



An
Bord
Pleanála

Inspector's Report

ABP-311474-21

Development	House with garage, wastewater treatment system & percolation area. Associated site works.
Location	Shellumsrath, Co. Kilkenny
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	21179
Applicant(s)	Matthew and Fabiana O' Brien.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Daniel and Elaine Comerford.
Observer(s)	None.
Date of Site Inspection	15 th of September 2022.
Inspector	Stephanie Farrington

1.0 Site Location and Description

1.1. The appeal site is located in the townland of Shellumsrath approximately 3km south-west of Kilkenny City. The site has a stated area of 0.404ha and is currently in agricultural use. The LP6696-33 forms the northern boundary of the site and is defined by a mature hedgerow. The site is adjoined to the east by an existing dwelling and to the west and south by lands in agricultural use.

2.0 Proposed Development

2.1. The proposal seeks permission for a dwelling, detached garage, foul effluent treatment system and associated percolation area and all associated works. The dwelling is part two storey, part single storey and has a floor area of 271sq.m. and a maximum ridge height of 7.5m. Water supply to the development is proposed via a private well.

2.2. The application is accompanied by the following documentation:

- Completed planning application form including Appendix 1 Supplementary Information for Rural Housing Applications.
- Application Drawings.
- Site Characteristics Form.
- Report on Part L compliance.
- Letter demonstrating compliance with rural housing policy.

2.3. A Site-Specific Flood Risk Assessment and evidence demonstrating the applicant's compliance with the Rural Housing Policy set out within the Kilkenny County Development Plan 2014-2020 was submitted in response to Kilkenny County Council's request for further information.

3.0 Planning Authority Decision

3.1. Decision

Kilkenny County Council issued a notification of decision to grant permission for the proposed development subject to 13 no. conditions. The following conditions are of note.

- Condition 3: Occupancy Condition.
- Condition no. 5: Stormwater from the development shall be managed within the curtilage of the landholding.
- Condition no. 8: (f) a drainage channel shall be provided across the entrance to prevent surface water flowing onto the public road.
- Condition 13: The finished floor level of the dwelling shall be in accordance with the details set out within the flood risk assessment.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planner's Report (05/05/21)

The initial planner's report recommends a request for further information in relation to (1) submission of a flood risk assessment and (2) demonstration of compliance with Rural Housing Policy. The following provides a summary of the key points raised:

- The site is located in an unserviced rural area outside any designated settlement and within an area under urban influence as identified in the Kilkenny County Development Plan 2014-2020. It is unclear if the applicants comply with the Rural Housing Policy as set out within the Development Plan.
- The proposed dwelling is simple in form and shape and combines tradition and modern external finishes.

Planner's Report on receipt of Further Information (03/09/21)

The planner's report on the FI response recommends a grant of permission subject to condition. The following provides a summary of the key points raised:

- The submitted site-specific flood risk assessment concludes that the site is not at risk of pluvial, fluvial or groundwater flooding. A finished floor level of 70.5mOD is recommended.
- The applicants homeplace is at “Glontha”, Drakelands which is located 2km from the subject site. There are no alternative sites within the family landholding. It is considered that the applicant’s comply with the rural housing policy for the area.

3.2.2. Other Technical Reports

Area Engineer (09/05/21):

No objection subject to condition.

Environment (05/05/21):

Recommends a request for further information relating to site specific flood risk assessment.

Environment (01/09/21):

No objection subject to condition.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

One no. submission was lodged in respect of the application. This raises concern in relation to compliance with local need, soil conditions, flooding and constraints of the adjoining roads network.

4.0 Planning History

The following planning history is of relevance:

- PA Ref: 14/554: outline permission granted for dwelling on site granted in March 2015.

5.0 Policy Context

5.1. Kilkenny City and County Development Plan 2021-2017

The site is located within the administrative boundary of Kilkenny County Council. At the time of the assessment of the application, the Kilkenny County Development Plan 2014-2020 was the operative development plan for the area. The application was assessed by Kilkenny County Council in accordance with the policies and objectives of this plan.

The Kilkenny City and County Development Plan 2021-2027 was adopted on the 3rd of September 2021 and the Plan came into effect on the 15th of October 2021. I have assessed the proposal in accordance with the provisions of the operative development plan.

Rural Policy

Section 7.8 of the Development Plan sets out the Rural Settlement Strategy. This outlines that the NPF prescribes that in relation to the development of rural housing that a distinction is made between areas under urban influence and rural areas elsewhere. Smaller towns and villages below the level of the District towns in the settlement hierarchy are classified as part of the rural area but their viability and vitality must be protected and enhanced through the rural settlement policy

The site is located outside of any settlement boundary identified within the City and County Development Plan.

The Development Plan outlines that in line with the NPF, National Policy Objective 19 requires a clear distinction to be made between areas under urban influence and elsewhere in providing for the development of rural housing.

The appeal site is classified as being within an Area under Urban Influence within Figure 7.1 "Rural Housing Strategy".

The Development Plan sets out the following characteristics for Areas under Urban Influence. Areas classified as under Urban Influence are located close to the immediate environs or commuting catchment of cities and towns or to major transport corridors with ready access to urban areas. They are characterised by:

- High levels of commuting patterns to urban areas

- Areas with high population growth in the County
- Ready access to a good road network with ready access to the larger urban areas.

Qualifying Criteria for Rural Housing: Areas Under Urban Influence:

It is the Council's objective for areas of urban influence to facilitate the rural generated housing requirements of the local rural community (as identified in this section) while on the other hand directing urban (non-rural) generated housing to areas zoned and identified for new housing development in the city, or towns and villages.

Areas under urban influence display the greatest pressures for development due to the commuter dependence of these areas on urban areas for reasons of employment and other social and economic functions.

In areas under urban influence the Council will permit (subject to other planning criteria) single houses for persons where the following stipulations are met:

1. Persons with a demonstrable economic need to live in the particular local rural area, being people who are for example:
 - a. employed full-time in rural-based activity such as farming, horticulture, forestry, bloodstock or other rural-based activity in the area in which they wish to build or whose employment is intrinsically linked to the rural area in which they wish to build, such as teachers in rural schools or other persons who by the nature of their work have a functional need to reside permanently in the rural area close to their place of work, provided that they have never owned a house in a rural area.
2. Persons with a demonstrable social need to live a particular local rural area,
 - a. Persons born within the local rural area, or who have lived a substantial period of their lives in the local rural area (minimum 5 years), who have never owned a rural house and who wish to build their first home close to the original family home. Persons born in the area without having lived for the minimum of 5 years must be able to demonstrate strong family and social connections to the area to demonstrate a demonstrable social need.
 - b. Returning emigrants who do not own a house in the local area and wishes to build their first permanent home for their own use in a local

rural area in which they lived for a substantial period of their lives (5 years), then moved away or abroad and who now wish to return to reside near other family members.

All applicants for one-off rural housing will need to demonstrate compliance with the qualifying criteria of one of the above categories unless otherwise specified as being located within an area where the Rural Housing Policy does not apply.

The Planning Authority shall have regard to the viability of smaller towns and rural settlements in the implementation of the policy.

Ribbon Development

Section 7.8.3 of the Development Plan provides the following definition and guidance in respect of Ribbon Development:

Ribbon Development: is defined as where there are 5 or more houses exist on any one side of a given 250 metres of road frontage. If four houses exist on any one side of a given 250 metres of road frontage, it is likely that ribbon development may be created with an additional house.

Ribbon Development is discouraged for a variety of reasons, including road safety, future demand for the provision of public infrastructure and visual impact. The Planning Authority will have discretion to allow well-spaced infill ribboning to complete a particular settlement pattern only, but not where it will lead to further gap infill sites or the coalescence of separate ribbons of development or, in combination with other ribbons, lead to the over proliferation of houses resulting in overdevelopment creating ribbon development, wastewater disposal difficulties, traffic or other serious planning issues in the immediate area.

5.2. Sustainable Rural Housing Development Guidelines 2005

- 5.2.1. The guidelines require a distinction to be made between 'Urban Generated' and 'Rural Generated' housing need. A number of rural area typologies are identified including rural areas under strong urban influence which are defined as those with proximity to the immediate environs or close commuting catchment of large cities and towns. Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might apply. These include 'persons who are an intrinsic part of the rural community' and 'persons working full time or part time in rural areas'.

5.2.2. The site is located within an area designated as being 'Rural Areas under Strong Urban Influence' within these Guidelines.

5.3. **National Planning Framework**

5.3.1. Policy 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;

5.4. **Natural Heritage Designations**

The following designated sites are located within the vicinity of the appeal site:

- Ballykeefe Wood pNHA – 7.2 km to the west
- River Barrow and River Nore SAC – 5.7km to the south
- River Nore SPA – 5.7km to the south

5.5. **EIA Screening**

Having regard to the nature of the proposed development comprising a single dwelling house and associated works, 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**

A third-party appeal was submitted by Daniel and Elaine Comerford in respect of the notification of Kilkenny County Council to grant permission for the development. The following provides a summary of the grounds of appeal:

- The appeal includes cross reference to the appellants original submission on the planning authority which raised issues in relation to site suitability in relation to groundwater and flooding. Issues in relation to traffic volumes, ribbon development and road safety were also raised.
- The appeal refers to the Site-Specific Flood Risk Assessment submitted in response to Kilkenny County Council's request for further information. The report does not have regard to the evidence provided within the appellant's submission which illustrates the trial holes full of water and surface water ponding on the development site. IE Consulting carried out their site investigations in June and July 2021. On site conditions cannot be compared to winter/spring conditions.
- Photos 1 to 5 of the appeal illustrate flooding on the site and within the surrounding landholdings. This flooding is not shown on any historical or predictive mapping or addressed within the submitted flood risk assessment. It is stated that the images provided illustrate the reality on the ground and the unsuitability of the site to cater for surface water and ground water.
- The appeal refers to the recommendations of the Flood Risk Assessment to raise the finished floor level of the dwelling to 70.5mOD which is carried forward within Condition no. 13 of Kilkenny County Council's notification of decision to grant permission. This would not be required in the instance that the site wasn't subject to flooding.
- The appellants have experienced the reality of flooding in the area. The appeal site is considered unsuitable for the development proposed and it is considered that it would significantly increase pressure on ground water.

6.2. Planning Authority Response

Kilkenny County Council confirmed that they have no further comments to make in respect of the appeal.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the

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

- Compliance with Rural Housing Policy
- Flood Risk
- Other Issues
- Appropriate Assessment

7.2. Compliance with Rural Housing Policy (New Issue)

- 7.2.1. With regard to compliance with rural housing policy the proposal should accord with the provisions of the National Planning Framework, Sustainable Rural Housing Guidelines 2005 and the provisions of the Kilkenny City and County Development Plan 2021-2027 as it relates to settlement in a rural area.
- 7.2.2. The site is located in an area that is identified as being under strong urban influence in the Sustainable Rural Housing Guidelines and is classified as being within an Area under Urban Influence within Figure 7.1 “Rural Housing Strategy” of the Kilkenny City and County Development Plan 2021-2027.
- 7.2.3. The Sustainable Rural Housing Guidelines define rural areas under strong urban influence as those within proximity to the immediate environs or close commuting catchment of large cities and towns. Circumstances for which a genuine housing need might apply include persons who are an intrinsic part of the rural community and persons working full time or part time in rural areas. In addition, Policy Objective 19 of the National Planning Framework requires that, in rural areas under urban influence, the core consideration for the provision of a one-off rural house should be based on the demonstrable economic or social need to live in the rural area.
- 7.2.4. The Kilkenny City and County Development Plan outlines that it is the Council’s objective for areas of urban influence to facilitate the rural generated housing requirements of the local rural community (as identified in this section) while on the other hand directing urban (non-rural) generated housing to areas zoned and identified for new housing development in the city, or towns and villages.
- 7.2.5. The Development Plan sets out Qualifying Criteria under which applications for one-off rural houses can be considered. The following is of relevance to the subject application:

2. Persons with a demonstrable social need to live a particular local rural area,

a. Persons born within the local rural area, or who have lived a substantial period of their lives in the local rural area (minimum 5 years), who have never owned a rural house and who wish to build their first home close to the original family home. Persons born in the area without having lived for the minimum of 5 years must be able to demonstrate strong family and social connections to the area to demonstrate a demonstrable social need.

7.2.6. Kilkenny County Council issued a request for further information requesting the applicant to demonstrate compliance with the Rural Housing policy set out within the Kilkenny County Development Plan 2014-2020.

7.2.7. The applicant's FI response outlined that the applicant's reside at Drakelands c. 2km from the appeal site with Matthew O' Brien's parents. The applicant's have both resided at this location for the past 6 years and Matthew has resided at this location for most of his life. I see no documentary evidence on file to support this. An Ordnance Survey Map showing the location of the family landholding relative to the appeal site is attached to the FI response. The proposal is their first family home. The family landholding is identified, and it is stated that there are no alternative suitable sites within the landholding. The FI response confirms that Matthew's place of employment is Purcellsinch Business Park, Kilkenny and Fabiana is contracted by the Irish Sky Diving Club at Holdensrath, Kilkenny.

7.2.8. The planning authority, in carrying out their assessment of the case, was satisfied that the applicant met the qualifying criteria for Rural Housing as set out within the Kilkenny County Development Plan 2014-2020. I note that in the interim period the Kilkenny City and County Development Plan 2021-2027 has been adopted. However, the relevant qualifying criteria remain broadly similar, and the applicant is applying for a rural house on the basis of a demonstrable social need with reference to family links in the area.

7.2.9. However, I note that Policy Objective 19 of the National Planning Framework requires that the core consideration for the provision of a one-off rural house be based on the demonstrable economic or social need to live in the rural area and having regard to the viability of smaller towns and rural settlements. From review of the application documentation details I have no evidence to substantiate that the applicant has a demonstrable economic or social need to live in this rural area. The

applicant's do not work within the area and while it is clear that the applicant has family links c.2km from the appeal site I do not consider that this constitutes a demonstratable social or economic need for a rural dwelling.

- 7.2.10. I refer to the wording of NPO 19 which is reflected in the guidance set out within the Kilkenny City and Development Plan which states that "the Planning Authority shall have regard to the viability of smaller towns and rural settlements in the implementation of the policy". Section 4.6 of the Development Plan relates to Smaller Towns and Villages within the County and outlines that in such areas proposals for development with densities up to 10 dwellings per hectare will be considered as an effective alternative to the provision of single houses in surrounding un-serviced rural areas. I am not satisfied that the applicant's housing needs could not be satisfactorily met in Kilkenny City or an established smaller town, village or node in accordance with the overriding objectives of national policy and the Kilkenny City and County Development Plan 2021-2027.
- 7.2.11. I am not satisfied, therefore, that the applicant's need for a house at this location complies with National Policy Objective 19 of the National Planning Framework which seeks to facilitate the provision of single housing in the countryside, in rural areas under urban influence, based on the core consideration of demonstrable economic or social need to live in a rural area and the viability of nearby urban areas towns and villages. The proposed development, in the absence of any definable or demonstrable need for the house, would contribute to the encroachment of random rural development in the area, and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. I recommend that permission is refused on this basis.
- 7.2.12. This is a new issue and the Board may wish to seek the views of the parties.

7.3. **Flood Risk**

- 7.3.1. The primary grounds of appeal relate to the unsuitability of the site on grounds of flooding. The appeal includes images of surface water flooding on the site and within the immediate area. The issue of Flood Risk was raised within Kilkenny County Council's request for further information. The FI request outlined that the site is located within close proximity to an area of fluvial flood risk as per the OPW Preliminary Flood Risk Maps and the applicant was requested to submit a Site-

Specific Flood Risk Assessment which takes into consideration to submission received.

- 7.3.2. A Site-Specific Flood Risk Assessment prepared by IE Consulting was submitted in response to the FI request. This provides an overview of site characteristics and outlines that the site slopes moderately in a south-west to north-east direction at an average gradient of approximately 1.82%. Existing ground elevations range from 70.295 OD (Malin) at the south-western boundary of the site to 68.738 OD (Malin) at the north-eastern boundary of the site. Existing watercourses within the vicinity of the site include the River Bregagh (c. 454 m to the south-east) and the unnamed watercourse channel located c.47m from the north eastern site boundary.
- 7.3.3. Section 4 of the FRA includes a Screening Assessment based on a number of sources including the OPW PFRA Indicative Flood Mapping, the OPW Flood Maps website, Ordnance Survey Historic Mapping, Geological Survey of Ireland Groundwater Flood Mapping and the South-Eastern CFRAM Study. The information provided from these sources indicate that site is not at direct risk of fluvial, pluvial or groundwater flooding. Section 5 of the report outlines that the South-Eastern CFRAM Study are based on the results of detailed hydraulic modelling undertaken along the River Bregagh and therefore provide a reasonably accurate delineation of flood zones.
- 7.3.4. I note the specific reference to groundwater flooding on the site within the grounds of appeal and this point is specifically addressed in Section 4.6 of the FRA. The GSI groundwater mapping indicates no areas of predictive or historical groundwater or surface water flooding on the development site. The subsoil mapping identifies that the site is underlain by Namurian Shales and sandstone till. The soil conditions are consistent with those identified within the site characteristics form submitted in support of the application.
- 7.3.5. Section 6 of the FRA relates to the evidence provided within the third-party submission on the application which illustrates a flood event associated with the watercourse channel c.47m to the north-east of the appeal site. The FRA includes an assessment of fluvial flood risk from the unnamed watercourse. The watercourse was completely dry during site survey and inspections during June and July 2021. A model of flood risk associated with seasonal overflows from the channel is carried out and illustrated in Figure 12. This illustrates overflow to adjoining areas within at a

contour of c.68.5m OD. On the basis of the site levels of c.69mOD to 70mOD ponding or overbank exceedance is not envisaged to occur on the appeal site.

- 7.3.6. The Flood Risk Assessment concludes that the appeal site would not be directly or significantly impacted due to the occurrence of a significant fluvial flood event in the unnamed stream watercourse. The FRA outlines that the site would be classified as Flood Zone C within the context of the Flood Risk Management Guidelines and pluvial and fluvial risk to the proposed development site is classified as low. I furthermore note that the site is not identified as being within a flood zone A or B within the Strategic Flood Risk Assessment undertaken to inform the Kilkenny City and County Development Plan 2021-2027. The FRA recommends that the FFL of the proposed dwelling and garage is set at 70.5mOD.
- 7.3.7. The appeal states that the Site-Specific Flood Risk Assessment does not reflect the reality of the baseline situation within the area or consider the photographic evidence attached to the submission on the application. The appeal questions the suitability of the site for the development on this basis.
- 7.3.8. The proposal includes the provision of a 2 no. soak pits as illustrated within the Site Layout Plan to accommodate surface water on site. The application documentation does not include details in relation to the volume of surface water that would require attenuation. However, condition no. 5 outlines that clean stormwater from the development shall be managed within the curtilage of the landholding via a suitably sized soakaway in accordance with BRE Digest 365-Soakaway Design. The condition outlines that there shall be no new discharge to surface waters. I furthermore refer to the requirements of condition no. 8 (d), (e) and (f) which outlines that surface water shall not discharge onto the public road or interfere with adjacent properties and a suitable drainage channel shall be installed across the entrance to prevent surface water flowing on to the public road. Such measures would be sufficient to ensure that the proposal would not exacerbate flood levels within the site or surrounding area. I consider that these conditions would be sufficient to negate flood risk.
- 7.3.9. In conclusion, I consider that the applicant has demonstrated that the risk of flooding to the proposed development is low and will not exacerbate flood levels within the site or surrounding area. The appeal site would be classified as Flood Zone C in the context of the Flood Risk Management Guidelines wherein residential uses are

deemed appropriate uses. Appropriate mitigation measures have been incorporated within the development including appropriate floor levels and I furthermore refer to conditions 5 and 8 of Kilkenny County Council's notification of decision to grant permission for the development. I note that the Environment Section in Kilkenny County Council have raised no objection to the proposal subject to condition and I similarly have no objection to the proposal on flood risk grounds.

7.4. Other Issues

Waste Water Treatment

- 7.4.1. The EPA Code of Practice for Domestic Wastewater Treatment Systems was published by the EPA in March 2021. This CoP applies to site assessments and subsequent installations carried out on or after 7th June 2021. I note the appeal site assessment was undertaken in March 2021. The 2009 Code of Practice therefore remains the relevant guidance.
- 7.4.2. The applicant proposes to install a packaged wastewater treatment system and polishing filter. The Site Characteristics Form identifies that the soil type is Shale and Sandstone Till and Low Vulnerability. This is consistent with the information illustrated on GSI mapping. The site falls within the R1 response category. The site characteristics form submitted indicates a T value of 60.41 and a P value of 31.19 in a 2.1m trial hole. No bedrock or water was indicated at 2.1m below ground level.
- 7.4.3. Table 6.1 of the 'EPA Code of Practice for Waste-Water Treatment and Disposal Systems Serving Single Houses' sets out minimum separation distances from the treatment system and percolation area to nearest houses, watercourses and site boundaries. The Proposed Site Layout Plan illustrates that the required separation distances are provided. The proposed well is located over 40m from the infiltration area.
- 7.4.4. On the basis of the information submitted in support of the application, I am satisfied that the proposed wastewater treatment system would accord with the provisions of the EPA code of Practice 2009 (as amended). I refer to the requirements of Condition no. 4 of KCC's notification of decision to grant permission for the development which outlines that the proposed wastewater treatment system shall be constructed in accordance with the EPA's Code of Practice. I am satisfied that the proposed wastewater treatment system would accord with the provisions of the EPA code of Practice 2009 (as amended).

Ribbon Development

- 7.4.5. I note the reference within the grounds of appeal to ribbon development. Ribbon Development is discouraged within the development and defined as follows: “*where there are 5 or more houses exist on any one side of a given 250 metres of road frontage*”. The development as proposed would be the third in a row of houses set back from the local road. The development in my view would not constitute ribbon development and I note that the planning authority raised no concern in this regard.

Access

- 7.4.6. Access is proposed via the LP6696-33 to the north of the site. The receiving road is a narrow in width and is generally in good condition. The application drawings illustrate the sight lines can be achieved at the proposed site entrance. In terms of the potential impacts associated with the proposed development, I am generally satisfied that the road network can accommodate the development of a house without any undue impacts to existing road users. I am satisfied that the proposal does not represent a scale or format of development which would generate significant traffic on the adjoining road network. The Board will note no objection from the Roads Section of Kilkenny County Council and in this regard, I have no objection to the proposed access arrangements.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the development and to the nature of the receiving environment and separation distance from the nearest designated site, no appropriate assessment issues arise, and it is considered that the development would be unlikely to have a significant effect individually or in combination with other plans or projects on any European sites.

8.0 **Recommendation**

I recommend that permission is refused for the development in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the location of the site within an area under strong urban influence as identified in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005, the location of the site within an Area under Urban Influence as identified within the Kilkenny City and County Development Plan 2021-2027, and to National Policy Objective 19 of the National Planning Framework, adopted by the Government, in relation to rural areas under urban influence, such as in the current case, which states that it is policy to “facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area...having regard to the viability of smaller towns and rural settlements”, the Board is not satisfied that the applicant has provided sufficient justification for a rural housing need to live in this rural area, or that the applicant’s housing need cannot be satisfied in a designated settlement within the County Settlement Hierarchy.

The proposed development, in the absence of any definable or demonstrable need for the house, would contribute to the encroachment of random rural development in the area, and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, contravene the Ministerial Guidelines and be contrary to national policy and be contrary to the proper planning and sustainable development of the area.

Note: ‘This is a new issue in the appeal and the Board may wish to seek the views of the parties.’

Stephanie Farrington
Senior Planning Inspector

26th of September 2022

