



An  
Bord  
Pleanála

## Inspector's Report ABP-310660-21

### Development

To construct a five bedroom dwelling.  
The application will also include a new entrance, domestic garage and all associated site works and drainage.

### Location

Garnafailagh, Athlone, Co.  
Westmeath.

### Planning Authority

Westmeath County Council

### Planning Authority Reg. Ref.

21/197

### Applicant(s)

Rachel Scanlon and James O'Rourke

### Type of Application

Permission

### Planning Authority Decision

Refusal

### Type of Appeal

First Party v. Decision

### Appellant(s)

Rachel Scanlon and James O'Rourke

### Observer(s)

None.

### Date of Site Inspection

17<sup>th</sup> February, 2022

### Inspector

Robert Speer

## **1.0 Site Location and Description**

- 1.1. The proposed development site is located in the rural townland of Garnafailagh, Athlone, Co. Westmeath, approximately 2.7km northeast of the town centre, along a minor local road that extends between the N55 National Road to the east and the small rural node of Coosan to the west, where it occupies a position marginally beyond the limits of the urban development boundary. While the surrounding landscape is primarily one of undulating rural countryside, there is a considerable concentration of piecemeal one-off housing and linear / ribbon development (typified by conventional single-storey and dormer bungalow construction) along the roadways in the area which serve to give a somewhat 'suburban' appearance to the locality. The site itself has a stated site area of 0.202 hectares, is rectangular in shape, and presently forms part of a larger agricultural field set as pasture which is bounded by mature hedgerow along the roadside. The site topography is characterised by a gentle fall northwards away from the public road and towards a drainage channel located in the adjacent field. The site is located to the immediate west of a recently completed single-storey dwelling and will continue a pattern of linear development along the roadside. It is bounded by agricultural lands to the north and west with the public road to the south.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of the construction of a dormer bungalow based on an 'L'-shaped plan with a stated floor area of 267m<sup>2</sup> and a ridge height of 6.054m. The overall design is conventional with vertically emphasised fenestration, a feature entrance porch, and a box dormer window to the rear elevation. External finishes will include a smooth napp plaster, the feature use of grey limestone, and natural roof slates. Provision has also been made for the construction of a single-storey garage (floor area: 38m<sup>2</sup>) to the rear of the house.
- 2.2. Access to the site will be obtained directly from the adjacent public road to the immediate south via a new entrance arrangement located in the south-eastern corner of the site. Water and sewerage services are available via connection to the public mains.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. On 9<sup>th</sup> June, 2022 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 3 No. reasons:

- It is the policy of the Planning Authority, as set out in the current Development Plan, to control non-essential dispersed residential development in rural areas and to direct such development to existing settlements and to facilitate rural generated housing in the area where the applicants can demonstrate an intrinsic link, in order to minimise the impact of development on agriculture and the landscape, to strengthen rural communities and to allow for a more economic and orderly provision of services and infrastructure.

The proposed development does not come within the foregoing development objectives set out in the Westmeath County Development Plan, 2021-2027 policy CP09.1 or guidance contained in the Sustainable Rural Housing Guidelines; the proposed development is considered contrary to the proper planning and sustainable development of the area.

- Having regard to the existing level of residential development in the vicinity of the site, it is considered that the proposed development would constitute ribbon development and would further exacerbate the patterns of linear ribbon development along the L-1474, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure, and would therefore be injurious to the visual amenity of the area and contrary to the proper planning and development of the area.
- Having regard to the density of existing development and wastewater treatment systems in the vicinity, the issue of cumulative impact of an additional septic tank / wastewater treatment system at this location, it is considered that the proposed development would result in the excessive concentration of development served by septic tanks and wastewater treatment systems in the area. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports:

Details the site context, including the relevant policy considerations, and states that Objective CPO 9.1 of the Development Plan is applicable in this instance given the site location in a '*rural area under strong urban influence*'. It proceeds to consider the submitted particulars as regards compliance with the applicable eligibility criteria and determines that the applicant (Ms. Scanlon) is from the urban area of Athlone Town and does not have any intrinsic links to the hinterland of Garnafailagh. It is further considered that the applicants do not come within the scope of the housing need criteria set out in the '*Sustainable Rural Housing, Guidelines for Planning Authorities, 2005*' and that they have not demonstrated an economic or social need to live at the location proposed in line with national policy (notwithstanding the provisions of Objective CPO 9.1 of the Development Plan). With respect to the design and siting of the proposal, it is stated that the development would exacerbate the already excessive concentration of housing in this rural area and would continue a pattern of ribbon development that would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposal is therefore considered to be injurious to the visual amenity of the area and contrary to the proper planning and development of the area. The report concludes by recommending a refusal of permission for the reasons stated.

#### 3.2.2. Other Technical Reports:

*Area Engineer:* Recommends that further information be sought in respect of the provision of adequate sightlines from the proposed entrance arrangement and all necessary works (including those on lands outside of the applicants' control).

### 3.3. Prescribed Bodies

*Irish Water:* No objection, subject to conditions.

### 3.4. Third Party Observations

None.

## **4.0 Relevant Planning History**

### **4.1. On Site:**

None.

### **4.2. On Adjacent Sites:**

PA Ref. No. 197232. Was granted on 24<sup>th</sup> March, 2020 permitting Colm & Cathy Moriarty permission for the construction of a new single storey, detached dwelling, garage, new vehicular entrance and all associated site works, all at Garnafailagh, Athlone, Co. Westmeath.

PA Ref. No. 197112. Was refused on 11<sup>th</sup> July, 2019 refusing Colm & Cathy Moriarty permission for the construction of a new 2 storey, detached dwelling, garage & storage area, new vehicular entrance and all associated site works, all at Garnafailagh, Athlone, Co. Westmeath.

- Having regard to the scale, bulk and height of the proposed dwelling and siting within a predominantly low-profile context, situated at the end of a linear row of residential dwellings, it is considered that the proposed development would not easily integrate within this open and built up area. Having regard to the characteristics of the proposed site, it is considered that the site is not capable of absorbing the scale and bulk of the proposed design and the location of the outbuilding to the forefront of the application site will further exacerbate this visually dominant form. The proposed siting of such a large-scale dwelling within a relatively constrained road frontage plot would result in an excessively prominent and obtrusive feature on the landscape and would thus negatively impact upon the visual amenity of the area and constitute a visually dominant built form. It is considered that the proposal is contrary to policy P-GRH1 of the Westmeath County Development Plan 2014 and the Westmeath Rural Design Guidelines which requires that buildings in rural areas conform to a high standard of design and integrate with the existing rural landscape and as such is considered contrary to the proper planning and sustainable development of the area.
- Taken in conjunction with existing and permitted development in the vicinity, the proposed development would extend and further exacerbate ribbon

development and an excessive density of development within this rural area and as such would interfere with the character of the rural landscape which it is necessary to preserve. The proposed development if permitted would be contrary to the proper planning and sustainable development of the area.

## 5.0 Policy and Context

### 5.1. National and Regional Policy

- 5.1.1. The '*Sustainable Rural Housing, Guidelines for Planning Authorities, 2005*' promote the development of appropriate rural housing for various categories of individual as a means of ensuring the sustainable development of rural areas and communities. Notably, the proposed development site is located in a '*Area under Strong Urban Influence*' as indicatively identified by the Guidelines. Furthermore, in accordance with the provisions of the Guidelines, the Westmeath County Development Plan, 2021-2027 includes a detailed identification of the various rural area types specific to the county at a local scale and '*Map 9.1: Rural Typology*' of the Plan details that the site is located in a '*Rural Area under Strong Urban Influence*'.

### 5.2. Development Plan

5.2.1. ***Westmeath County Development Plan, 2021-2027:***

*Chapter 2: Core Strategy:*

Section 2.14: *Rural Areas:*

Section 2.14.1: *Rural Area Under Strong Urban Influence:*

This area comprises most of the County and is characterised by stable population levels with well-developed town and village structures and a strong agricultural base. The objective in these areas is to maintain a stable population base in rural areas within a strong network of villages and small towns. The policy is to facilitate housing development by people who have strong links to the particular rural area, who are an intrinsic part of the rural community.

Such persons would normally have spent substantial periods of their lives living in the rural area as part of the established rural community, e.g. people employed in

the rural area including farmers and their sons and daughters, people originally from the rural area and wishing to return, people wishing to reside near elderly parents to provide security and care, elderly parents wishing to live near other family members, people who would have grown up in rural areas seeking to build their home close to other family members, people working in rural areas such as teachers in rural schools.

The aim is to support the desire of individual applicants with strong rural links to settle in that area and to encourage people with no such links to settle in the identified extensive network of towns or villages.

*Core Strategy Policy Objectives:*

*CPO 2.11:* Support the sustainable development of rural areas in Westmeath by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

*CPO 2.12:* Support the servicing of rural villages (serviced sites) to provide an alternative to one-off housing in the countryside, in line with RSES Objective RPO 4.78.

*Chapter 3: Housing:*

*Section 3.5: Future Housing Requirements:*

*Section 3.5.2: Rural Single Housing*

It is recognised that there is a continuing need for housing provision for people to live and work in rural Westmeath. The NPF states that it will continue to be necessary to demonstrate a functional economic or social requirement for housing need in areas under urban influence, i.e. the commuter catchment of cities and large towns and centres of employment. Elsewhere, single housing in the countryside will be facilitated based on siting and design criteria and having regard to the viability of smaller towns and rural settlements. These requirements are reflected in the Core Strategy of this Development Plan which includes a differentiation between 'Rural Areas under Strong Urban Influence' and 'Structurally Weak Rural Areas'.

*Chapter 7: Urban Centres & Place-Making:*

### *Section 7.8: Urban – Rural Interface:*

The distribution and location of new development in Westmeath is guided by the Settlement Strategy and the Core Strategy. This Plan supports the hierarchy of attractive, compact and consolidated settlements from the large settlements of Athlone and Mullingar to the smaller towns and villages serving the County. It is important to ensure that the future development of the settlements in the hierarchy physically distinguishes the development envelopes of town and villages from the surrounding rural hinterland and protects against unsustainable sprawl of urban growth.

The approach views to towns and villages are important in projecting the initial image and character of place. Traditionally, the interface between urban and rural areas was clearly defined; in this regard future development must be carefully considered to ensure the protection of the distinct settings between established built-up settlements and the surrounding countryside by creating a defined urban edge.

#### *Urban-Rural Interface Policy Objective:*

**CPO 7.46:** Protect the unique setting of towns and villages by providing for the maintenance of strong defined urban edges.

### *Chapter 9: Rural Westmeath:*

#### *Section 9.4: Rural Settlement Strategy:*

##### *Rural Housing Need Policy Objectives:*

##### **CPO 9.1:** *Areas Under Strong Urban Influence:*

To accommodate demand from individuals for permanent residential development in defined 'Rural Areas Under Strong Urban Influence' 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:**

Permit residential development in areas defined 'Rural Areas Under Strong Urban Influence and Stronger Rural Areas' 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 for this purpose being defined as persons who own the land 5 years prior to the date of planning application,
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 farmholding 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.

The local area for the purpose of this policy is defined as the area generally within a 10km radius of the applicant's family home

**CPO 9.2:** In line with Circular Letter PL 2/2017, review rural housing policy in line with Development Plan or other relevant Guidelines issued by the Minister in this area having regard to NPO 19.

#### **Section 9.5: *Environmental Capacity:***

##### ***Rural Housing Criteria Policy Objectives:***

**CPO 9.8:** Ensure that, in permitting one-off rural housing, key rural assets such as water, natural and cultural heritage and landscape quality are protected and maintained.

**CPO 9.9:** Protect the natural assets of the county including ground and surface water and ensure that physical standards are met including soil conditions suitable for effluent disposal and the avoidance of flood areas.

*CPO 9.10:* Protect the integrity of the landscapes as identified in the Landscape Character Assessment and protected views

*CPO 9.13:* Have regard to the Department of Environment, Community and Local Government's Sustainable Rural Housing Guidelines 2005, and any subsequent amendment in the assessment of applications for rural housing

#### *Section 9.5.1: Rural Housing Siting and Design*

#### *Section 9.6: Development within the Hinterland of Settlements:*

The aim of policy in these areas is to avoid undesirable ribbon development on the approaches to settlements and to protect the fabric of settlements by restricting development on the outskirts of the regional centre, towns and villages. Provision will be made for farmers, members of farm families and people that have spent substantial parts of their lives as part of the established rural community building their first home.

Proposals shall in all instances, except for reasons of traffic safety, design or other environmental consideration, be clustered with the existing family home or if farm buildings are isolated from the family dwelling, consideration can be given to grouping with farm structures.

#### *Development within the Hinterland of Settlements Policy Objectives:*

*CPO 9.14:* Promote the clustering of houses particularly on the same landholding or for the same family and promote shared accesses to minimise hedgerow removal.

*CPO 9.15:* Control ribbon development, particularly on approach roads into the county's regional centre, key town, self-sustaining growth towns and self-sustaining towns.

*CPO 9.17:* Ensure that the road network is adequate to cater for the development and that the traffic movements generated by the development will not give rise to a traffic hazard.

*CPO 9.18:* Retain, insofar as practicable, existing hedgerows and trees on new house sites. Replacement trees and hedgerows should be of native species.

*CPO 9.19:* Generally, resist urban generated and speculative residential development outside the settlement hierarchy.

*CPO 9.21:* Undertake a review of the Westmeath Rural Housing Design Guidelines.

*Chapter 13: Landscape and Lake Management:*

*Section 13.12: Character Area 6 Lough Ree / Shannon Corridor*

*Chapter 16: Development Management Standards:*

*Section 16.3.7: Rural Housing:*

Notwithstanding an applicants' demonstration of compliance with the rural housing criteria as set out at Chapter 9, it is important to note that applicants are also required to meet overriding sustainable planning practices in terms of visual impact, design standards, environmental and traffic safety issues.

The design of rural housing development requires careful design consideration to ensure that all new development sensitively integrates into the landscape. This requires specific focus on site selection, design, scale and form of the proposed development. The most successful designs subtly integrate with the receiving landscape by selecting naturally sheltered and screened sites and the development of a simple built form complimented with the use of materials that are reflective of traditional vernacular.

*Development Management Standards Policy Objectives - Rural Housing:*

CPO 16.32 – CPO 16.34 (incl.)

### **5.3. Natural Heritage Designations**

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Lough Ree Special Protection Area (Site Code: 004064), approximately 1km northeast of the site.
- The Lough Ree Proposed Natural Heritage Area (Site Code: 000440), approximately 1km northeast of the site.

- The Lough Ree Special Area of Conservation (Site Code: 0004440), approximately 1km northeast of the site.

#### **5.4. EIA Screening**

- 5.4.1. Having regard to the nature and small scale of the proposed development, the site location outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, 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 area of Garnafailagh encompasses a cluster of housing and various other services & amenities, including a number of local sporting facilities and two national schools, and thus amounts to a community in its own right with its own identity.
- The assertion that the proposed development would give rise to an adverse cumulative impact through the inclusion of an additional septic tank / wastewater treatment system is rejected. No such considerations arose in the Planning Authority's assessment of PA Ref. No. 19/7232 on the adjoining site to the immediate east while all of the existing housing in Garnafailagh also benefits from having been granted planning permission.
- If there are defective septic tank systems in the area, the Planning Authority is empowered to address any water pollution concerns by way of enforcement action.
- The proposed development does not include for the installation of a septic tank system and will be served by the public sewer.

- The proposal will not '*militate against the preservation of the rural environment and the efficient provision of public services and infrastructure*' on the basis that over half of the Garnafailagh area lies within the Athlone urban boundary while the development itself can avail of public services, including a sewerage connection.
- Nowhere in the aims, policies or objectives of the Development Plan is 'ribbon development' recited as anathema, especially given that most of Garnafailagh is within the urban area. This is particularly evident in light of the planning history and wider development of the area as well as the decision to grant permission for a dwelling house on an adjacent site under PA Ref. No. 19/7232.
- The Board's attention is drawn to a case presently before the Court of Justice of the European Union which concerns one of the four basic freedoms i.e. the right to free movement and, by implication, the right to reside. This eagerly awaited judgement will have far reaching implications for proper planning as expressed / interpreted in many Development Plans.
- Paragraph of the current Development Plan states the following:  
  
*'The Circular Letter PL2/2017 issued by the Department of Housing, Planning, Community and Local Government in May 2017 advised local authorities that the Sustainable Rural Housing Guidelines are currently being revised to ensure the rural housing policies and objectives contained in local authority development plans comply with Article 43 of the EU Treaty on the freedom of movement of citizens'*

Compliance with EU law is mandatory, not advisory.

- The assessment of this application could be subject to legal challenge.
- The need to demonstrate 'local need' is set out in CPO 9.1 of the Development Plan and derives from the '*Sustainable Rural Housing Guidelines*' which are in turn being amended to ensure compliance with EU law and / or directives. The prime objective of the Development Plan is the protection of agricultural lands & the landscape with the only exception where an applicant can demonstrate a local need to reside in what would otherwise

be an agricultural / rural area. Local need can be demonstrated by way of compliance with any one of the six eligibility categories set out in Objective CPO 9.1 and in this respect the subject proposal is supported by the information provided with Part B of the application form

The applicants satisfy Category 5: *‘Persons who have personal, family or economic ties within the area, including returning emigrants’*, with particular regard to the qualification that *‘The local area for the purposes of this policy is defined as the area generally within a 10km radius of the applicant’s family home’*.

Ms. Scanlon lives and works within 10km of the site while Mr. O’Rourke also resides within 10km of the site and works partly at the local State Examinations Commission c. 1.5km away. All of Ms. Scanlon’s extended family live in the locality while the applicants’ children attend school in Cornamaddy (c. 1.5km away).

Therefore, the applicants are legally entitled to a grant of planning permission based solely on their eligibility under Objective CPO 9.1 of the Development Plan.

- While Garnafailagh is bisected by a red line defining the Athlone urban municipal boundary, that division is an artificial construct which should not be read in isolation but instead in conjunction with the broader written aims, policies and objectives of the Development Plan. No part of the Plan forbids rural housing in one part of Garnafailagh and not the other.
- If the urban boundary line is interpreted flexibly, then the application site falls within the urban area where there is an automatic presumption of permission without the necessity to demonstrate local need. In the event such an argument was accepted, then the need for adherence to Category 5 of Objective CPO 9.1 is moot.
- The design of the proposed development is acceptable on aesthetic grounds.
- The applicants satisfy the requirements of Objective CPO 9.1 as they comply with Categories 4 & 5 and are from within 10km of the application site.

- The location of the applicants' family base within the urban area is irrelevant to the assessment of the application. The red line defining the urban boundary is entirely arbitrary and unimportant as the local need criteria has been satisfied.

## **6.2. Planning Authority Response**

- States that the third reason for refusal (which references the cumulative impact arising from an excessive concentration of development served by individual septic tanks and wastewater treatment systems) is unfounded and was included in error. In this regard, it is acknowledged that the proposed development will be served by the public sewer.

## **6.3. Observations**

None.

## **6.4. Further Responses**

None.

## **7.0 Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The principle of the proposed development / rural housing policy
- Overall design / visual impact
- Wastewater treatment and disposal
- Other issues
- Appropriate assessment

These are assessed as follows:

## 7.2. The Principle of the Proposed Development / Rural Housing Policy:

- 7.2.1. In terms of assessing the principle of the proposed development having regard to the applicable rural housing policy, it is of relevance in the first instance to note that the proposed development site is located in an '*Area under Strong Urban Influence*' as indicatively identified by the '*Sustainable Rural Housing, Guidelines for Planning Authorities, 2005*' and that the detailed identification of the various rural area types at a county level shown on Map No. 9.1: '*Rural Typology Co. Westmeath*' of the Westmeath County Development Plan, 2021-2027 similarly indicates that the site is located in a '*Rural Area under Strong Urban Influence*'. The Guidelines state that '*Areas under Strong Urban Influence*' will exhibit characteristics such as their proximity to the immediate environs or the close commuting catchments of large cities and towns (e.g. Athlone Town) and will generally be under considerable pressure for the development of housing due to their proximity to these urban centres or the major transport corridors accessing same (e.g. the N61, N62 & N55 National Roads and the M6 / N6 Corridor). Notably, within these '*areas under urban influence*', the National Planning Framework ('Project Ireland 2040: Building Ireland's Future') states that it will be necessary for applicants to demonstrate '*a functional economic or social requirement for housing need*' (with National Policy Objective No. 19 stating that the provision of single housing in rural areas under urban influence is to be based on the core consideration of a demonstrable economic or social need to live in a rural area and the siting and design criteria for rural housing contained in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements) while the Guidelines further state that the housing requirements of persons with roots or links in rural areas are to be facilitated and that planning policies should be tailored to local circumstances.
- 7.2.2. Considering the proliferation of one-off rural housing development observed in the wider area during the course of my site inspection, and the evidence of continuing pressure for such development due to the close proximity of Athlone town and a number of national routes, I would concur that the prevailing characteristics of the surrounding area are definitively indicative of an '*Area under Strong Urban Influence*'. Accordingly, it is necessary to consider whether the applicants satisfy the relevant eligibility criteria, with particular reference to Objective CPO 9.1 of the Development Plan which seeks to accommodate individuals for permanent

residential development in *'Rural Areas Under Strong Urban Influence'* 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. More specifically, it must be established whether the applicants meet the *'local housing need'* provisions by reference to one of 6 No. qualifying criteria (with the local area for the purpose of this policy defined as the area generally within a 10km radius of the applicant's family home).

7.2.3. Given the site context, cognisance should also be taken of Section 9.6:

*'Development within the Hinterland of Settlements'* of the Development Plan which aims to avoid undesirable ribbon development on the approaches to settlements and to restrict development on the outskirts of the regional centre, towns and villages. Notably, provision is to be made for *'farmers, members of farm families and people that have spent substantial parts of their lives as part of the established rural community building their first home'* within the 'hinterland of settlements', and all such proposals, except for reasons of traffic safety, design or other environmental consideration, are required to be clustered with the existing family home or if farm buildings are isolated from the family dwelling, consideration can be given to grouping with farm structures.

7.2.4. In addition to the foregoing, I would suggest that it is appropriate to have regard to the provisions of the *'Sustainable Rural Housing, Guidelines for Planning Authorities'* which state that in facilitating housing intended to meet rural-generated needs eligible persons can include those working full-time or part-time in rural areas or persons who are an *'intrinsic part of the rural community'* which are defined as follows:

*'Such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes. Examples in this regard might include sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first homes near their family place of residence'.*

(For the purposes of clarity, I would advise the Board that Circular letter PL 2/2017: *'Sustainable Rural Housing Guidelines for Planning Authorities 2005 – Local Needs Criteria in Development Plans'* clearly states that the *'Sustainable Rural Housing, Guidelines for Planning Authorities, 2005'* remain in place and thus form the current 'default' position (as supported by the National Planning Framework) pending the publication of revised guidance by the Department).

- 7.2.5. From a review of the available information, including the grounds of appeal, it is clear that the rationale for the selection of the subject site primarily derives from Ms. Scanlon's connections to the wider area with only limited reliance being placed on the circumstances of the co-applicant i.e. Mr. James O'Rourke (it would appear that Mr. O'Rourke is a native of Tuam, Co. Galway, having moved to the area in 2015, although he is employed locally and has developed links with the local community).
- 7.2.6. The application documentation is accompanied by Westmeath County Council's 'Local Need Questionnaire' and various supplementary information from which it can be ascertained that the applicants have an option to purchase the site and that they have resided with Ms. Scanlon's aunt in her dwelling house at Castlequarter, Coosan (approximately 1.7km west of the application site as per the mapping provided with the grounds of appeal), for the last three years. It has been also submitted that Ms. Scanlon is originally from the Coosan area, has ancestral / familial ties to the Coosan / Cornamagh area, and has close ties to the Garnafailagh area having attended Cornamaddy N.S. (the primary school closest to the development site) during which time she was looked after by a local childminder. She also claims to have long-standing relationships with residents of the Garnafailagh area. In addition, various details of the applicants' historical employment have been provided and I note that Ms. Scanlon is currently employed as a solicitor in Athlone town while Mr O'Rourke is a teacher at an undisclosed location (although the submitted information indicates that he is / was employed by the State Examinations Commission which is situated at Cornamaddy within the urban / town boundary).
- 7.2.7. At this point, I would advise the Board that there is no minimum residency requirement (within the local rural area wherein permission is sought) with respect to any of the eligible categories of person specified in Objective CPO 9.1, however, I would suggest that this objective is intended to be applied in the context of the wider rural settlement strategy contained in Section 9.4 of the Development Plan which

states that persons applying for permission in '*Rural Areas Under Strong Urban Influence*' must have strong links and a need to settle in that area and will '*normally have spent substantial periods of their lives living in the rural area as part of the established rural community*'.

- 7.2.8. A second aspect pertinent to the assessment of the subject application as regards Objective CPO 9.1 is that the definition of 'local area' for the purposes of this policy makes no distinction between an applicant's residence in either an urban or rural location relative to the application site.
- 7.2.9. In assessing whether Ms. Scanlon satisfies the requirements of Objective CPO 9.1, it is my opinion that there are several notable omissions / lacunae in the information provided in addition to a number of seemingly contradictory details which would require clarification. In this respect, I would advise the Board that while Ms. Scanlon has asserted that she is originally from the Coosan area and has lived with her aunt at Castlequarter, Coosan, for the last 3 years, no further details have been supplied of her historical residence in the rural area of Coosan (in terms of the location of the family home and how long she lived at that address). This is of particular note given that the mapping provided with the grounds of appeal shows Ms. Scanlon's mother's residence being located at Coolevin Park within the urban boundary of Athlone town. More notably, the supporting correspondence received from the principal of Cornamaddy N.S. (which is also within the bounds of Athlone town) states that during Ms. Scanlon's enrolment at that school, her address was recorded as No. 41 Coolevin Park, Athlone (where her mother apparently still resides). Ms. Scanlon's claim of historical residence at Coosan is further undermined by the record of pre-planning consultations undertaken by her and Mr. O'Rourke with a view to developing a dwelling house on those lands to the immediate east of the subject site (since developed by another party under PA Ref. No. 197232). During the course of those pre-planning discussions, the applicants provided their address as No. 41 Coolevin Park, Coosan, Athlone, with the Council recording that the applicant (Ms. Scanlon) had indicated that she had grown up in Coolevin Park and thus did not satisfy the local needs criteria.
- 7.2.10. From a careful analysis of the details submitted with the application, in my opinion, the likelihood is that the applicant is originally from Coolevin Park which is clearly within the town boundary of Athlone. The reference to her being originally from

'Coosan' may derive from the fact that townland of Coosan straddles the urban boundary and thus is not limited to the rural area in the vicinity of the crossroads at Castlequarter / Coosan Point Road (alongside Coosan N.S.). In this regard, I note that while Coolevin Park is situated a short distance from the townland of Coosan, it would actually appear to be situated within the neighbouring townland of Clonbrusk to the south. Therefore, on the basis of the foregoing, I am not satisfied that the subject proposal does not amount to urban-generated housing.

- 7.2.11. It is at this point that the definition of 'local area' for the purposes of Objective CPO 9.1 of the Development Plan requires consideration. While I would acknowledge the assertion in the grounds of appeal that the applicants comply with Objective CPO 9.1 on the basis that Ms. Scanlon is from within 10km of the application site, notwithstanding that her family base is within the urban area, and although Objective CPO 9.1 makes no distinction between residence in an urban or rural location, it is my opinion that the interpretation of the rural housing policy proffered in support of the subject proposal (i.e. that an applicant from an urban area would be eligible to construct a dwelling house in a rural area under strong urban influence on lands within 10km of their homeplace) would be entirely contrary to the rural housing policy and settlement strategy of the Development Plan as underpinned by the '*Sustainable Rural Housing Guidelines for Planning Authorities*' and the National Planning Framework. Objective CPO 9.1 must be considered in the context of the wider rural housing provisions set out in Development Plan and the interpretation suggested in the grounds of appeal would simply serve to accommodate urban generated housing and thus is untenable.
- 7.2.12. On the basis of the foregoing, I am also of the opinion that the applicants have failed to establish a demonstrable economic or social need to live at the location proposed, particularly as they would not appear to have spent a substantial period of their lives living in the rural area in question as part of the established rural community while their respective employments in Athlone town would not give rise to a need to reside at the subject site. It is of further relevance to note that the applicants have not confirmed whether they are building their first home or if they have previously owned a residence elsewhere.
- 7.2.13. Having considered the foregoing, it is my opinion that the need for an additional dwelling house in this '*area under strong urban influence*', which is already under

considerable development pressure, has not been adequately justified and thus the development would be contrary to Objective 19 of the NPF and the guidance set out in the Sustainable Rural Housing Guidelines. In this regard, I am not satisfied that the applicants satisfy the eligibility criteria set out in Objective No. CPO 9.1 of the Development Plan or that they have established a demonstrable economic or social need to live in this rural area. The applicant (Ms. Scanlon) would appear to be from Athlone town and therefore the proposal would amount to urban-generated housing. I am also unconvinced that the applicants' needs could not be satisfactorily accommodated elsewhere such as within the town or any of the designated settlements in the wider area having regard to the need to support the viability of towns and settlements as per Objective 19 of the NPF.

### **7.3. Overall Design / Visual Impact:**

- 7.3.1. With regard to the specifics of the design and siting of the proposed development, having conducted a site inspection, and following a review of the submitted plans and particulars, it is clear that whilst the overall design and layout of the proposed dwelling house is generally comparable to the surrounding pattern of development (typified by an abundance of conventional single-storey and dormer bungalows constructed in a linear format along the roadside), and although the wider visual impact of the construction will be somewhat limited given the broader site context, in my opinion, when taken in conjunction with the considerable concentration of piecemeal one-off housing and linear / ribbon development along the roadways in the immediate site surrounds, the submitted proposal represents a further unwarranted erosion of the rural character of this area which will have a wider impact on the prevailing landscape quality by contributing towards its gradual suburbanisation, a continuation of urban sprawl, and an excessive density of haphazard piecemeal development.
- 7.3.2. In support of the foregoing, I would draw the Board's attention to the site location marginally beyond the limits of the urban / town development boundary (and the Cornamaddy Action Area Plan, 2005) at the urban-rural interface of Athlone town where future development must be carefully considered to ensure the protection of the distinct setting between the established built-up area and the surrounding countryside by creating a defined urban edge. In this respect, it is the policy of the Planning Authority as expressed in Objective CPO 7.46 of the Development Plan to

protect the unique setting of towns and villages by providing for the maintenance of strong defined urban edges with a view to distinguishing the development envelope of the towns and villages from the surrounding rural hinterland and to protect against unsustainable urban sprawl. These policy aims are supported further by Section 9.6: *‘Development within the Hinterland of Settlements’* of the Plan which refers to the need to avoid undesirable ribbon development on the approaches to settlements and to protect the fabric of settlements by restricting development on the outskirts of the regional centre (i.e. Athlone) etc. More specifically, Objective CPO 9.15 seeks to *‘control ribbon development, particularly on approach roads into the county’s regional centre’* while Objective CPO 9.19 aims to *‘resist urban generated and speculative residential development outside the settlement hierarchy’*.

- 7.3.3. In light of the already excessive concentration of uncoordinated and piecemeal development at this urban-rural interface between Athlone town and the surrounding rural hinterland, I would concur with the assessment by the Planning Authority that the subject proposal would simply serve to exacerbate the existing pattern of ribbon development in the area. In my opinion, the proposed development amounts to further unwarranted urban sprawl which would not be conducive to the orderly expansion of Athlone town. Accordingly, while the visual impact of the proposed development in isolation could be held to be somewhat limited given the site context and the prevalence of existing housing in the area, the further erosion of the rural character of this area attributable to the continued development of one-off piecemeal housing as proposed can only be held to be detrimental to the visual amenity and rural character of the surrounding landscape.

#### **7.4. Wastewater Treatment and Disposal:**

- 7.4.1. Although the decision to refuse permission references the cumulative impact arising from an excessive concentration of development served by individual septic tanks and / or wastewater treatment systems, it has since been accepted by the Planning Authority in its response to the appeal that this reason for refusal is unfounded and was included in error given that the proposed development will be served by the public mains sewer. While I would acknowledge that the inclusion of this reason for refusal is regrettable in, the matter has been resolved and I do not propose to comment further on the issue.

## **7.5. Other Issues:**

### **7.5.1. Traffic Considerations:**

- 7.5.2. The proposed development site will be accessed via a new entrance arrangement onto an adjacent local roadway and whilst I am generally satisfied that adequate sightlines and stopping sight distances can be achieved at this location, I would have reservations as regards the increasing proliferation of individual site entrances along this particular stretch of roadway and the braking and traffic turning movements associated with same.

## **7.6. Appropriate Assessment:**

- 7.6.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

## **8.0 Recommendation**

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below:

## **9.0 Reasons and Considerations**

### **1. Having regard to:**

- a) the location of the site within a rural area identified as being under strong urban influence in accordance with the 'Sustainable Rural Housing Guidelines for Planning Authorities' published by the Department of the Environment, Heritage and Local Government in April, 2005;
- b) National Policy Objective 19 of the National Planning Framework (February 2018) which, for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstratable economic or social need to live in a

rural area, having regard to the viability of smaller towns and rural settlements,

- c) the provisions of the Westmeath County Development Plan, 2021-2027 which provide for consideration to be given to the development of rural housing in areas under strong urban influence for those with a definable social or economic need to live in the open countryside,

the Board is not satisfied, on the basis of the information on the file, that the applicants come within the scope of either the economic or social housing need criteria as set out in the overarching national guidelines or the definition of a person with strong links to the area and who is an intrinsic part of the rural community in accordance with the relevant criteria set out in the current development plan for the area. The proposed development, in the absence of any identified locally based need for the house at this location, would result in a haphazard and unsustainable form of development, would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure, and would undermine the settlement strategy set out in the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 2. It is the policy of the planning authority as set out in the current development plan to control urban sprawl and ribbon development. This policy is considered to be reasonable. The proposed development would be in conflict with this policy because, when taken in conjunction with existing and permitted development in the vicinity of the site, it would consolidate and contribute to the build-up of ribbon development in an open rural area. This would militate against the preservation of the rural environment and the need to maintain a clear distinction between the urban area of Athlone town and its rural hinterland, would lead to demands for the provision of further public services and community facilities, and would be detrimental to the visual amenity and rural character of the surrounding area. The proposed development would, by itself and the precedent it would set for further such

development, therefore, be contrary to the proper planning and sustainable development of the area.

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Robert Speer  
Planning Inspector

2<sup>nd</sup> March, 2022