



An
Bord
Pleanála

Inspector's Report ABP-310208-21 Addendum Report.

Development	New dwelling house and garage.
Location	Ballygable or Trust Townland.
Planning Authority	Roscommon County Council.
Planning Authority Reg. Ref.	21/95.
Applicants	Sarah Healy and Carlo Morelli.
Type of Application	Permission.
Planning Authority Decision	Refusal.
Type of Appeal	First Party
Appellants	Sarah Healy and Carlo Morelli.
Observer	None.
Date of Site Inspection	23 rd June 2021.
Inspector	Philip Davis.

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1.0 Introduction

This appeal is by the applicants against the decision of the planning authority to refuse permission for a single rural dwelling on a site south of Roscommon Town. The single reason for refusal was housing policy.

This second (amended) report has been prepared following the Board Direction BD-008832-21 dated 4th April 2021 and the request to including the issue of national policy, specifically regarding the NPF and NPO 19 for consideration.

2.0 Site Location and Description

2.1. Ballygalda or Trust

Ballygalda or Trust townland is located in the gently rolling countryside of central Roscommon, some 4 km south of Roscommon Town. The N63 national secondary road runs through the townland, south to the small town of Athleague. The landscape is characterised by large fields of pasture, bounded with stone walls and ditches – many of these large fields are the result of relatively recent field consolidation. The area is drained by the Hind River, which flows east of the townland in a shallow valley to Lough Ree to the east. The appeal site is located on a minor country road that runs east from the N63, serving farms and dwellings in the area. The area is generally lightly populated with a scattering of farmhouses and individual dwellings. There is an abandoned gravel pit, now a pond, close to the junction of the N63 and the road leading to the appeal site. There is an extensive turlough on the opposite side of the N63.

2.2. Appeal site

The appeal site is located about 300 metres southeast of the junction with the N63, on the south side of a minor country road. The site area is given as 0.74 hectares and it is currently in pasture and is bounded on the road by a low stone wall and ditch. It is surrounded by open countryside, with what appears to be a small gravel pit approximately 250 metres to the north-west. There is a former demesne approximately 250 metres to the east and the River Hind is 550 metres to the east.

3.0 Proposed Development

The proposed development is described on the site notice as a new dwelling house and domestic garage, installation of wastewater treatment system and polishing filter, plus all ancillary works. The gross floor area of the dwelling is given as 309 m², with the garage 49 m².

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to refuse planning permission, for one stated reason, which I would summarise as stating that the proposed development is in an urban periphery area under housing pressure, and it is not satisfied that the applicants qualify under local housing rules set out in the development plan.

4.2. Planning Authority Reports

4.2.1. Planning Reports

- The site is within an area considered to be 'urban periphery' in accordance with section 5.11 of the Plan. In such areas only 'rural generated housing' is considered acceptable.
- The applicant's submission on rural connection is noted, but it is considered that as it is not the applicant's first house and they own an apartment in Galway, they do not qualify under the criteria set out in Section 5.11 of the plan.
- The design of the dwelling is considered acceptable in principle in visual terms.
- Sight lines are considered acceptable.
- The proposed wastewater treatment system is considered acceptable.
- There are no indications of flood risk.
- It is concluded that as the applicants do not qualify under the criteria set out in Section 5.11, the proposed dwelling should be refused.

4.2.2. Other Technical Reports

None on file

4.3. Prescribed Bodies

None on file.

4.4. Third Party Observations

None on file.

5.0 Planning History

The planning report notes four previous applications for the site, two withdrawn (**PD 20 176** and **PD 00 987**) and two grants of permission for a 2-storey dwelling (**PD 05 1051** and **PD 00 1422**).

6.0 Policy Context

6.1. Development Plan

The site is in open countryside without a specific designation in the Roscommon County Development Plan (RCDP) 2014-2020, which is still the operable development plan for the area. It is considered to be within 'Category Area A – Urban Periphery' as defined in section 5.11 of the RCDP (this is disputed by the appellant). Relevant policy on rural settlement is set out in Section 2.3.8 of the RCDP.

6.2. Natural Heritage Designations

The **Ballinturly Turlough SAC** (site code 000588) is approximately 400 metres west of the site. The **River Suck Callows SPA** site code 004097 is 2 km to the south-west. The site is in the catchment of the Hind River, which flows to Lough Ree, which is designated as the **Lough Ree SPA** site code 004064 and the **Lough Ree SAC** site code 000440. These two designated sites are 9 km to the east.

7.0 The Appeal

7.1. Grounds of Appeal

- It is argued that the planning authority misapplied the criteria set out in Chapter 5 and Table 5.3 of the Development Plan.
- It is argued that the site is within Category B lands, not Category A, as indicated in the planning report.
- It is argued that the applicants fully fulfil the criteria for both categories as a local person.
- The applicant's connections to the local area are set out in detail along with attachments to the appeal. It is stated that she is from the area and intends to take on the family farm.
- It is argued that the ownership of an apartment in Galway is irrelevant to the applicant's rural links and qualification under the stated criteria. The apartment is a student residence and not a permanent resident and it is stated that the applicant does not commute to Galway.
- It is noted that in all other respects, the proposed development is fully in accordance with development plan policy.

7.2. Planning Authority Response

The planning authority did not respond to the grounds of appeal.

7.3. Observations

None.

8.0 Assessment

Having inspected the site and reviewed the file documents I consider that this appeal can be addressed under the following headings.

- Principle of development
- Pattern of Development
- Other planning issues
- Appropriate Assessment

8.1. Principle of development

The National Planning Framework (NPF) sets out national policy with regard to rural housing development in Chapter 5. The NPF sets out a number of policy objectives to support the sustainable development of rural areas by encouraging growth and arresting decline in addition to managing the growth of areas under strong urban influence, while sustaining vibrant rural communities. A particular focus is to support appropriate development in rural towns and villages with appropriate infrastructure. Policy Objective 19 states that it is 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 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;*
- *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.*

The site is in open unzoned countryside in an area which the planning authority states to be 'Category A – Urban Periphery' in the development plan, although the applicant disputes this. The map indicating these areas in the Roscommon County Development Plan (RCDP) 2014-2020 (but still the operable plan) is scaled such that it is difficult to be clear on this point. But as the site is close to Roscommon Town and close to a National Secondary Road and is indicated in Map 11 in Section 5 (Housing) of the Development Plan as an area under Strong Urban Pressure as defined in the national Sustainable Rural Housing Guidelines. The RCDP sets out 'category A' as more restrictive than those under Strong Urban Pressures, but both have a focus on restricting rural housing except to those who qualify under specific exemptions. The policies are as follows:

Rural Policy Category Area A (Urban Periphery) constitutes a small number of townlands immediately adjacent to the development boundaries of the settlements of Roscommon Town Monksland/Beallanamullia, Castlerea, Boyle and Ballaghadereen. These areas can be classed as being under very strong urban influence and within short commuting distance of these settlements. These settlements are also classed as important population growth centres within the west region which is likely to result in increased pressure for individual housing development in these rural hinterlands as the population of these settlements increase. In this context it is considered reasonable that individual housing development within these areas be reserved for essential locally generated housing need.

Rural Policy Category B (Areas Under Urban Influence) constitutes the south Roscommon countryside which is also strongly influenced by the settlements of Roscommon Town and Athlone. These areas are also under urban influence from the settlements of Roscommon Town, Athlone and Ballinasloe, though to a lesser extent than category A above. These areas are categorised by strong pressure for urban generated housing development as well as locally generated housing development. In this context it is considered that these areas be reserved for individual housing development which meets the rural generated housing need criteria set out in the 'Definition of Urban & Rural Generated Housing Need' (See Table 5.3).

Table 5.3 sets out the policies and suitability criteria for the rural area house types:

Rural-Generated Housing Need is defined as demand for housing in rural areas generated by:

a. People who have lived in a rural area of County Roscommon for a large part of their lives or who have rural roots in terms of their parents being of rural origin.

These would include farmers or close relatives of farmers who can substantiate that they are also engaged in agriculture or otherwise dependant on the immediate rural area (rather than a nearby town or village) for employment, and/or anyone taking over the ownership and running of a farm. It would also include people who have no family lands but who wish to build their first home within the rural community in which they have spent a large and continuous part of their lives. or

b. People working full-time in a rural-based activity, who can show a genuine need to live close to their workplace and have been engaged in this employment for over five years. This would include those working in agriculture, horticulture, farming, forestry, bloodstock, peat industry, inland waterway or marine-related occupations, as well as part-time occupations where the predominant occupation is farming or natural resource-related. or

c. People employed locally whose work provides a service to the local community or people whose work is intrinsically linked to rural areas such as teachers in rural schools. or

d. People with a significant link to the Roscommon rural community in which they wish to reside, by reason of having lived in this community for a minimum period of five years or by the existence in this community of long established ties with immediate family members. Urban-Generated Housing Need is defined as demand for housing in rural areas generated by: Persons principally living and working in urban areas, including second homes. Urban-generated housing needs will be accommodated in towns and villages and in principle on a site specific basis in rural areas within Rural Policy Area Category C.

In either category, there is a strong presumption against permitting random rural housing unless the applicant demonstrates the above need, subject to normal planning and environmental criteria. Within the context of the NPF and NPO19, I consider that the development plan is consistent with the NPF and related policies. The applicants have set out a detailed argument that they have strong family links with the area. They have argued that the planning authority focus on the Galway City apartment in their possession is irrelevant to their overall need to live in the locality, and I would agree that this is not directly relevant to the assessment of whether they fulfil the need criteria set out in Section 5.3.

Notwithstanding this, I consider that the overall policy requirement set out in the RCDP is clear and unambiguous and in line with national and regional guidance including the National Planning Framework and NPO19. There is a strategic focus on providing housing in existing towns and villages and in preventing the scattering of urban generated housing across the countryside, especially in those areas such as South Roscommon, which is under obvious pressures, with consequent impacts on the landscape and the provision of roads and other services. The application of the housing need criteria therefore has to be applied in a strict manner having regard to the presumption against such random rural developments.

I therefore concur with the overall conclusion of the planning authority that the applicants do not qualify under the exemptions, even if you apply the somewhat less strict criteria for areas under Category B rather than Category A.

8.2. Pattern of Development

The site is in a gently undulating landscape typical of south Roscommon, with large well drained fields and turloughs and other limestone related features in low-lying areas. The appeal site is at the high point of a ridge running more or less in parallel to the N63. The lands to the north were part of a larger demesne, and the indications are that many hedges have been cleared to enlarge fields. The site itself is largely screened from the N63 by way of a mature hedgerow running along the ridge edge. There is a scattering of dwellings, including some empty and semi-derelict, to the east, while there are few dwellings along the N63. There are a number of active quarries in the area. The appeal site is not part of an existing ribbon or cluster of development. The proposed development would be very

prominent when viewed from the adjoining road, but is not likely to be clearly visible from longer distances unless the surrounding hedges/treelines were cleared.

8.3. Other planning issues

8.3.1. *Drainage and flooding*

There are no records of floods on the site or adjacent lands. There is a turlough just over 400 metres to the west on low lying lands. The site characterisation form submitted with the application indicates that it is over a vulnerable aquifer of regional importance, but there is good quality subsoil – mostly boulder clay – at least 3 metres above it, so it would appear to be suitable for a proprietary system with discharge to groundwater. The nearest watercourse is a land drain across the road that flows to the west.

8.3.2. *Traffic*

The site is on a minor country road (L7119) that appears to be lightly used by regular traffic, but I observed a significant movement of heavy vehicles during my site visit, probably associated with a quarry to the east. Road signs indicate that it is part of the 'Green Heartlands Cycle Route'. The road is relatively well paved and wide for a country road and the proposed sight lines appear to be adequate.

8.4. *Conservation*

There are no protected structures in the vicinity, although the lands to the north were part of a larger demesne. There are a number of recorded ancient monuments indicated in the vicinity, most of which appear to have been destroyed by agricultural activities. None are within 300 metres of the site.

8.4.1. *Development contributions*

The proposed development would be subject to a S.48 development contribution in accordance with the adopted Scheme. There are no indications that other development contributions would apply.

8.5. **Appropriate Assessment**

The site is close to, and within the watershed of a number of designated sites.

Ballinturly Turlough SAC (site code 000588) is approximately 400 metres west of

the site. The **River Suck Callows SPA** site code 004097 is 2 km to the south-west – I note that the conservation objectives for the Turlough state that the two designated habitats should be considered as linked. The site seems to be in the catchment of the Hind River, which flows to Lough Ree, which is designated as the **Lough Ree SPA** site code 004064 and the **Lough Ree SAC** site code 000440. These two designated sites are 9 km to the east.

There are no watercourses within the site. It is at the top of a ridge, but the land seems to drain towards the east, into the Hind River Catchment, although there is a land drain across the road which drains to the west. The land is generally well drained. There is a possibility that any groundwater is within the catchment of the Ballinturley Turlough, but I consider it more likely that groundwater flows towards the Hind and Shannon catchment. The site is over an aquifer designated as of high vulnerability, but the groundwater level appears to be at least 3 metres below groundwater levels and there is no visible evidence of ponding, so there is minimal possibilities of the proprietary wastewater system, by itself or in combination with others, having an impact on groundwater quality. The proposed development itself is modest in scale.

I therefore consider that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 000588 or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 Recommendation

I recommend that the Board uphold the decision of the planning authority to refuse permission for the following reasons and considerations.

10.0 Reasons and Considerations

The proposed development is located in an area on the boundary between Category A – Urban Periphery and Category B – under strong urban pressures as defined in Section 5.11 of the Roscommon County Development Plan 2014-2020. It is the policy of the council to restrict housing in such areas to those who are intrinsically part of the rural community and satisfy the criteria set out in table 5.3 of the development plan. This policy is considered reasonable and consistent with the Sustainable Rural Housing Guidelines for Planning Authorities (April 2005). It is considered that the applicants have not demonstrated that they meet the criteria for a rural generated house as set out in the development plan and the proposed development would thus be contrary to policy set out in Section 5.11 of the development plan and national plans and guidelines and would thus be contrary to the proper planning and sustainable development of the area.

Philip Davis
Planning Inspector

30th June 2021