



An
Bord
Pleanála

Inspector's Report ABP-309288-21

Development	Construction of a house, garage, new site entrance and associated site works.
Location	River Street, Ballycumber, Co. Offaly.
Planning Authority	Offaly County Council.
Planning Authority Reg. Ref.	20552
Applicant(s)	Eddie and Nuala Flynn
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Eddie and Nuala Flynn
Observer(s)	none
Date of Site Inspection	21 st May, 2021
Inspector	Stephen Kay

1.0 Site Location and Description

- 1.1. The appeal site is located in Ballycumber village at a location immediately to the west of Ballycumber Bridge that crosses the River Brosna. The site forms part of a larger landholding that extends to the west and north west and which includes a stone mill and metal barn structure to the south west of the appeal site and a house and garage that fronts onto the main street. This house is currently in the ownership of the first party and is their current residence. To the south west of the site is located a compound that contains a pumping station operated by Offaly County Council.
- 1.2. The existing access to the site is via an agricultural entrance that is located immediately to the north west of the site boundary. This entrance is currently used to access the existing agricultural use of the site and is also the access to the Offaly County Council pumping station to the south west.
- 1.3. To the west, the site access adjoins a terrace of single storey houses that are set back from the road edge. The existing front boundary of the site comprises a low stone wall that is set forward of the line of the houses to the west and which is close to the existing roadside . This front boundary wall merges into the stone parapet of Ballycumber Bridge further to the west. The south east boundary of the site is formed by the boundary to the River Brosna and is currently characterised by mature hedgerow and trees. The south western boundary of the site is currently undefined.
- 1.4. The road fronting the site is part of the R436 that connects Clara and Tullamore via Ballycumber. The 50km/hr speed limit zone starts approximately 300 metres to the east of Ballycumber Bridge.
- 1.5. The site is relatively level, is currently in agricultural use and has a stated area of 0.16 ha.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a single storey house with a floor area of 135 sq. metres and a detached garage of 35 sq. metres. The access to the site is proposed to be via an access off the existing entrance to the west of the site. The existing access would remain available for access to the agricultural lands to the south west of the site and to the Offaly County Council pumping station.
- 2.2. The existing stone front boundary wall to the R436 is proposed to be retained and no part of the development would impact directly on Ballycumber Bridge which is a protected structure.
- 2.3. The development is proposed to be connected to the existing foul drainage and piped water supply. Surface water is proposed to be disposed of on site via three proposed soakaways.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to Refuse Permission for two reasons that can be summarised as follows:

- That the site is located in area that is identified as a pressure area in the *Offaly County Development Plan, 2014-2020* and where the provisions of Policy SSP-18 of the plan apply. The applicant has not demonstrated compliance with Policy SSP-18 and therefore the proposed development would materially contravene the development plan.
- That the proposed site is located in an area of special planning control due to being located on a restricted regional route where the provisions of Policy SSP19 apply. This policy restricts new houses to a set of criteria including compliance with Policy SSP18, the applicant having a functional need to live in the area and that no alternative site is available. Considered that the applicant has not demonstrated compliance with this policy and that the proposed development would therefore materially contravene the development plan.

It is noted that both reasons for refusal cited by the Planning Authority make reference to the proposal materially contravening the provisions of the development plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer

3.2.2. Other Technical Reports

Internal

Road Design – Recommends further information regarding sightlines.

Environment – No objection.

Area Engineer – recommends further information relating to sightlines, and agreement from Irish Water regarding the extension of the public sewer.

Architect – No objection to proposed development.

External

An taisece – Recommends that repairs to the stone wall should be undertaken by an expert.

Irish Water – No objections.

4.0 Planning History

There is no record of any planning history relating to the appeal site.

5.0 Policy and Context

5.1. Development Plan

The relevant development plan is the *Offaly County Development Plan, 2016-2022*. Ballycumber is identified as a village and is in Tier 5 of the settlement hierarchy as set out in Table 1.1 of the Plan.

There is no LAP for Ballycumber, however there is an outline village plan and zoning map in Volume 2 of the County Development Plan. This plan identifies that the appeal site is located on lands that are unzoned, however the developed lands immediately to the north west and those on the opposite side of the road are zoned Residential.

The site is located within the identified speed limit zone for the area and the site fronts onto the R.436 which is a protected route as per Table 4.3 of the Plan where applications for rural housing requiring access onto such routes will be assessed against Policy SSP-19 (Rural Housing Policy for Areas of Special Control). This policy states that it is council policy to consider a single dwelling in such areas where a number of criteria can be demonstrated. These criteria include that at least one of the criteria set out in Policy SSP-18 (rural housing) must be met, that the applicant has a functional need to reside in the rural area, drinking water sources are protected in the development, that no alternative site is available and that the applicant does not already own a house.

As per Map 1.4 of the development plan, the site is located in an area that is identified as a pressure area for the purposes of rural housing. Policy SSP18 relates to housing in rural areas and the full text is attached with this report. Applicants need to be able to demonstrate local housing need which can be achieved by complying with one of three categories of person. These are:

- **Local rural persons** defined as being within 8km of where a person was born or raised. Notably such a category of person does not and never has owned a house in a rural area.
- **Persons working full time or part time in a rural area.** Again, in such cases the applicant must not own or ever have owned a house in a rural area.
And
- **Exceptional health circumstances.**

Under the heading of settlement strategy, there are a number of references in the plan to development within villages being at an appropriate scale and density, that the focus in population growth will be on conserving, enhancing, and strengthening the town and village structure in the county. and that development in the existing

built up areas should be in accordance with the sequential approach to development and ensure an efficient use of land.

Draft Offaly County Development Plan, 2021-2027

The Village Plan for Ballycumber contained at Volume 2 of the Draft Plan differs in a number of respects from the current plan for the settlement. Notably, under the draft plan, the site is included within an identified development boundary. The site is however proposed to be zoned ‘*Open space, Amenity and Recreation*’. Residential (single house) use is identified in the zoning matrix contained at Volume 1 as being a use that is ‘Not Normally Permitted’ on lands zoned Open Space, Amenity and Recreation.

The area in the vicinity of the River Brosna, including the eastern part of the appeal site is indicated as having ‘*constrained land use*’, although the extent of this area is not very clearly defined on the Village Plan map.

12.6.1 of Volume 1 of the Draft Plan relates to ***constrained land uses*** and states that

Flood risk areas in settlement plans are represented by a ‘Constrained Land Use’ designation. This designation generally limits new development, but will facilitate existing development uses within these areas that may require small scale development such as small extensions. Development proposals within these areas shall be accompanied by a detailed Flood Risk Assessment, carried out in accordance with The Planning System and Flood Risk Assessment Guidelines and Circular PL 2/2014 (or as updated), which shall assess the risks of flooding associated with the proposed development.

Objective LUZO-14 states that it is an objective of the council to ‘*Facilitate the appropriate management and sustainable use of flood risk areas designated as ‘Constrained Land Use’ on Settlement Plan zoning maps.*’

5.2. Natural Heritage Designations

The site is not located within or close to any European sites. The closest such site to the appeal site is Clara Bog SAC (site code 000572) which is located approximately 1km to the south east of the appeal site at the closest point.

5.3. EIA Screening

Having regard to the nature and scale of the proposed development including the proposed connection to public water supply and foul drainage systems, and the separation of the development from any sensitive receptors there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The following is a summary of the main issues raised in the first party grounds of appeal submitted:

- That Policy SSP-18 requires that the applicant be a local rural person. Submitted that the applicant (Mr Eddie Flynn) meets the definition of local rural person as he was born and grew up in the local area (The Island, Ballycumber within c.0.5 miles of the site. Stated that he farmed the land including the appeal site with his father and then on his own with some help from his son.
- That himself and his wife have lived at Main Street in Ballycumber since 1982. Stated that his (Mr Eddie Flynn's) brother and sister also live locally.
- Stated that while they own a house in Ballycumber, that this no longer meets their needs as they age and that a new house would enable them to have a home that met their requirements and pass the existing house to their son.

- Stated that the applicants have a functional need to live in the area in line with Category 2 of Policy SSP18 as he (Eddie) is a full time farmer.
- Stated that the farm while classed as a rural area, is located in the village and within the speed limit for the settlement. Therefore, thought that it would be seen to be different to an application for a house in a rural area outside of any settlement.
- Stated that it is the only site available to them.
- Regarding Policy SSP19, that while the site is on a protected route it is within a settlement and within a speed limit zone, (50km/hr).
- That the proposed access is via an existing entrance onto the R436 within the speed limit zone. This access is currently used for agricultural access and for access by council staff going to the pumping station. There have never been any issues with regard to sightlines and sight distance.
- That the neighbouring cottage to the south west of the access also uses this existing junction with the R436.
- That the council granted permission a number of years ago for residential development opposite the current appeal site in a location where the sightlines are more restricted than at the appeal site.

The appeal submission is accompanied by a copy of the drawings including a Site Plan that highlights the existing access to the agricultural lands and the Offaly County Council pumping station in orange.

6.2. Planning Authority Response

No record of a response being received from the Planning Authority.

7.0 Assessment

7.1. The following are considered to be the main issues in the assessment of this appeal:

- Principle of Development
- Design, Layout, and Impact on Amenity,
- Compliance with Rural Housing Policy,
- Traffic Issues and Site Servicing,
- Material Contravention Issue,
- Appropriate Assessment.

7.2. Principle of Development

7.2.1. The appeal site is located on lands that are not zoned under the provisions of the *Offaly County Development Plan, 2016-2022* and the site is located outside of the zoned area as identified in the Ballycumber Village Plan contained in Volume 2 of the County Development Plan. The extent of this existing zoning however essentially reflects the existing land uses in the village and functionally, the appeal site forms part of the village being located on the village side of the bridge over the River Brosna which forms a natural barrier to the settlement to the south east. The site is also located well within the 50km/hr speed limit zone and in close proximity to the settlement core as indicated on the Village Plan Map. Under the provisions of Chapter 1 of the development plan, Ballycumber is identified as a village and is in Tier 5 of the settlement hierarchy.

7.2.2. Under the heading of settlement strategy, there are a number of references in the plan to the focus being on conserving, enhancing and strengthening the town and village structure in the county and that development in the existing built up areas should be in accordance with the sequential approach to development and ensure an efficient use of land. In principle I consider that the form of development proposed would be consistent with these principles given the location of the site within the natural boundaries of the village and the fact that development in this location would not result in a clear breach of the sequential approach to development.

- 7.2.3. In view of the above, there are in my opinion a strong case that can be made that the appeal site is not located in a rural area and that in principle, its development would reinforce rather than dilute the village structure and the consolidation of development within existing settlements. Notwithstanding this, the proposed development was refused permission on the basis that it materially contravened Policy SSP18 of the plan regarding rural housing policy in pressure areas. Compliance with this policy and consideration of the material contravention issue is considered in more detail below under the heading of Compliance with Rural Housing Policy.
- 7.2.4. The stated justification for the first party making the application for a new house is to develop a new house that is more suitable to the needs of him and his wife as they age. Reference is also made to the proposed transfer of the existing house on Main Street to the son of the first party. In principle I consider this to be an acceptable justification for seeking a second house.

7.3. Design, Layout, and Impact on Amenity,

- 7.3.1. The design of the proposed dwelling is a relatively modestly scaled two / three bedroom single storey house with a T shaped plan form. The ridge height is proposed to be 6.45 metres which is in my opinion acceptable at this location. The location on the site is proposed to be set back by approximately 16 metres from the road edge and is consistent with the siting of the existing bungalow located on the opposite side of the road. The building line would be slightly further back in the site than the angled building line formed by the existing terrace of houses on the sites to the west, however the proposed building location is in my opinion acceptable and such that the house would not be excessively visually prominent when viewed from the west on River Street. From the east, the proposed development would not be clearly visible given the proposed set back in the site, the planting along the eastern site boundary and the retention of the existing stone boundary wall at the front of the site.
- 7.3.2. In terms of residential amenity, the proposed house would be separated by c.18 metres from the closest dwelling to the west and such that in my opinion no issue of overlooking or loss of privacy would be likely to arise.

- 7.3.3. A significant area of private amenity space to the rear of the building line is proposed and this is in excess of the minimum required for the scale of dwelling proposed. In the event of a grant of permission proposals for the landscaping of the site and the delineation and screening of site boundaries are required.
- 7.3.4. It is noted that there is an existing Offaly County Council pumping station located to the south of the site which would be separated by c.37 metres from the site boundary and c.50 metres from the proposed house. No reference to this infrastructure in terms of its potential impact on amenity due to odours or other issues are raised in the internal reports on file and given the separation distance between the site and this pumping station it is not considered likely that any residential amenity issues would arise.
- 7.3.5. No clear details of the finishes to the proposed dwelling are provided in the application drawings and in the event of a grant of permission these would need to be made the subject of agreement with the Planning Authority.

7.4. Compliance with Rural Housing Policy,

- 7.4.1. The appeal site is located in an area identified as a 'pressure area' for rural housing as per Map 1.4 of the development plan. Policy SSP18 relates to housing in rural areas and a copy of the full text is attached with this report. With areas identified as 'pressure areas' such as the appeal site, applicants need to be able to demonstrate local housing need which can be achieved by complying with one of three categories of person. These are:

- Local rural persons defined as being within 8km of where a person was born or raised. Notably such a category of person does not and never has owned a house in a rural area.
- Persons working full time or part time in a rural area. Again, in such cases the applicant must not own or ever have owned a house in a rural area. And
- Exceptional health circumstances.

The basis of the refusal of permission issued by the Planning Authority is that the site is located in a rural area and that the applicant has not demonstrated compliance with the requirements of Policy SSP18. The report of the Planning

Officer states that as the applicant already owns a house *'the applicant does not meet local need criteria as he owns a house in Ballycumber, which is a tier 5 settlement, and is considered to be a rural area'*.

- 7.4.2. In my opinion there are a number of issues arising with regard to the compatibility of the first party with the housing policy as set out in the development plan. Firstly, from my review of the wording of the Offaly County Development Plan I cannot see how the Planning Officer reaches their conclusion that the first party's property in Ballycumber is located in a rural area for the purposes of the interpretation of the rural housing policy. The appellants property is located on Main Street, approximately 110 metres to the north west of the appeal site and on lands that are located within an identified settlement on lands that are zoned residential, are serviced and within the village core as per the Ballycumber Village Plan map. Given these factors, I do not consider that the appellants existing property can reasonably be considered to be in a rural area for the purposes of interpretation of the rural housing policy. I therefore consider that the fact that the appellant already owns a house does not preclude him from complying with the requirements of Category 1 (local rural persons) or Category 2 (Persons working full time or part time in a rural area) of Policy SSP18. .
- 7.4.3. The appellant states that he and his wife have resided at Main Street Ballycumber since the early 1980s. It is also stated by the first party that he is involved in full time agriculture and that he grew up in The Island Ballycumber within 0.5 miles of the site. It is also stated that the appeal site is the only alternative site available to the appellants and, on the basis of the land ownership information submitted with the application I agree that this is the case. On the basis of this information regarding connections with the local area and employment, I consider that the applicant appears likely to comply with the requirements of Categories 1 and 2 of Policy SSP18. I also however note that no documentary information to support the statements made regarding local connections or employment have been submitted and, in the absence of such information I do not consider it possible to definitively conclude that the appellant complies with Policy SSP18.

7.5. Traffic Issues and Site Servicing,

- 7.5.1. The site is located within the identified speed limit zone for the area and the site fronts onto the R.436 which is a **protected route** as per Table 4.3 of the Plan where applications for rural housing requiring access onto such routes will be assessed against **Policy SSP-19 (Rural Housing Policy for Areas of Special Control)**. This policy states that it is council policy to consider a single dwelling in such areas where a number of criteria can be demonstrated. These criteria include that at least one of the requirements set out in Policy SSP-18 (rural housing) must be met, that the applicant has a functional need to reside in the rural area, that drinking water sources are protected in the development, that no alternative site is available and that the applicant does not already own a house in a rural area.
- 7.5.2. As set out above, I consider it likely that the appellant complies with Categories 1 and 2 of Policy SSP18 although further documentary information is required to confirm this. In my opinion, the appellants involvement in full time agriculture demonstrates a functional need to live in the area and no drinking water sources would be impacted by the development. As noted above, there is no alternative site available on the landholding as indicated in the application documentation. From a review of the report of the Planning Officer, the basis for the conclusion of the Planning Authority that the proposed development would materially contravene Policy SSP19 is that he is considered to already own a house in a rural area. For the reasons set out above relating to the location of the appellant's existing property within an identified settlement, on zoned and serviced lands within the identified settlement core, I do not agree that the position taken by the planning authority that the existing house is in a rural area can be supported. In addition, I note and generally agree with the first party appeal where it contends that Policy SSP19 relating to protected routes should not apply to locations within speed limit zones. The appeal site is located within the 50km/hr speed limit zone and I do not consider that development on the appeal site would impact negatively on the carrying capacity of the R436 which is cited in Table 4.3 of the Plan as the reason for identification of the route.

- 7.5.3. The dwelling is proposed to be connected to the **public water supply and foul drainage** networks. A report on file from Irish Water states that there is no objection to the proposed development, however I note that the indicative connection shown on the submitted plans appears to show the connection being into the line running from the pumping station to the south of the site. I also note the comments in the councils Water Services report indicate that a longer connection may be required. While the principle of a new connection is likely acceptable it is considered that more details with regard to the exact point of connection would be required before a grant of permission. Surface water drainage is proposed to be to on site soakaways which I consider to be acceptable in principle.
- 7.5.4. I note that the report of the planning officer also makes reference to the potential for the River Brosna to be the subject of **flooding** and that a limited extent of the eastern side of the site '*is at flood risk*'. A review of the Floodinfo.ie website indicates that the site would potentially be impacted by the 1:100 year and likely the 1 in 10 year flood zones, however the degree to which this is the case is not clear with the resolution of mapping available. The report of the Planning Officer concludes that the separation of the proposed dwelling from the eastern site boundary by c.8.5 metres is such that a flood risk assessment is not required is noted, however I consider that more detail regarding flood risk is required prior to the granting of permission and that for permission to be granted more detailed assessment of the exact location of the proposed dwelling relative to the flood risk zones and a flood risk assessment as per the Planning System and Flood Risk Assessment Guidelines should be submitted. I also note that the Draft Offaly County development Plan, 2021 identifies the eastern part of the site as being a constrained land use due to potential flooding issues. Flood risk is not specifically referenced in the decision of the Planning Authority or the grounds of appeal and could therefore be considered to constitute a new issue in the assessment of this appeal.
- 7.5.5. Notwithstanding the existing nature of **the access point** which serves agricultural traffic, the council pumping station site, and the existing house immediately to the west of the appeal site, I have concerns with regard to the sightlines to the south east at the point where traffic generated by the development would connect with the R436. There is also a continuous white line in this location on the approach to the bridge. Under DMURS, a sightline of 49 metres in each direction is required within a

50km/hr zone and this is available to the north west. To the south east of the existing access however the available sightline is restricted by the stone wall that fronts the appeal site and which is immediately adjacent to the carriageway. Resolution of this sightline issue would require the removal or repositioning of at least a significant part of the existing stone wall in this location which is a visually attractive feature in this location. The fact that the village is characterised by stone walls is specifically noted in the Ballycumber Village Plan contained in volume 2 of the development plan, and the plan states that '*...these should be maintained and incorporated into any developments*'. Works to the existing boundary wall would also potentially impact on the setting of Ballycumber Bridge which is a protected structure, and which is located immediately to the south east of the site and contiguous to the wall fronting the site. I recognise the existing use of the access for agricultural, residential and access to the pumping station, however I consider that given the restricted sightlines to the south east, that the intensification of its use would lead to the creation of a traffic hazard and that, on balance, permission should be refused based on inadequate sightlines at the access point onto the public road and that the proposed development has the potential to lead to the creation of a traffic hazard.

- 7.5.6. The issue of traffic safety and visibility at the site access was not specifically addressed in the report of the planning officer or included in the reasons for refusal. It is however referenced in the first party appeal and I do not therefore consider that it constitutes a new issue in the context of this appeal.

7.6. **Material Contravention Issue and Conclusion of Assessment**

- 7.6.1. Reason for Refusal No.1 (compliance with Policy SSP18 regarding rural housing in pressure areas) and Reason for Refusal No.2 (compliance with Policy SSP19 relating to restricted regional routes) both make reference to material contravention of the development plan and the provisions of s.37(2) of the Planning and Development Acts are therefore applicable. The application of the criteria set out at s.37(2)(b) to the circumstances of the subject case can be summarised as follows:

- Strategic or national importance. I do not consider that the proposed development is not of any strategic or national importance.

- Conflicting objectives in the development plan. The exclusion of the site from the identified zoned lands despite its location within the functional boundary of the village could be considered to be contrary to plan objectives relating to settlement consolidation and reinforcement, however I do not consider this to be a clear or strong enough basis on which to conclude that there are clear conflicting objectives in the development plan.
- National and Regional Guidance. The refusal of permission and application of the rural housing policy could be seen to be contrary to policies relating to urban consolidation set out in policies including the National Planning Framework and Sustainable Residential Development in Urban Areas. I do not however consider this to be a clear or strong enough basis on which to conclude that the development should be permitted on this basis.
- Pattern of development and permissions. There is no clear indication that similar development to that proposed have been granted since the adoption of the current development plan in 2016. The house opposite the appeal site referenced by the first party predates the adoption of the current plan.

7.6.2. From a review of the report of the Planning Officer, the basis for the conclusion of the Planning Authority that the proposed development would materially contravene Policies SSP18 (Reason for refusal No.1) and SSP19 (Reason for Refusal No.2) is that it was considered that the first party already owns a house in a rural area. For the reasons set out above relating to the location of the appellants existing property within an identified settlement, on zoned and serviced lands within the identified settlement core, I do not agree that the position taken by the planning authority that the existing house is in a rural area can be supported and I cannot find any provisions of the *Offaly County Development Plan, 2016-2022* that support the interpretation made by the Planning Authority. For these reasons I consider that the determination of the Planning Authority on this issue is based on an erroneous interpretation of the provisions of the development plan and that in this case the Board should not therefore consider itself constrained by Section 37(2) of the Planning and Development Act when making its decision.

- 7.6.3. As set out above, while I consider that the first party does not already own a house in a rural area and complies with the requirements of Categories 1 and 2 of Policy SSP18 of the plan, the level of information submitted is not considered to be such that this can be definitively assessed and some level of documentary information on the first party's connections to the local area and engagement in full time agriculture are required. In the absence of such information it is recommended that permission is refused due to failure to demonstrate compliance with Policy SSP18, albeit without making reference to material contravention of the plan.
- 7.6.4. With regard to Policy SSP19 and access onto a protected regional route, I note and agree with the submission of the first party and do not consider that it is clear that such a policy is intended to apply within settlements and within speed limit zones. Notwithstanding this, should the first party provide more information supporting compliance with Policy SSP18 then I consider that the requirements of Policy SSP19 would be met.
- 7.6.5. Notwithstanding the existing nature and use of the access point, I have concerns with regard to the sightlines to the south east at the point where traffic generated by the development would connect with the R436 and consider that resolution of this issue would require the removal or repositioning of at least a significant part of the existing stone wall in this location. This wall is a visually attractive feature in this location and works to the existing boundary wall would also potentially impact on the setting of Ballycumber Bridge which is a protected structure. For these reasons it is recommended that permission be refused based on inadequate sightlines at the access point onto the public road and that the proposed development has the potential to lead to the creation of a traffic hazard.
- 7.6.6. The issues discussed above relating to details of the connection to the foul sewer and the extent of the site that are predicted to be impacted by flooding are issues that require to be addressed in any future application.

7.7. **Appropriate Assessment.**

- 7.7.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1. Having regard to the above, it is recommended that permission be refused based on the following reasons and considerations:

9.0 **Reasons and Considerations**

1. The site is located in an area that is outside of the zoned lands identified for Ballycumber and in an area that is identified as a pressure area in the *Offaly County Development Plan, 2016-2022* and rural housing policy for development in such areas requires compliance with Policy SSP-18 of the plan. On the basis of the information submitted with the application and appeal, the Board is not satisfied that the applicant has demonstrated compliance with the criteria attached to Policy SSP-18, notably Category 1 (relating to local rural person) and / or Category 2 (persons working full time or part time in rural areas) and such that it is considered that the proposed development would be contrary to Policy SSP-18 of the development plan and would therefore be contrary to the proper planning and sustainable development of the area.

2. Access to the site is proposed to be via an existing laneway that connects with the R436 at a point where sightlines to the south east are significantly restricted by the existing stone boundary wall that fronts the site.

Notwithstanding the existing use of the access by residential, agricultural, and other traffic, it is considered that the intensification of use that would result from the proposed development would result in the creation of a traffic hazard at this location.

Stephen Kay
Planning Inspector

1st June, 2021