



An
Bord
Pleanála

Inspector's Report ABP-311165-21

Development	Construction of dwelling.
Location	Cashelgarren, Co. Sligo
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	21189
Applicant(s)	Kieran & Karen Brennan
Type of Application	Planning Permission
Planning Authority Decision	Refused Permission
Type of Appeal	First Party Appeal
Appellant(s)	Kieran & Karen Brennan
Observer(s)	None
Date of Site Inspection	23 rd November 2021
Inspector	Susan Clarke

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1.0 Site Location and Description

- 1.1. The site has a stated area of 0.37ha and is located at Cashelgarren, Sligo. Benbulbin is located 2km to the east of the site. The site is located on the western side of the L4701, immediately north of the Mullaghaneane Reservoir. The reservoir is surrounded with high concrete posting and wire and has a storage container on-site. Further south of the reservoir (approx. 60m from the subject site) there is a single storey dwelling. There is a large lattice telecommunication tower located further south of the existing single storey dwelling, but on the eastern side of the road. This elevated structure is very prominent in the immediate area. Benbulbin and the Darty Range dominate views in the wider area.
- 1.2. The site is currently in agricultural use, which is the predominant land use in the area. There is an agricultural shed, in the Applicant's family ownership, located approximately 530m west of the proposed site. The shed is approximately 140m from N15, which is a designated Scenic Route. The entrance to the family lands on the N15 is approximately 700m from the proposed dwelling. The site level's fall from the southern boundary (highest point 99.75 OD) down to the northern boundary (lowest point 95.02OD). There is a hedgerow along the eastern boundary of the site.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - Construction of a single-storey (four-bed) dwelling (243 sq m) with a ridge height of 4.63m,
 - Provision of a tertiary wastewater treatment system and percolation area,
 - New vehicular entrance, and
 - Associated site works to facilitate the development.

To facilitate the construction of the split-level dwelling with finished floor levels of 96.50OD and 97.50OD, respectively, the proposed development includes regrading part of the site, equating to a reduction in the ground floor level by approximately one metre.

3.0 Planning Authority Decision

3.1. Decision

The Local Authority issued a Notification of Decision to Refuse a Permission on 20th June 2021 subject to one reason:

Due to the nature and topography of the proposed site, located in an elevated, exposed area lacking in natural of built-up screening, and to a ridgeline, particularly when viewed from the N15 Scenic Route to the west, the proposed development would not be able to successfully integrate into its setting or be absorbed in its surroundings. The proposed development would be a dominant feature in the landscape and have a significant visual impact, would interfere with, and negatively affect the character of the landscape.

This would be contrary to the provisions of Sections 13.4.2 Locating a house in the countryside, and contrary to the landscape protection policy P-LCAP-1, P-LCAP-2 and P-LCAP-3 of the Sligo County Development Plan 2017-2023, and thus contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report (20th June 2021)

The Planner's Report is consistent with the decision of the Planning Authority.

The Planning Officer considered that the Applicant demonstrated sufficient housing need to develop a rural dwelling in the area. However, the Planning Officer stated that the house would be visible on the ridgeline when viewed from the N15, which is a Scenic Route. It is argued that the house would be seen with the context of Benbulbin and other parts of the Darty Range. It was concluded that the proposal would diminish the quality of the surrounding landscape and therefore be contrary to P-LCAP-1, P-LCAP-2 and P-LCAP-3 of the Development Plan. The Planning Officer had no concerns in relation to the design of the proposed dwelling or the provision of a new wastewater treatment system on the site.

3.2.2. Other Technical Reports

- Environmental Services (30th June 2021): No objection to a grant of planning subject to condition.
- Area Engineer (25th June 2021): Queries in relation to the vertical alignment of the road at the proposed site entrance and sightline provision, and requests the submission of plan details of surface water interception and disposal provisions at the proposed site entrance.
- Water Services: No comments received.

3.3. Prescribed Bodies

- **Irish Water:** No comments received.

3.4. Third Party Observations

Observations were submitted in support of the proposed development from Marian Harkin TD and Marc MacSharry TD. The Observations include an overview of the Applicant's housing need and desire to live in the area and argue that the proposed dwelling has a modest and sympathetic design.

4.0 Planning History

4.1. No planning applications were identified in relation to the subject site.

5.0 Policy Context

National Planning Framework (NPF)

In planning for the development of the countryside, the NPF acknowledges that there is a need to differentiate between demand for housing in areas under urban influence and elsewhere, as per the following objective:

National Objective 19: 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.

Sustainable Rural Housing Guidelines for Planning Authorities (2005)

The Guidelines confirm development plans should identify the location and extent of rural area types as identified in the NSS (now superseded by the NPF). These include: (i) **rural areas under strong urban influence** (close to cities and towns, rapidly rising population, pressure for housing and infrastructure); (ii) **stronger rural areas** (stable population levels within a well-developed town and village structure and in the wider rural area; strong agricultural economic base and relatively low level of individual housing development activity); (iii) **structurally weaker rural areas** (persistent and significant population decline and weaker economic structure); and, (iv) **areas with clustered settlement patterns** (generally associated with counties of the western seaboard).

Development plans must tailor policies that respond to the different housing requirements of urban and rural communities and the varying characteristics of rural areas.

Sligo County Development Plan 2017- 2023

The operative development plan is the Sligo County Development Plan 2017- 2023. Section 5.3 of the plan is dedicated to rural housing. The site is located in an area designated 'Rural Areas under Urban Influence' (Figure 5.A). In these areas, the Planning Authority will accommodate applicants with a rural-generated housing need – which is a demonstrated, genuine need to live in the respective rural areas – subject to normal planning considerations.

P-RAUI-HOU-1 states:

Accommodate proposals for one-off rural houses in Rural Areas Under Urban Influence, subject to normal planning considerations, including Habitats Directive Assessment and compliance with the guidance set out in Section 13.4 Residential development in rural areas (development management standards), where a housing need is demonstrated by the following categories of applicants:

A. landowners, including their sons and daughters, who wish to build a first home for their permanent occupation on the landholding associated with their principal family residence;

B. persons whose primary employment is in a rural-based activity with a demonstrated genuine need to live in the locality of that employment base, for example, those working in agriculture, aquaculture, forestry, horticulture or other natural resource-based employment;

C. persons who have no family lands, but who wish to build their first home for their permanent occupation in the area of their original family home, within the rural community in which they have spent a substantial and continuous part of their lives (this provision does not apply in cases where the original family home is located in an area zoned for development in a town or a village);

D. persons with a link to the rural community in which they wish to build a first home for their permanent occupation, by reason of having lived in this community or by the existence in this community of long-established ties with immediate family members;

E. persons who are required to live in a rural area for exceptional reasons, including health reasons. Such applications must be accompanied by a specialist's report and recommendation outlining the reasons why it is necessary for the applicant to live in a rural area. The application should also be supported by a relevant disability organisation of which the applicant is a member, where applicable,

AND where such persons can demonstrate that the home they propose is in the interest of the proper planning and sustainable development of the area.

Section 5.3.2 of the Plan is concerned with the siting and design of rural houses. It states that design, environment etc are of paramount importance in the consideration of any development. It states;

'New houses in rural areas should be absorbed and integrated successfully into the rural setting, i.e. the buildings should harmonise or 'read' with the existing traditional pattern of development, without intruding on unspoilt landscapes or breaking the skyline'

Policy P-RHOU-1 - Encourage those who wish to build in rural areas to apply traditional principles in the siting and design of new houses, while facilitating high-quality modern design solutions.

Policy P-RHOU-2 – Require new house proposals in rural areas to comply with the guidance set out in Section 13.4 Residential development in rural areas (development management standards).

The Landscape Characterisation Map indicates that the site is located in a 'Normal Rural Landscape'. These are the areas of the county which are considered to have the capacity to absorb a wide range of development. There are areas located approximately 200m to the east of the site that are designated as being 'Sensitive Rural Landscape'. Furthermore, Benbulbin is designated as being as 'Visually Vulnerable Areas'. The location of new houses in designated Visually Vulnerable Areas, in Sensitive Landscapes or along Scenic Routes will generally be discouraged. New development must not obstruct scenic views available from or to the area adjoining the development site. In relation to site location, the Development Plan states that elevated or exposed locations such as hill slopes, ridge lines or vast open landscapes where the new building would appear intrusive or break the skyline or the shoreline should be avoided. Instead of locating a house on an exposed site, the following types of site should be considered:

- sites that cluster with existing development (other houses, sheds or agricultural development such as traditional farm complexes);
- infill sites within existing ribbon development (in exceptional circumstances, sites at the end of ribbon development may be considered as an alternative to an exposed site);

- sites where the new house can “round off” scattered development.

A house should “nestle” into the site and not dominate the landscape or diminish the quality of scenic views of the surrounding countryside.

Policy P-LCAP-1 – Protect the physical landscape, visual and scenic character of County Sligo and seek to preserve the County’s landscape character.

Policy P-LCAP-2 - Discourage any developments that would be detrimental to the unique visual character of designated Visually Vulnerable Areas.

Policy P-LCAP-3 - Preserve the scenic views listed in Appendix F and the distinctive visual character of designated Scenic Routes by controlling development along such Routes and other roads, while facilitating developments that may be tied to a specific location or to the demonstrated needs of applicants to reside in a particular area. In all cases, strict location, siting and design criteria shall apply, as set out in Section 13.4 Residential development in rural areas (development management standards).

Appendix E contains the list of designated scenic routes in the county. The N15 (located west of the subject site) from Bunduff Bridge to Sligo is designated as a scenic route.

5.1. Natural Heritage Designations

The closest designated sites are Benbulbin, Gleniff and Glenade Complex SAC (site code: 000623) and Sligo/Leitrim Uplands SPA (site code: 004187), which are located approximately 1.8km from the subject site.

5.2. EIA Screening

Having regard to the nature and scale of the proposed development, comprising the construction of one residential dwelling and the provision of a new wastewater treatment unit and percolation area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

A First-Party Appeal has been lodged by the Applicant, which provides a summary of the pre-planning consultations held with the Local Authority prior to the lodgement of the planning application. The grounds of appeal can be summarised as follows:

- The Applicant previously sought planning permission to build a dwelling on family lands at Gortarowey (Ref. PL05/857) but did not implement it as the Local Authority has plans to realign the N15 and these plans would partially infringe on the site. The front roadside boundary section of the site was marked for CPO. During recent pre-planning consultations in relation to the subject case, the Local Authority's Senior Road Engineer advised the Applicant that there was potential for the proposed realigned N15 to be located directly adjacent to the Gortarowey site and suggested that alternative sites be examined.
- The main family farm shed is located on the farmland to the rear of the subject site.
- The site is 3km from the Applicant's parent's family home.
- Alternative sites on the family holding were examined by the Applicant prior to lodging the application.
- The ridge profiles erected on site show that only a small part of the roof is visible from the N15 to west.
- From the road directly in front of the proposed site (not designated scenic route) the proposal is well shaded with existing vegetation and the raised Irish Water lands.
- As part of the First-Party Appeal, a topographical survey of the entire lands from the proposed site as far back as the N15 scenic route in order to give a better idea of the natural screening that exists (see Dwg. No. 21-051-07 Lands & Site Topographical Survey' and 'Lands & Site Section A-A).
- Only a small portion of the roof would be visible from the N15 and this would not be on a ridge but instead on a rising landscape.
- The landscape has the capacity to absorb the proposal and it would not have a visual impact that would negatively affect the character of the landscape.

- The proposal nestles comfortably into the landscape. It is screened by the natural topography.
- All other sites examined by the Applicant were either on designated scenic routes or located in sensitive rural landscapes, whereas the proposed site is not, nor does it have a significant adverse impact on any of these areas or routes.
- Due to the minimal visual impact, it is considered that the proposal would not be in anyway detrimental to the unique visual character of a designated visually vulnerable area.
- The proposal complies with the criteria of P-LCAP-3.
- The Applicant demonstrated the need to live in the area.
- The decision to refuse permission is subjective and was made without proper consideration of how much the existing topography screens the proposal but rather assumptions were made instead of proper examination of the ridge profiles that were erected to reflect the lower roof profile.

6.1. Planning Authority Response

The Local Authority stated in a submission to An Bord Pleanála on 16th September 2021 that at the site inspection undertaken as part of the assessment of the application, no ridge profiles were present. The assessment was based on a revised profile detailed within the plans and particulars submitted with the application. The Planning Authority notes that post decision that ridge profiles were erected. However, the Planning Authority considers that this would not alter the assessment or decision.

6.2. Observations

- None

7.0 Assessment

Having examined the application details and all other documentation on file, including the First-Party Appeal and Local Authority's Response, inspection of the site, and

having regard to relevant local/regional/policies and guidance, I consider that the main issues in this appeal are as follows:

- Rural Housing Policy,
- Visual Impact,
- Other Matters (Site Access / Road Safety and Wastewater Disposal), and
- Appropriate Assessment.

Each of these issues is addressed in turn below.

7.1. Rural Housing Policy

The appeal site is located in a rural area under urban influence (Figure 5.A), whereby the development of one-off dwellings is restricted and will not normally be permitted unless they meet the criteria under the Planning Authority's essential housing need category.

The Planning Authority considered that sufficient documentation had been submitted to substantiate that the Applicant fulfilled the rural-generated housing need criteria of the Development Plan and that the proposed development would, therefore, comply with rural housing policy of the Sligo County Development Plan 2017-2023.

As outlined above, Policy P-RAUI-HOU-1 of the Sligo Development Plan lists categories of applicants in relation to accommodating proposals for one-off rural houses in Rural Areas Under Urban Influence. One such category (Category A) includes landowners, including their sons and daughters, who wish to build a first home for their permanent occupation on the landholding associated with their principal family residence. The principal family residence is located approximately 2km from the subject site at Gortarowey. The Applicant has stated that he obtained planning permission in 2005 (Ref. 05/857) to develop a dwelling at Gortarowey next to the principal family residence, however this permission has expired. The Applicant did not implement the permission as part of the site is located on lands intended for the proposed N15 realignment and he had work commitments in Dublin at that time. The Applicant advises that the site at Gortarowey cannot accommodate a wastewater treatment system in accordance with current EPA requirements for environmental/wastewater treatment. Notwithstanding the above, in my opinion, the

Applicant does not comply with Category A of Policy P-RAUI-HOU-1 as the principal family residence is not located in Cashelgarren.

The Applicant (who works for a wholesale company in Finisklin in Sligo) does not work full-time in a rural-based activity and as such Category B of Policy P-RAUI-HOU-1 does not apply in my opinion. Category C relates to persons who have no family lands and as such this category is not applicable in this instance. Furthermore, the Applicant has not advised of any exceptional reasons to demonstrate the necessity to live in the area and as such category E of Policy P-RAUI-HOU-1 does not apply.

Category D relates to persons with a link to the rural community in which they wish to build a first home for their permanent occupation, by reason of having lived in this community or by the existence in this community of long-established ties with immediate family members. The Applicant has stated that he has a link to the rural community having lived in Sligo most of his life, attended Rathcormac National School (approximately 6.8km from the subject site) and is involved with local sporting clubs and organisations in the area. However, I note no supporting documentation has been submitted with the application in this regard. The Applicant states that he moved back from Dublin to Sligo in 2018 in order to assist his father with farming activities and is currently in rental accommodation in Sligo town. The Applicant advises that he is committed to taking over the farm following his father's retirement. As stated above, the principal family residence, including the Applicant's sister's residence, is located at Gortarowey (approx. 2km from the site). Having regard to the foregoing, I consider that the Applicant falls within category D of Policy P-RAUI-HOU-1.

In addition to demonstrating compliance with local policy, regard must also be had to national policy. The National Planning Framework requires that the development of rural housing in such areas must only be permitted where a demonstrable economic or social need to live in a rural area has been provided. I do not consider that the Applicant has demonstrated an economic need to live in the area. However, as outlined above, in my opinion the Applicant has a social need to live in the area by being in relatively close proximity to family members and having involvement in local sporting clubs and organisations in the area.

7.2. Visual Impact

The Planning Authority refused permission for the development solely on the basis that it would not be able to successfully integrate into its setting or be absorbed in its surroundings. It was stated that the proposed development would be a dominant feature in the landscape and have a significant visual impact, would interfere with, and negatively affect the character of the landscape.

The proposal is not located in a designated sensitive area. It is located in an area designated 'Normal Rural Landscape' which covers the least sensitive areas of the county, considered to have the capacity to absorb a wide range of development. It is not located along a scenic route or in a visually vulnerable area and there are no protected views in the area. However, the N15 located approximately 700m to the west of the site is a designated scenic route. Furthermore, there are areas located approximately 200m to the east of the site that are designated as being 'Sensitive Rural Landscape'. In addition, Benbulbin, designated as being as 'Visually Vulnerable Areas', is located approximately 2km to the east of the site, and dominates views in the wider area.

The site is located next to the Mullaghaneane Reservoir in an expansive landscape with wide open views and has limited natural screening when viewed from the west. There are clear views of the sea, approximately 4.5km to the north of the site. The settlement pattern is dispersed with no traditional clusters close by. The area is sparsely populated and the proposal does not create any potential for overdevelopment or ribbon development.

However despite my initial concerns regarding the siting of the dwelling, after reviewing the documentation on file and having inspected the wider area (in particular the views along the N15), I do not consider that the proposal will result in a significant intrusion in the landscape or will adversely impact any views of Benbulbin or the Darty mountains from the N15, due to the changes in ground level between the N15 and the site. The site is well screened from the north, south and east by the undulating topography and natural vegetation (see photographs 1, 2, and 15 attached to this Report).

In relation to the views from the west and the N15, I note from my site visit that the subject site is not visible between the junction of the N15 and L3302 and the junction

of the N15 and L3001 due to the undulating topography and roadside hedgerows. Furthermore, the N15 horizontal alignment curves between these two junctions and as such notwithstanding the screening provided by the topography and vegetation, there would be limited opportunities to view Benbulbin and the Darty mountains whilst travelling along this section of road in a southerly direction. South of the junction between the N15 and L3001 the vertical alignment of the road adjusts in an upward direction whilst curving in southeast direction. Whilst there is no roadside hedgerow along this section of the N15, due to vegetation/scrubs and internal hedgerows within the fields and ground levels in the immediate area, the subject site is not the focal point of views from this location. Benbulbin clearly dominates the skyline along this section of the N15. Whilst the top of the steel container on the reservoir site is visible from the N15 along the western boundary of the family landholding, due to rising levels and a ridge located approximately 520m on the land from the farm entrance (see Dwg. No. 21-051-08 submitted with the First Party Appeal) it is not possible to clearly view the location on the site where the dwelling is proposed to be positioned (see Photograph 14 attached to this Report). Dwg. No. 21-051-07 submitted with First Party Appeal illustrates how the ground levels alter from the N15 across the farmland to the site. The hedgerow along the southern boundary of the family lands screens the existing single storey dwelling located south of the reservoir.

Whilst the ridge of the proposed roof will be visible, I do not consider that it will be significant nor will detract from the views, due to the levels across the lands. Furthermore, I consider that the ridge of the proposed roof will only be visible when viewed directly at the western boundary of the family-owned lands along the N15 (as opposed to the stretch of road between the junction of the N15 and L4701 and the junction of the N15 and L3302). However, the western boundary of the family-owned lands is not a natural viewing point along the N15 and due to the horizontal and vertical alignment of the road, the dwelling would not be a focal/landmark point, particularly when viewed in the context of the antenna and Benbulbin in the background. Whilst the scheme would not be fully absorbed in the landscape, the proposed regrading and the provision of high-quality landscaping could also mitigate any impacts and provide a greater degree of enclosure, limiting views from the entrance to the family landholding along the N15.

The proposed design is suitable in scale and proportions and incorporates elements of vernacular architecture including two elongated narrow split plans and narrow depth, gable roof and traditional finishes. I consider that the overall design, height, scale and mass is acceptable.

In summary, I consider that the proposed development will have a negligible impact on views from the N15 and would not be detrimental to the character of the landscape and views of Benbulbin and the Darty mountains, and as such would not contravene P-LCAP-1, P-LCAP-2 and P-LCAP-3 of the Development Plan in this instance. In my opinion, the impact will be imperceptible when the dwelling is viewed from the N15 with Benbulbin in the background. I do not consider that the development would represent an obstruction into the landscape, nor would it interfere with the character of the views of the area. As such, I do not recommend refusing permission on this basis.

7.3. Other Matters (Site Access / Road Safety and Wastewater Disposal)

7.3.1. Site Access / Road Safety

The site is accessed via a local road L4701 to the east, which connects with the L3302 to the north and the N15 to the south. I note from my site visit that the roadway is relatively narrow but has limited traffic movements. The application proposes a new entrance point onto the local road. I note that the Area Engineer raised queries in relation to the sightlines. The Proposed Site Layout drawing illustrates sightline of 47.5m to the north and 60.64m to the south. Having visited the site, I consider that there is adequate visibility having regard to the relatively straight layout of the road. Having regard to the location of the development on a straight road in a rural area and the volume of traffic on same, I do not consider that the proposal would not result in a traffic hazard.

7.3.2. Wastewater Disposal

A site suitability assessment was submitted in support of the application. It indicates that the site is underlain by a Locally Important Aquifer, which has 'High' vulnerability rating. The trial hole was excavated to a depth of 2.1m and the water table was encountered at 1.4m below surface. Bedrock was encountered at 0.8m. Percolation tests were carried out for Shallow Soils/Subsoils as per EPA Guidance. The results of the tests indicated soils with a T-value of 12.19 and P value of 7.81. It is stated that there are only four dwellings within 250 sq m of the site. I note from my site visit that

ground conditions were relatively dry despite the visit being conducted in late November. It is proposed to treat foul effluent from the house using a proprietary effluent treatment unit followed by two puraflo modules to complete the tertiary treatment. A minimum 300mm stone bed is to be used below the invert of the puraflo modules. Effluent will flow by gravity to the effluent treatment unit and be pumped from the secondary treatment system to the puraflo modules. Details provided on the proposed site layout plan indicate that the system would generally comply with the EPA Guidelines minimum separation distances to features of interest. I am satisfied that the assessment and the proposed development design details comply with those required within the 'Code of Practice - Wastewater Treatment and Disposal Systems serving Single Houses (population equivalent ≤ 10) (EPA, 2009)'. Furthermore, I note that the Local Authority's Environmental Services did not object to the subject development, subject to the attachment of conditions. In my opinion, the proposed development would not be prejudicial to public health and would not be likely to cause a deterioration in the quality of waters in the area. I do not recommend that permission should be refused for reasons relating to wastewater treatment.

7.4. Appropriate Assessment

The closest European sites to the subject site are Benbulbin, Gleniff and Glenade Complex SAC (site code: 000623) and Sligo/Leitrim Uplands SPA (site code: 004187). They are located approximately 1.8km from the appeal site.

Having regard to:

- the nature and scale of the proposed development (i.e. construction of a single dwelling and the installation of a wastewater treatment system)
- the absence of a direct pathway connecting the subject site to the SAC and SPA,
- the topography of the area,
- the nature of the immediate receiving environment (agricultural land),
- the existing use of the lands (i.e. agricultural use with associated limited anthropogenic activity),
- the separation distance between the subject site and European sites,
- no direct discharge to any surface waterbody,

- the relatively short-term construction phase, and
- no loss, fragmentation disruption or disturbance to European sites or their annexed species either directly or indirectly,

I do not consider that the proposal would be likely to significantly impact the qualifying interests of Benbulbin, Gleniff and Glenade Complex SAC or Sligo/Leitrim Uplands SPA. Furthermore, I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on any European site. As such, I consider that no Appropriate Assessment issues arise.

8.0 Recommendation

I recommend that planning permission be granted for the proposed development based on the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Sligo County Development Plan 2017-2023 including rural housing policy and the Applicant’s compliance with Category D of Policy P-RAUI-HOU-1, to National Policy Objective 19 of the National Planning Framework, to facilitate the provision of single housing in the countryside where a social need to live in a rural area has been demonstrated, the site levels, scale, form and detailed design of the proposed dwelling, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or character of the landscape, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such
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	<p>conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p>Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling houses without a prior grant of planning permission.</p>

	Reason: In the interest of residential amenity having regard to the restricted nature of the site.
4.	The materials, colours and textures of all the external finishes to the proposed house shall be submitted to and agreed in writing with the planning authority before the commencement of development. Reason: In the interest of the visual and residential amenities of the area.
5.	The formation of the vehicular access to the house and boundary treatments shall be constructed in accordance with the requirements of the planning authority. Reason: In the interest of orderly development and traffic safety.
6.	Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works. Reason: To ensure adequate servicing of the development, and to prevent pollution.
7.	All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site. Reason: In the interest of visual amenity.
8	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be

referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Susan Clarke
Planning Inspector

2nd December 2021