



An
Bord
Pleanála

Inspector's Report ABP-309640-21

Development	House, garage and effluent treatment system
Location	Ballnagarby (Mullock), Moate, County Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	20/7091
Applicant(s)	Fidelma McCormack & Niall Scullion
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Grainne Robins
Date of Site Inspection	25 th May, 2021
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. The site of the proposed development is located on the east side of a local road in a rural area to the north of the town of Moate in County Westmeath. It comprises part of a larger field and is bounded by hedgerow along its road frontage and southern flank boundary. It is fenced to the north and rear. Another section of the field immediately to the north is also fenced off. The remainder of the field to the rear is used for grazing. The site slopes in a south-west to north-east direction. There is extensive one-off housing in the immediate vicinity of this site. The site is bounded to the south by a detached, two-storey house.

2.0 Proposed Development

- 2.1. The proposed development would comprise the construction of a four bedroom, single-storey, detached house and a detached, single-storey garage. The house would be served by a mains water supply and a private effluent treatment system. The floor area of the house is stated to be 203.42 square metres in area and the garage would be 45.36 square metres in area.
- 2.2. Details submitted with the application included information on the applicants' local housing needs, a site characterisation and assessment report, and a letter of consent from the landowner permitting the making of the planning application.

3.0 Planning Authority Decision

3.1. Decision

On 16th February, 2021, Westmeath County Council decided to grant permission for the proposed development subject to 10 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the Engineering report received, the third party submission and development plan provisions. It was considered that, based on submitted

information, the applicant met local need criteria. A request for further information arising from the Engineering report was recommended.

3.2.2. Other Technical Reports

The Engineering report sought further information relating to sightlines.

3.3. **Third Party Observations**

An objection to the proposed development was received from Grainne Robins. The grounds of the appeal reflect the principal planning concerns raised.

3.4. On 20th August, 2020, the planning authority sought further information in accordance with the Planner's recommendation and a response to this request was received from the applicants on 14th December, 2020. This provided details on proposed sightlines from the entrance and wayleaves and agreements with adjoining property owners in relation to provision of same.

3.5. Further to this submission, the reports to the planning authority were as follows:

The District Engineer requested clarification of the further information.

The Planner noted the District Engineer's request and recommended that clarification be sought accordingly.

3.6. A request for clarification was sought by the planning authority on 14th January, 2021 and a response to this request was received from the applicants on 20th January, 2021.

3.7. Following this submission, the reports to the planning authority were as follows:

The District Engineer had no objection to the proposal subject to a schedule of conditions.

The Planner noted the District Engineer's report and recommended that permission be granted subject to a schedule of conditions.

4.0 Planning History

P.A. 83/350

Permission was refused for the construction of three houses.

5.0 Policy Context

5.1. Westmeath County Development Plan 2014-2020

Rural Housing

The site is located within an area designated a 'Strong Rural Area Under Significant Urban Influence'. The policy applicable to this area is as follows:

P-SRA1

To accommodate demand from individuals for permanent residential development in strong rural areas who have strong links to the area and who are an intrinsic part of the rural community, subject to good planning practice, environmental carrying capacity and landscape protection considerations.

Local housing need within this area is assessed having regard to the following local housing need policy:

P-LHN1

To permit residential development in areas outside of the development boundaries of the settlement hierarchy subject to the following circumstances:

- (1) Persons who are actively engaged in agriculture, horticulture, forestry, bloodstock and peat industry,*
- (2) Members of farm families seeking to build on the family farm,*
- (3) Landowners and members of landowners' families (landowner for this purpose being defined as persons who owned the land in question since the year 2000),*
- (4) Persons employed locally whose employment would provide a service to the local community,*
- (5) Persons who have personal, family or economic ties within the area, including returning emigrants.*
- (6) Persons who wish to return to farming and who buy or inherit a substantial farm-holding which is kept intact as an established farm unit, will be considered*

by the Council to be farmers and will be open to consideration for a rural house, as farmers. Where there is already a house on the holding, refurbishment or replacement of this house is the preferred option.

P-LHN2

To manage the development of one off rural housing in conjunction with the Rural Typology Map and Local Need criteria. Applicants must submit documentary evidence of compliance with the rural housing policy and comply with local need criteria.

Development within the Hinterland of Larger Towns

Policies include:

P-GRH1

To have regard to the Westmeath Rural Design Guidelines and the Department of Environment, Community and Local Government Sustainable Rural Housing Guidelines in the assessment of rural residential proposals and any subsequent amendments in the assessment of applications for rural housing.

P-GRH3

To control ribbon development, especially close to the Gateway towns and villages.

P-GRH7

To resist urban generated and speculative residential development outside the settlement hierarchy.

5.2. EIA Screening

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment. The submission of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal may be synopsised as follows:

- The proposed development would exacerbate the significant ribbon development along the local road which would be injurious to the visual amenity and rural character of the area and would be contrary to Policy GRH3 of the County Development Plan. It would also block views of the wildlife sanctuary in the vicinity and of the town of Moate.
- It would endanger public safety by reason of traffic hazard as the required sightlines cannot be achieved. The appellant is part owner of the field to the north of the site and will not agree to the gateway to this field being tampered with or the entrance moved.
- The proposal would be an excessively prominent and obtrusive feature on the landscape and would be contrary to Policy P-GRHI of the County Development Plan and the Westmeath Rural Design Guidelines.
- The proposal would result in an excessive concentration of development served by septic tanks / wastewater treatment systems and would be prejudicial to public health.
- Permission was granted to the applicant previously for a house and there is no housing need. The applicant Ms. McCormack is 8.2km from her family home where her previous planning permission was granted.
- Gas Networks Ireland has a wayleave which impedes the front lawn to the south end of the site.

6.2. Applicant Response

The applicants' response to the appeal may be synopsised as follows:

- The applicants currently help and support their elderly parents.
- They provide for an exception to that of ribbon development arising from meeting local need and where no alternative site is available to them.

- The applicants are implementing the rural settlement policy of the National Spatial Strategy.
- The proposal would have no bearing on wildlife in the area and a view to Moate is not achievable due to existing trees and hedgerow.
- Works in order to achieve sightlines have been agreed with the adjoining landowner and with the planning authority.
- The design of the dwelling and the wastewater treatment system meet with the requirements of the planning authority.
- The previous development granted to Fidelma McCormack was not constructed by her due to financial constraints and was built by her sister.
- The distance from the site to the applicant's family home is 3.25km.

6.3. **Planning Authority Response**

I have no record of any response to the appeal from the planning authority.

7.0 **Assessment**

7.1. **Introduction**

- 7.1.1. I consider that the principal planning issues relating to this appeal are rural generated housing need, ribbon development, effluent disposal, traffic impact, and visual impact. I acknowledge that the appellant has referred to a wayleave associated with a gas pipeline which may compromise the front lawn at the south end of the site. I have no details confirming that there would be any impact for the developability of the site due to any gas pipeline wayleave. I further note that the planning authority did not express any concern relating to an established wayleave for this gas pipeline.

7.2. **Rural Generated Housing Need**

7.2.1. The site of the proposed development is located in a rural area outside of the town of Moate in County Westmeath. It is located within an area designated a “Strong Rural Area Under Significant Urban Influence” in the Westmeath County Development Plan. The Plan policy relating to this rural area is Policy P-SRA1, which seeks to accommodate demand from individuals for permanent residential development in strong rural areas who have strong links to the area and who are an intrinsic part of the rural community, subject to good planning practice, environmental carrying capacity and landscape protection considerations. Local housing need within this area is assessed having regard to local housing need policy P-LHN1 which seeks to permit residential development in areas outside of the development boundaries of the settlement hierarchy subject to the following circumstances:

- Persons who are actively engaged in agriculture, horticulture, forestry, bloodstock and peat industry,
- Members of farm families seeking to build on the family farm,
- Landowners and members of landowners’ families (landowner for this purpose being defined as persons who owned the land in question since the year 2000),
- Persons employed locally whose employment would provide a service to the local community,
- Persons who have personal, family or economic ties within the area, including returning emigrants,
- Persons who wish to return to farming and who buy or inherit a substantial farm-holding which is kept intact as an established farm unit, will be considered by the Council to be farmers and will be open to consideration for a rural house, as farmers. Where there is already a house on the holding, refurbishment or replacement of this house is the preferred option.

In accordance with Policy P-LHN2, applicants are required to submit documentary evidence of compliance with the rural housing policy and to comply with local need criteria.

7.2.2. It is evident from the details provided in the planning application and the response to the third party appeal that the applicants are not persons who have strong links to the area in which the site is located and who are not an intrinsic part of this rural community. The applicants are both employed in the town of Athlone, one with the defence forces and the other with a hairdresser. I acknowledge that the applicant Fidelma McCormack was originally from Suntown, which is west of the village of Rosemount which is some 8km north-east of Moate. Ballingarby, which is north-west of Moate, is 8km by road from Suntown. Neither of the applicants are from the rural area in which the site of the proposed development is located.

7.2.3. I further note that the applicants are not:

- Persons who are actively engaged in agriculture, horticulture, forestry, bloodstock and peat industry,
- Members of farm families seeking to build on the family farm,
- Landowners and members of landowners' families (landowner for this purpose being defined as persons who owned the land in question since the year 2000),
- Persons employed locally whose employment would provide a service to the local community,
- Persons who have personal, family or economic ties within the area, including returning emigrants, nor
- Persons who wish to return to farming and who buy or inherit a substantial farm-holding which is kept intact as an established farm unit, will be considered by the Council to be farmers and will be open to consideration for a rural house, as farmers. Where there is already a house on the holding.

Having regard to these observations, it is clear that the applicants have no rural generated housing need at the location of the proposed development in accordance with the provisions of Westmeath County Development Plan.

7.2.4. Further to the above, it is apparent that, based on the applicants' submission on housing need, this proposal would run contrary to the *Sustainable Rural Housing Guidelines for Planning Authorities*, as the applicants have no genuine 'rural' housing

need within an area of the county that is evidently under significant development pressure for one-off housing, given the pattern of housing development in this rural area, an area which is easily accessible to the town of Moate. The applicants' residential needs could clearly be met within this serviced settlement, in villages in the vicinity, or in the town of Athlone.

7.2.5. In addition, I note national planning policy as set out under the *National Planning Framework* published in February, 2018. This includes the following:

- With reference to the development of rural areas, National Policy Objective 15 seeks to support the sustainable development of rural areas by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.
- National Policy Objective 19 seeks 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, it is policy 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 and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

From the details on the appeal file, it is clear that the applicants do not have any justification that would merit permitting the development of a house on this site. The National Planning Framework objective of managing the growth of areas that are under urban influence to avoid over-development would essentially be contravened. The proposal would, thus, be in conflict with the National Planning Framework.

7.2.6. Finally, I note the applicant Fidelma McCormack was previously in receipt of planning permission for the construction of a dormer bungalow at Bishopstown, Rosemount, County Westmeath under Planning Authority Ref. 06/4344. This is a rural location north of Moate. The applicant did not construct this house.

7.3. **Ribbon Development**

- 7.3.1. There is extensive ribbon development in the immediate vicinity of the site. The applicants, in the response to the appeal, have submitted that they provide for an exception to the issue of ribbon development due to meeting local need and because there is no alternative site available to them. Notwithstanding the lack of any rural housing need and the applicant having been in receipt of permission for a dwelling elsewhere, it must be clearly understood that ribbon development is a physical manifestation and compliance with policy provision is not relevant. This proposed development would add to the extensive line of housing that has been permitted to develop in this rural area to the north of Moate. It very clearly would add to the excess of ribbon development that already persists at this location.
- 7.3.2. I note the provisions of *Sustainable Rural Housing Guidelines for Planning Authorities*. Appendix 4 recommends against the creation of ribbon development for a variety of reasons relating to road safety, future demands for the provision of public infrastructure as well as visual impacts. In characterising such development reference is made to “*a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage*”. It is clear that the further expansion of ribbon development arising from the proposed development would not be in keeping with the provisions of the Guidelines as they relate to ribbon development.
- 7.3.3. Finally, I note the policies of Westmeath County Development Plan as they relate to development within the hinterland of its larger towns. The proposed development would clearly conflict with the relevant policies. These include Policy P-GRH3, which seeks to control ribbon development, and Policy P-GRH7, which seeks to resist urban generated and speculative residential development outside the settlement hierarchy.

7.4. **Effluent Treatment**

- 7.4.1. The site of the proposed development is in a rural area that is not served by public sewerage facilities. This is a location in which one-off housing is rampant and these houses are dependent on private individual effluent treatment systems. It is my submission to the Board that it would be wholly unsustainable to be seeking to accommodate a further private wastewater treatment system at this location. There must be very serious concerns about the pollution threat that is posed by the development of such systems in such an intensive manner within a confined area. The proposed development would pose a pollution threat in such an instance, in my opinion, and could not reasonably be determined to be sustainable.

7.5. **Traffic Impact**

- 7.5.1. The proposed development would have access onto a relatively straight stretch of local road. I note the physical impediments that would interfere with sightlines that would be attainable from the proposed entrance. It is clear from the applicants' submissions to the planning authority and from the report of the District Engineer that adequate sightlines can be achieved arising from the removal of overgrowth and an embankment which restrict the sightlines at present. I do not consider that the proposed development merits a refusal of permission based on matters pertaining to traffic hazard.

7.6. **Visual Impact**

- 7.6.1. The appellant submits that the proposed development would block views of a wildlife sanctuary and views of the town of Moate, as well as the proposed house being excessively prominent and an obtrusive feature. I note for the Board that there are no views which are protected at this location. I accept that the proposed house would contribute to haphazard ribbon development at this location and, thus, would contribute to the undermining of the amenity of this rural area.

7.7. **Appropriate Assessment**

- 7.7.1. The location for the proposed development is remote from European sites. Having regard to the nature, scale, and location of the proposed development, the nature of the receiving environment, and the separation distance to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1. I recommend that permission is refused in accordance with the following reasons and considerations.

9.0 **Reasons and Considerations**

1. Having regard to the location of the site within a Strong Rural Area Under Significant Urban Influence as designated in the Westmeath County Development Plan 2014-2020, to the expense of one-off housing and the prevailing pattern of ribbon development in the area, and to the provisions of the *Sustainable Rural Housing Guidelines for Planning Authorities* and the National Policy Objectives of the *National Planning Framework*, which seek to manage the growth of areas that are under strong urban influence to avoid over-development and to ensure that the provision of single housing in rural areas under urban influence are provided based upon demonstrable economic or social need to live in a rural area, it is considered that the applicants do not come within the scope of the housing need criteria as set out in the Westmeath County Development Plan and the Sustainable Rural Housing Guidelines for a house at this rural location and do not comply with National Policy Objectives. 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, would exacerbate the pattern of ribbon development, and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, thus, be contrary to the provisions of the Westmeath County Development Plan as they relate to rural housing need and ribbon development, the *Sustainable Rural Housing Guidelines for Planning Authorities* and rural policy provisions of the *National Planning Framework*, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that, taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive density of development served by private effluent treatment systems in the area and would, therefore, be prejudicial to public health.

Kevin Moore
Senior Planning Inspector

26th May 2021