



An
Bord
Pleanála

Inspector's Report ABP310246-21

Development	Construct house, garage, associated works.
Location	Cullenstown, Foulksmills, County Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20210277.
Applicant(s)	Johnny Connors.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party v Refusal
Appellant(s)	Johnny Connors.
Observer(s)	None.
Date of Site Inspection	9 th July 2021.
Inspector	Hugh Mannion

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1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.4ha and comprises the part of an agricultural field at Cullenstown, Foulksmills, County Wexford. The site is the central part of a larger field in use as pasture/animal grazing and has road frontage on its southern boundary onto a minor local road. Its northern boundary adjoins a stream, and the western and eastern boundaries are undefined within the site but hedging is proposed on these boundaries in the submitted drawings.
- 1.2. The area is rural and dominant land use is agriculture and the area is served by a network of minor roads that access the N25 to the north, the N25 links New Ross in the west to Wexford town in the east.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a two storey house, garage and associated works at Cullenstown, Foulksmills, County Wexford.

3.0 Planning Authority Decision

3.1. Decision

Permission refused

The scale, bulk, massing and detailed design would conflict with section 18.12.2 of the Wexford County Development Plan, would not blend into the landscape and the proposed development would be visually prominent, and contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended refusal as set out in the managers' order.

3.2.2. Other Technical Reports

The **Roads Section** reported that sightlines are available in both directions and recommended a grant of permission subject to conditions.

The **Environment Section** recommended a grant with conditions in relation to effluent disposal.

4.0 **Planning History**

Under 2019/172 permission was granted on this site for a single storey house, garage and associated works. This permission was not implemented.

Under 2015/1054 permission refused for the erection of a house/garage on the site for three reasons relating to the location of the wastewater treatment system in an area prone to flooding, lack of detail on water supply, and lack of adherence to the rural housing guidelines set out in the County Development Plan.

5.0 **Policy and Context**

5.1. **Development Plan**

5.2. The site is not zoned in the current Wexford County Development Plan.

5.3. Section 4.3.3.1 of the County Development Plan characterises rural areas as ‘Areas under Strong Urban Influence’, ‘Stronger Rural Areas’ and ‘Structurally Weak Areas’ and maps these on a ‘rural area types’ map in Chapter 4. The application site is located in an area designated as a Structurally Weak Area and objective RH05 states that the planning authority will “facilitate the development of individual houses in the open countryside in ‘Structurally Weak Areas’ in accordance with the criteria laid down in Table No. 12. Table 12 states that housing for people building permanent residences for their own use are permitted in such areas.

5.4. Section 17.7 of the county development plan sets out policy in relation to rural housing design. The Plan states that “the fundamental message for design is that the house must be suitable to its rural area”, the proposed house should be of an appropriate scale and form for its rural setting, and appropriate design in a rural context can be either traditional or a modern interpretation of the same or a bolder

modern or contemporary design if properly executed. Hedgerows should be left intact.

5.5. **The Plan at 18.12.1 One-off Rural Housing**

5.6. A range of criteria will be used to assess if a site is acceptable in principle for a dwelling house. These criteria should be considered before moving on to detailed house and site design and include:

- The applicant(s) should satisfy the Rural Housing criteria set out in the Sustainable Rural Housing Strategy in respect of the location of the site (Chapter 4).
- The site should be capable of accommodating a private wastewater system where required which meets current regulations and there should be a satisfactory and safe supply of drinking water to the site.
- The site should be capable of being safely accessed in perpetuity with the necessary sightlines being achievable without excessive loss of landscaping. If access is proposed from a private lane, the necessary legal consents should be in place and the lane should be in satisfactory condition to accommodate the development.
- The development would not result in or extend an existing pattern of one-off linear development. If the development would result in five or more houses in a row over 250m of road frontage, the Council will consider whether it would be appropriate to further extend this pattern of development. The type of rural area, the circumstances of the applicant and the extent to which the development would infill an existing pattern will be taken into account in the Council's considerations.
- Development of the site should not have adverse impacts on Protected Structures, designated sites of nature conservation value (cSACs, pNHAs and SPAs) and/or sites of archaeological interest.
- The site should be capable of accommodating a dwelling which has regard to and avoids potential adverse impacts on existing properties adjoining the site.
- The site should not be vulnerable to flood risk.

- The site should be capable of accommodating a dwelling house which blends into and is not visually intrusive in the landscape.
- The site should be capable of accommodating proposals to manage surface water drainage without significant discharges affecting the public road drainage.
- The siting of a dwelling house should:
 - Blend into the landscape and not be visually prominent, having regard to the scale of the proposed dwelling.
 - Meet minimum separation distances from wastewater treatment and surface water drainage systems
 - Reflect the position of adjoining developments (developments which are positioned significantly in front of or behind a general building line are likely to be more visually prominent)
 - Avoid adverse impacts on neighbouring properties from overlooking and undue overshadowing and visual impacts
 - Avoid adverse impacts on historic sites, nature conservation and archaeology
 - Minimise adverse impacts on existing site specific landscaping, for example, trees and hedges with medium and long term landscaping/ screening value

5.7. Natural Heritage Designations

Not relevant.

5.8. EIA Screening

Having regard to the nature and scale of the proposed development I am satisfied that no likely significant impacts on the environment arise from the proposed development and that the submission of an EIAR and carrying out of an EIA is not required in this case.

6.0 The Appeal

6.1. Grounds of Appeal

- There are many two storey houses in the area.
- The proposed house is below road level which will reduce its impact.
- The site has good screening which will reduce visual impact.
- The proposed house will settle into the landscape.

6.2. Planning Authority Response

- The site is part of a larger agricultural field and is below road level.
- There is a substantial history of planning applications on site.
- The proposed hose is considerably higher and bulkier than that permitted under 2019072.
- The design details (Georgian windows and Greek columns) are out of context in the rural landscape.
- The proposed house would be overly visually prominent and incompatible with the rural landscape.

6.3. Observations

- None

6.4. Further Responses

None.

7.0 Assessment

7.1. One-off Rural Housing Policy.

- 7.2. National Policy Objective 19 in the National Planning Framework (NPF) states that the state will 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 in rural areas elsewhere to facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements. The applicant states in the application form that he is a self-employed and works locally and that he has been born and educated in the area.
- 7.3. The Sustainable Rural Housing Guidelines for Planning Authorities make a similar point that planning authorities should, when considering applications for permission for rural housing, make a distinction between urban generated housing applications and rural generated housing applications.
- 7.4. The application site is in an area designated a 'structurally weak area' in the Sustainable Rural Housing Strategy Map include in chapter 4 of the County Development Plan. Objective RH05 in relation to such areas is "to facilitate the development of individual houses in the open countryside in 'Structurally Weak Areas' 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 in chapter 4 states that 'housing for people building permanent residences for their own use is permitted in this area'. I consider that the County Development Plan fails to make a distinction between urban generated housing applications and rural generated housing applications structurally weak area as is required by the Sustainable Rural Housing Guidelines and the NPF.
- 7.5. In this instance the application does not demonstrate that it arises from a rural generated housing need but I consider that this is a new issue which, if the Board were to consider it as a reason for refusal, it should be put to the applicant for comment.

7.6. Reason for Refusal.

- 7.7. The County Development Plan at 18.12 sets out a number of criteria in relation to the siting/design of one-off rural housing in County Wexford. *Inter alia*, applicants must satisfy the rural housing strategy set out in Chapter 4 of the Development Plan, access should be achievable without excessive loss of landscaping, new housing should blend in and not be visually intrusive in the landscape, external finishes should enable the development to blend into the landscape.
- 7.8. The planning authority refused because the proposed development is inappropriately sited and would not blend into the landscape. The applicant's grounds of appeal make the point that there is good screening available and that the proposed development will blend into the site and should receive a grant of planning permission.
- 7.9. The application site comprises the central part of an agricultural field and, if the proposed house were constructed, the development would leave two smaller sections with significantly diminished utility as agricultural land. While the applicant makes the point that there is reasonable screening of the site from the public road it may be noted that the application drawings provide for the removal of the majority of the roadside hedge to provide adequate sightlines on the public road. Furthermore, there is no existing screening of the eastern or western elevations of the house which will be prominent in views from the public road. The closest house to the east is a dormer bungalow in the ownership of the applicant's parents, the next house is also a bungalow. Opposite the site are three houses. From the west there is a more vernacular two storey house, then another smaller two storeys with a gable facing onto the road and then a dormer house set well back from the public road and difficult to observe from the public realm. I conclude on this basis that the pattern of houses in the area ranges from bungalow/dormer bungalow to older 'farmhouse' style two storey houses.
- 7.10. The proposed house contrasts with this pattern. The house is 10.87m high at roof ridge level and about 20m deep, there is a variety of window/door openings/and shapes and the roadside elevation has not taken the advice set out in the county development plan in relation to simplicity of design elements. The development plan specifically requires that new rural house designs have regard to the patterns of

house development in the area. I conclude that the proposed development has not adequately met the design criteria set out in the County Development Plan in the regard.

7.11. I conclude on this basis that the planning authority's reason for refusal is reasonable.

7.12. **Public Services.**

7.13. There is no public sewerage or public water supply available to serve the proposed development. Therefore, the proposed development will be served by a private well and domestic wastewater treatment system. In my view this is a fundamentally unsustainable form of rural housing unrelated to a demonstrable rural housing need.

7.14. **Road Safety.**

7.15. The proposed development includes a new vehicular access onto the public road. The road is relatively straight at this point and there is a broken white median line. There are however no footpaths, cycle paths, public lighting or pedestrian crossings. The planning authority's roads engineer reported that subject to removal of the roadside hedge to achieve sightlines that the proposed development would not give rise to traffic hazard.

7.16. I do not recommend refusal based on traffic safety.

7.17. **Appropriate Assessment Screening.**

7.18. Having regard to the nature and scale of the proposed development, the foreseeable emissions therefrom and the distance to the nearest European site I conclude that no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

8.1. I recommend refusal.

9.0 Reasons and Considerations

	<p>The Wexford County Development Plan 2013 to 2019 (lifetime extended) sets out assessment criteria for the siting and design of rural houses. Having regard to the scale, mass, height, detailed design (including fenestration, door openings, and decorative features) and location centrally within an agricultural field in a manner that would diminish the agricultural utility of the land it is considered that the proposed house would be visually obtrusive in within the landscape and out of character with the pattern of housing development in its rural context. The proposed development would, therefore, materially contravene the policy set out in the County Development Plan and would be contrary to the proper planning and sustainable development of the area.</p>

Hugh Mannion
Planning Inspector

15th November 2021