patterns and established hedgerow and woodland. A visual impact assessment may be required where the

proposal is located in an area identified as “Focal Points/Views” in the Landscape Character Assessment of the County or in Class 4 and 5 designated landscape sensitivity areas.

- 5.3.8. DM Standard 7 relates to site size for single houses using on-site wastewater treatment systems. A minimum site size of 2,000 square metres is generally required for a single house so as to provide adequate effluent treatment, parking, landscaping, open space and maintenance of rural amenity. For house sizes greater than 200 square metres, the site size shall be increased by 10 square metres for each square metre above the house area above 200 square metres. Special consideration will be given to existing houses and to proposed developments who can demonstrate rural housing need and comply with EPA Guidelines where minimum site size is not totally achievable.
- 5.3.9. The site is located in an area with a designated landscape value rating as ‘high’. The landscape sensitivity is classed as 3 – ‘medium’.

5.4. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the Connemara Bog Complex SAC (&pNHA) (Site Code 002034), is located approximately 1.4km (& 2.3km) to the east. The Kilkieran Bay and Islands SAC (Site Code 002111), is located approximately 1.8km to the west of the site.

5.5. EIA Screening

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

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. This is a first party appeal, submitted by Patrick J. Sullivan (agent), against the decision of the Planning Authority to refuse planning permission for the proposed development. The issues raised are summarised as follows:

- Following a request for further information, full details of sightlines in excess of the required 120m with no obstructions, bends, hedges etc to obscure view, were submitted.
- This issue was fully addressed, and it is submitted that the reason for refusal in this regard is bewildering.
- In terms of the housing need issue, it is unclear what more information is required to meet the criteria.
- Full details of the applicants' links to the area have been provided, and Cladhnach is her home.
- The applicant and her family are currently living across the road from the site with her uncle, who has gifted her the site to build her own home.
- This home will be inherited by her uncles son, who is likely to return from the USA in the next few years. As such, the applicant and her family require their own home.

The Appeal includes a number of enclosures.

6.2. Planning Authority Response

None.

6.3. Observations

None.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development & Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards
2. Roads & Traffic Issues
3. Visual Impacts
4. Site Suitability Issues
5. Other Issues
6. Appropriate Assessment

7.1. Principle of the development & Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards:

- 7.1.1. The subject site is located within the rural area, approximately 1km south of Casla and approximately 2.7km north of the designated settlement boundary of Carraroe. The site is not zoned and is within an area identified as being under Strong Urban Pressure in the Galway County Development Plan 2015-2021. This pressure for one off housing is evident on the ground. There is a presumption against development in such areas save for in instances where it can be demonstrated that an applicant complies with the Planning Authority's policies relating to the rural area. Should the Board be minded to grant planning permission in this instance it should be satisfied that the appellant adequately complies with the requirements of these stated policies, as well as National Policy Objective 19 of the National Planning Framework.
- 7.1.2. Objective 19 of the National Planning Framework seeks to ensure that in rural areas under urban influence, the provision of single housing in the countryside will be

based on the core consideration of demonstratable economic or social need to live in a rural area..... having regard to the viability of smaller towns and rural settlements. The Galway County Development Plan also seeks to facilitate the rural generated housing needs of the local rural community with urban generated housing directed to the zoned and serviced areas of settlements, villages and towns. Objective RH01- Rural Housing Zone 1 (Rural Area Under Strong Urban Pressure – GTPS) of the CDP provides for the limited circumstances within which rural housing within an area under strong urban pressure may be facilitated.

- 7.1.3. In addition to the above, the Board will note that the site is located within An Gaeltacht and as such, Objective RHO4 is applicable in this instance. The applicant has submitted adequate evidence to suggest that she has strong local links to the area and that she has spent much of her life, from the age of 6 years old, living with her Grandmother in her home across the road from the subject site. Ms. Breathnachs uncle, with whom she and her family currently live with, gifted the application site to her to construct her own home. The current house, owned by her uncle, will be left to her uncles son, who is likely to return from the USA to live there. As such, the applicant is in need of her own home. Ms. Breathnach is currently working as a substitute teacher for a number of local schools within 20km of her current home, and proposed development site.
- 7.1.4. I note that the first reason for refusal from Galway County Council states that it is considered that that the applicant does not comply with the requirements of Objective RHO1. Having regard to the information submitted in support of the proposed development, including the particular circumstances of the applicants childhood, I would be satisfied that the applicant complies with the said development plan requirements. Having regard to the requirements of Objective RHO4, I am satisfied that the applicant is an Irish speaker and has demonstrated her ability to be a long-term asset to the traditional, cultural and language network of this vibrant Gaeltacht community as required.
- 7.1.5. However, while I acknowledge and accept the bone fides of the applicant in this instance, and in particular, the need for Ms. Breathnach to reside within the Gaeltacht area to continue her work in the local schools and that she owns the site, I am satisfied that she does not have a specific need to live on the subject site in the rural area, where her housing need might reasonably be met within the settlement

boundary of nearby settlements including Carraroe, approximately 2.5km to the south, or Casla, approximately 1km to the north.

7.1.6. In addition, I note Objective RHO11 of the Galway CDP states that it is the objective of the Council to preserve and protect the open character of transitional lands outside settlements in order to maintain a clear demarcation and distinction between urban areas and the countryside. In light of the above, and while I acknowledge the 2.5km distance between the site and Carraroe and 1km distance to Casla, I consider that a grant of permission in this instance would militate against the consolidation of these settlement and would contribute to the existing urban sprawl which exists along the R343, setting a precedent contrary to the policy objectives of the Galway County Development Plan 2015. Having regard to the level of existing housing development already in existence in this rural location, it is considered that the proposed development would exacerbate the existing excessive density of development in this rural area, would contribute to the further suburbanisation of the area and would, therefore, result in a haphazard and unsustainable form of development in an unserviced area.

7.1.7. As such, I am satisfied that the proposed development does comply with the policy objectives of the County Development Plan as they relate to rural housing, Objective 19 of the National Planning Framework or the guidance provided within the Sustainable Rural Housing Guidelines.

7.2. Roads & Traffic Issues

7.2.1. The Board will note that the PAs second reason for refusal relates to roads and traffic issues. It is considered by the PA that the development would give rise to a traffic hazard as insufficient sight lines are available at the entrance and a permission would obstruct wider road users using the regional road. I also note the comments in the submitted first party appeal in response to this issue.

7.2.2. The applicants' agent submits that in excess of 120m sight distance is available at the entrance to the site and that this has been shown on the submitted plans. However, while the actual scale of the submitted plans is indicated at 1:250, when measured, only 75m of sight distance is indicated on the plans at this scale. I measured the available sight distances in accordance with the information submitted

by the applicant while on site myself and can confirm that the available sight distance shown to the point identified on the submitted plans as being 120m, is in fact, the 75m as stated.

- 7.2.3. As such, I consider it reasonable that the concerns of the Planning Authority in this regard are appropriate. I do not consider that the roads safety matters can be set aside in this instance.

7.3. Visual Impacts

- 7.3.1. The proposed development seeks permission to construct a dormer style dwelling house on the site. There is a wide variety of house types in the immediate area of the site and as such, I have no objections in principle to the proposed design as submitted and consider that the scale and proposed materials are acceptable at this location.
- 7.3.2. The site is located in the Landscape Character Area 17 – Carraroe (Cashla Bay to Glencoh) and within a Class 3 landscape in terms of sensitivity with a high landscape value. The site is not located on an elevated position and the site is generally level with the adjacent public road. The proposed finished floor level of the house is indicated to be +100.6m and the house will rise to an overall height of 7.5m.
- 7.3.3. In terms of the requirements of the CDP with regard to house design and siting, Objective RHO9 is considered relevant, which states that it is an objective of the Council to have regard to the Council's Design Guidelines for Single Rural Houses with specific reference to the following:
- (a) It is an objective to encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.
 - (b) It is an objective to promote sustainable approaches to dwelling house design and encouraging proposals to be energy efficient in the design and layout.
 - (c) It is an objective to require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings.

- 7.3.4. With regard to the siting of the house on the site, DM Standard 6 requires all permissible building to avoid locally obtrusive elevated locations and that they should be located on mid slopes or lower slopes of rising ground where possible. I am generally satisfied that the proposed development reasonably accords with this requirement. I would also consider that the overall design, height of the house and the proposed materials to be employed generally reflects the character and development pattern in the immediate vicinity.
- 7.3.5. Having regard to the above, I am satisfied that the proposed development could be accommodated on the site without contravening the relevant provisions of the Galway County Development 2015-2021, including Objectives RHO9, LCM 1 and LCM 2 and DM Standard 6.

7.4. Site Suitability Issues

- 7.4.1. In terms of site suitability, the Board will note that the proposed development is to be served by a private wastewater treatment system, and it is intended to install an Tricel Novo Package Plant which will discharge to a Sandcel sand polishing filter. The sand polishing filter will have a stated area of 15m². It is also noted that the house is to be serviced via the public water supply.
- 7.4.2. Having considered the information provided with regard to the proposed development, I am satisfied that the applicant submitted a robust and complete site assessment regarding its suitability in terms of the treatment and disposal of wastewater generated on the site. The site assessment appears to have been carried out by a suitably qualified professional. I note that two trial holes were dug to a depth of 0.6m and 0.9m. The applicant included photographs of the *P tests carried out at the site. In the context of the subject site, I would advise that there is a high concentration of houses with individual WWTPs.
- 7.4.3. The Site Assessment Report notes that the bedrock was encountered in the trial pits at a depth of 0.6m bgl and 0.9m bgl, while the water table was not identified. The assessment identifies that the site is located in an area where there is a Groundwater Protection Scheme. The site is categorised as being a Regionally Important Aquifer (Rg) and Poor Aquifer (PI) and has an extreme vulnerability. A Groundwater Protection Reuse of R2² is indicated. The soil is described as Lithosol

and the bedrock type is Granite (Ga Bz). The report notes that outcrops present within the site as well as areas of surface water ponding and rushes on the lower reaches. Stone walls comprise the site boundaries.

- 7.4.4. Due to the shallow nature of the soils, no *T tests were carried out on the site. *P tests were also carried out at the site at a level of 0.5m bgl and 0.6m bgl, yielding an average value of 15.67 and a *P result of 9.92. The report concludes, recommending a packaged wastewater treatment system and polishing filter, with a PE of 5. The Site Characterisation Report recommends that a soil filter system, with an area of 45m², and an invert level of -0.3m, be constructed and the system will discharge to groundwater at a hydraulic loading rate of 20l/m².d. The Board will note that the sand filter system is replaced by a sand polishing filter and a hydraulic loading rate of 60l/m².d.
- 7.4.5. I would raise concerns in terms of the concentration of individual wastewater treatment systems in the vicinity of the site and on lands which are characterised by shallow soils over aquifers of extreme vulnerability. I note that the submitted Site Characterisation Report suggests that the nearest house to the site is 300m which is clearly incorrect. I would suggest that this might be a typo and the report should have read 30m. In any case, and for clarity, the Board will note that there are 7 houses within 60m of the subject site, and 3 of those are within 30m. The submitted planning application does not provide details as to the location of the existing wastewater treatment systems associated with the closest houses.
- 7.4.6. Overall, I am satisfied that the applicant has submitted a robust and complete site suitability assessment regarding the suitability of the proposed site in terms of the treatment and disposal of wastewater generated on the site. I am generally satisfied that the site appears capable of accommodating the development in the context of wastewater treatment and disposal in principle.

7.5. Other Issues

7.5.1. Development Contribution

The subject development is liable to pay development contribution, a condition to this effect, in accordance with the Development Contribution Scheme 2016, revised August 21st 2019, should be included in any grant of planning permission.

7.6. **Appropriate Assessment**

The site is not located within any designated site. The closest Natura 2000 site is the Connemara Bog Complex SAC (&pNHA) (Site Code 002034), is located approximately 1.4km (& 2.3km)to the east. The Kilkieran Bay and Islands SAC (Site Code 002111), is located approximately 1.8km to the west of the site.

Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the 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 proposed development for the following stated reason and subject to the following stated conditions.

9.0 **Reasons and Considerations**

1. The site of the proposed development is located within an “Area Under Strong Urban Influence” as set out in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April 2005, wherein it is policy to distinguish between urban-generated and rural-generated housing need. Furthermore, the subject site is located in an area that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements.

Having regard to the location of the site outside the settlement boundary for the village of Carraroe, within an unserviced area, and located on a Regional

Road where a solid white line exists in the centre, it is considered that the proposed development would result in and exacerbate a pattern of haphazard development at this location outside of an urban area, and would by itself and by the precedent it would set for similar such development, militate against the consolidation of the adjoining settlement including the more efficient use of services and infrastructure within this settlement and would contribute to the encroachment of random development, resulting in urban sprawl into the countryside at this location.

Furthermore, the Board is not satisfied that the applicant's housing needs could not be satisfactorily met in an established town or settlement centre. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. The proposed development would, therefore, be contrary to the Ministerial Guidelines, to the over-arching national policy and having regard to the provisions of the current Galway County Development Plan 2015-2021 would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a heavily trafficked R343 regional road at a point where sightlines are restricted in both directions and where a solid white line is located. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

A. Considine
Planning Inspector
14th April 2021