



An
Bord
Pleanála

Inspector's Report ABP309173-21

Development	House, garage and associated works.
Location	Ballyboy, Tomhaggard, County Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20201209.
Applicant(s)	Ciaran and Lorraine Sarsfield
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	M.J & Mary Berry
Observer(s)	None.
Date of Site Inspection	2 nd April 2021
Inspector	Hugh Mannion

1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.4047ha and comprised part of a tillage field accessed over a private road at Ballyboy, Tomhaggard, County Wexford. The area is generally rural in character where a network of villages link Wellingtonbridge in the west to Wexford town in the east along the R733 and the R736. The northern site boundary comprises the rear boundary of an existing house facing onto the public road. The western boundary comprises a sod bank topped with native trees/shrubs, the southern boundary is undefined within the larger field and the eastern boundary is partially undefined and partly a shared boundary with an adjoining house.

2.0 Proposed Development

- 2.1. The proposed development comprises the erection of a house, garage, an on-site wastewater treatment system and associated works at Ballyboy, Tomhaggard, County Wexford.

3.0 Planning Authority Decision

- 3.1. **Decision – grant with 10 conditions.**

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. The planner's report recommended a grant of permission as set out in the manager's order.

3.2.3. Other Technical Reports

The **Environment Section** recommended a grant of permission with conditions relating to compliance with the EPA CoP for domestic wastewater treatment systems.

Roads Section in Rosslare Municipal District recommended a grant of permission.

4.0 Planning History

4.1. Permission was refused under PL26.232604 for a house on the same landholding for two reasons as follows.

1. Policy CDP1 of the Wexford County Development Plan 2007-2013 states that the Council shall cater for the housing needs of the immediate family of the landowners who have a genuine housing need in the coastal area. In addition, Policy CZ1 states that 'the Council shall protect and retain remaining undeveloped coastal areas and areas which are vulnerable and sensitive to inappropriate development from intensive, haphazard, unnecessary housing, tourism and coastal development'. These policies are considered reasonable. The subject site is located in an area which is considered to be vulnerable and sensitive to inappropriate development and is obviously under severe pressure for the development of dwelling houses. Having regard to the submissions made in connection with the planning application and the appeal, the Board is not satisfied that the applicants comply with the housing need criteria for an additional house at this location. It is considered that the proposed development would, therefore, contravene the said policies, would lead to unwarranted further damage to the special character of this coastal area and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the proposed development in an elevated and exposed position in the coastal landscape, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape and would set an undesirable precedent for other development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy and Context

5.1. The National Planning Framework in national policy objective 19 states it shall be an objective 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 demonstratable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements”.

5.2. The **Sustainable Rural Housing Guidelines for Planning Authorities (2005)** designate four general rural area types. The application site is a rural area under strong urban influence. The Guidelines require planning authorities to distinguish between rural generated housing need and urban generated housing need and frame policies accordingly to limit housing development in rural areas not associated with a demonstrable need to live in the countryside.

5.3. **Development Plan**

5.4. In accordance with the Sustainable Rural Housing Guidelines the planning authority has mapped the rural housing character areas (Illustrated on Map 6 of the County Development Plan). The site is in an area designated as being under strong urban influence. The objectives in relation to these areas are;

5.5. **Objective RH01**

To facilitate the development of individual houses in the open countryside in ‘Areas under Strong Urban Influence’ 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.

Table 12 sets out a number of criteria for assessing applications for one-off rural housing.

5.6. Objectives relating to development within designated coastal zones but outside existing settlements.

5.7. **Objective CZM09**

To restrict development outside the boundaries of existing coastal settlements to that which is required to be located in that particular location such as:

- Development to support the operation of existing ports, harbours and marinas.
- Agricultural development.
- Tourism related facilities appropriate to the particular coastal location (other than new build holiday home accommodation) where there is a demonstration of a location or resource-based need.
- Other developments where an overriding need is demonstrated.

5.8. **Objective CZM10**

To consider one-off housing in areas outside of the boundaries of existing settlements in accordance with the rural housing objectives in the Sustainable Rural Housing Strategy in Chapter 4 and subject to compliance with normal planning and environmental criteria and the development management standards contained in Chapter 18.

5.9. **Objective CZM13**

5.10. To ensure that developments are sensitively sited, designed and landscaped and do not detract from the visual amenity of the area.

5.11. **Natural Heritage Designations**

Not relevant

5.12. **EIA Screening**

Having regard to the very modest scale of the proposed development I consider that there are no likely significant environmental impacts arising therefore and I conclude that the submission of an EIAR and carrying out of an EIA is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The applicant does not meet the Development Plan criteria for rural housing need.
- The site is not in the ownership of the applicant's father.

6.2. Applicant Response

- The land at Ballyboy is part of the family holding. The applicant helps his uncles on their farm and needs to live close by.
- The applicants' current accommodation is unsuitable, and the proposal is necessary to accommodate a young family.
- The applicant is employed full time in the Department of Agriculture but also assists on the farm.
- The site is suitable for onsite domestic effluent disposal.

6.3. Planning Authority Response

- No comments received.

6.4. Observations

- None

6.5. Further Responses

- None

7.0 Assessment

7.1. Rural Housing Policy.

The National Planning Framework (NPO 19) states a distinction should be 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 single housing in the countryside may be facilitated where there is a demonstratable economic or social need to live in a rural area.

- 7.2. The application site is in a rural area under strong urban influence as designated in the Sustainable Rural Housing Guidelines (2005). These areas are described as exhibiting characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network. The guidelines require planning authorities to distinguish between rural generated housing need and urban generated housing need and frame policies accordingly to limit housing development in rural areas not associated with a demonstrable need to live in the countryside.
- 7.3. The Wexford County Development Plan has had regard to the Sustainable Rural Housing Guidelines and map 6 Rural Area Types in the plan places the application site within an area under strong urban influence. It is an objective (objective RH01) to facilitate the development of individual houses in the open countryside in 'Areas under Strong Urban Influence' 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. The criteria for considering applications for new houses in areas under strong urban influence set out in table 12 and include local rural people, people working in rural areas, people with exceptional health and or family circumstances. The applicant states that he works full time in the department of agriculture and also assists elderly family members to farm an adjoining or nearby landholding
- 7.4. The principle planning policy consideration in this case is the establishment of a demonstratable social or economic need to live in this rural area. The applicant states that the site has been part of a family landholding for 20 years and that his family home is at Crossgales about 2kms distant however he is a fulltime civil servant and the application did not include details of the landholding being farmed. The Sustainable Rural Housing Guidelines distinguishes between urban and rural generated housing need. A demonstrable rural generated housing need is the first criterion for considering single rural housing applications. The availability of a

potential site for a single rural house does not, in itself, demonstrate social or economic need to live in this rural area.

7.5. I conclude on this basis that the application is not one which arises from a demonstrable need for rural housing in this area in accordance with the Sustainable Rural Housing Guidelines or the County Development Plan.

7.6. **Coastal Zone Management.**

7.7. The application site is within the Coastal Zone designated in the current County Development Plan and illustrated on map number 11 attached to the Plan and it is an objective of the planning authority set out in the County Development Plan (Objective CZM09) to restrict development to that related to ports, harbours and marinas, agricultural development, certain tourism related facilities and other proposals where an overriding need for that development is demonstrated.

7.8. The site is within an elevated and exposed landscape in a coastal area where the application has not demonstrated an overriding need for the proposed development and I conclude that therefore that proposed development would be visually intrusive in an open and elevated landscape in a manner that would materially contravene an objective set out in the County Development Plan.

7.9. **Traffic Safety**

7.10. The Wexford County Development Plan (section 18.12) in relation to one-off rural housing makes the point that an application site should be capable of being accessed with appropriate sightlines. The Plan requires that sightlines of 65m be available in both directions from access points onto local/county roads. The application has not demonstrated that such sightlines are available onto the private lane proposed to be used to access the application site nor at the junction of that private lane with the public road. It is notable that the public road in the vicinity of the site is without footpaths, public lighting, pedestrian crossings, or a median line and already serves a significant number of individual houses.

7.11. I note that the planning authority's engineering report did not object to the proposal on traffic grounds. However, I consider that the proposed development would give rise to additional traffic turning movements, in particular to and from the public road at the junction with the private lane, in a manner as to endanger public safety by reason of traffic hazard on an inadequate road network.

7.12. Domestic Effluent

7.13. The T value for infiltration on site is 8. This is within the acceptable range of $3 \leq T \leq 50$ as set out in 6.3 of the EPA code of practice for domestic wastewater treatment systems. Having regard to this result, the other material submitted with the application and the planning authority's reports on file I conclude that the application site is suitable for the disposal of domestic effluent.

7.14. Appropriate Assessment

7.15. Having regard to the modest scale of the proposed development and the nature of the likely emissions therefrom I conclude that there are no likely significant effects on any European Site arising from the proposed development.

8.0 Recommendation

8.1. I recommend refusal.

9.0 Reasons and Considerations

1.	Having regard to the location of the site in an Area Under Strong Urban Influence as identified in Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and in an area where housing is restricted to persons demonstrating local need in accordance with the current Wexford County Development Plan, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
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2.	The site is located in an elevated and exposed position in an area designated as a coastal landscape in the current Wexford County Development Plan where it is an objective of the planning authority to limit development to cases where an overriding need for the proposed development has been demonstrated. The application has not demonstrated an overriding need for the proposed development at this location which would, therefore seriously injure the visual amenity of the area, materially contravene an objective set out in the current County Development Plan and would be contrary to the proper planning and sustainable development of the area.
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Hugh Mannion
Senior Planning Inspector

12th April 2021.