



An
Bord
Pleanála

Inspector's Report

ABP-311498-21

Development	Construction of a house
Location	Tomnahulla, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	21685
Applicant(s)	Sarah Stankard & Dara Melia
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	(1) Patrick Fahy (2) Jim Creaven
Date of Site Inspection	12 th November 2021
Inspector	Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 5.79 hectares, is located approximately 2.7km to the east of the village of Corrandulla in a rural area. The appeal site is located on the southern side of a lower category county road, which ends in a cul-de-sac a short distance to the east of the site. The appeal site is part of a field (grazing lands). Adjoining lands include the remainder of the field the site is taken from to the west, similar agricultural lands to the south and an existing two-storey dwelling to the east. Boundaries of the site are made up of existing hedgerow to the north south and east and no established boundary to the west.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a new dwelling house which is two-storeys, a domestic garage, wastewater treatment system and associated site works. The proposed dwelling has a floor area of 222.04sqm and a ridge height of 7.18m (garage has a floor area of 60sqm). The dwelling features external finishes consisting mainly of render with a portion of stone cladding. The dwelling features two sections with a pitched roof linked by a flat roof section.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 13 conditions. The conditions are standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (21/06/21): Further information required including clarification of the applicants links to the area in terms of rural housing policy.

Planning report (08/09/21): The applicants were deemed to comply with rural housing policy, the design and layout of the proposal was considered satisfactory in

the context of visual amenity, traffic safety and public health. A grant of permission was recommended subject to the conditions outlined above.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

Submission were received from...

Patrick Fahy, Tumnahulla, Corrandulla, Co. Galway.

Noel Creaven (no address stated).

Jim Creaven, Tumnahulla, Corrandulla, Co. Galway.

The issues raised are as follows...

- Non-compliance with rural housing policy, impact on rural character/ribbon development, traffic impact/lack of capacity in road network, traffic hazard, impact on adjoining amenity and existing farming activity and public health issues.

4.0 **Planning History**

No planning history

5.0 **Policy Context**

5.1. **Development Plan**

The relevant development plan is the Galway County Development Plan 2015-2021. The relevant Development Plan is the Galway County Development Plan 2015-2021. The site is in an area classified as Rural Housing Zone 1 (Rural Areas Under Strong Urban Pressure-GTPS) based on the Planning Authority's assessment of the proposal. Key objectives for this area are... - To facilitate the genuine housing requirements of the local rural community (rural generated housing), subject to satisfactory site suitability and technical considerations; - To direct urban generated

development to areas for new housing development in the adjoining urban centres, town and villages as identified in the County Settlement/Core Strategies; - To accommodate residential development proposals in accordance with Chapter 13 (Development Management Standards and Guidelines).

Policy RHO 1 - Management of New Single Houses in the Countryside It is a policy of the Council to facilitate the management of new single houses in the countryside in accordance with the Rural Housing Zones 1, 2, 3 and 4 and to support the sustainable re-use of existing housing stock within the County.

Policy RHO 2 - Adherence to the Statutory Guidelines & County Development Plan It is a policy of the Council to ensure that future housing in rural areas complies with the Sustainable Rural Housing Guidelines for Planning Authorities 2005 (DOEHLG), the Core/Settlement Strategies for County Galway, Rural Housing Objectives and the Development Management Standards and Guidelines of this plan.

Objective RHO 1 - Rural Housing Zone 1 (Rural Area Under Strong Urban Pressure-GTPS) It is an objective of the Council to facilitate Rural Housing in the open countryside subject to the following criteria (attached).

Objective RHO 9 - Design Guidelines It is an objective of the Council to have regard to Galway County Council's Design Guidelines for the Single Rural House with specific reference to the following: a) It is an objective to encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape; b) It is an objective to promote sustainable approaches to dwelling house design and encouraging proposals to be energy efficient in their design and layout; c) It is an objective to require the appropriate landscaping and screen planting of proposed developments by using predominately indigenous/local species and groupings.

Objective LCM 1 – Landscape Sensitivity Classification: The Planning Authority shall have regard to the landscape sensitivity classification of sites in the consideration of any significant development proposals and, where necessary, require a Landscape/ Visual Impact Assessment to accompany such proposals. This shall be balanced against the need to develop key strategic infrastructure to meet the strategic aims of the plan, and having regard to the zoning objectives of serviced development land within the Galway Metropolitan Areas.

Objective LCM 2 – Landscape Sensitivity Ratings: Consideration of landscape sensitivity ratings shall be an important factor in determining development uses in areas of the County. In areas of high landscape sensitivity, the design and the choice of location of proposed development in the landscape will also be critical considerations.

DM Standard 6: Assimilation of Development into Landscape All permissible buildings should avoid locally obtrusive elevated locations and should be located on mid slopes or lower slopes of rising ground where possible. Development should seek to preserve traditional field patterns and established hedgerow and woodland. A visual impact assessment may be required where the proposal is located in an area identified as “Focal Points/Views” in the Landscape Character Assessment of the County or in Class 4 and 5 designated landscape sensitivity areas.

Objective NHB 3 – Water Resources Protect the water resources in the plan area, including rivers, streams, lakes, wetlands, springs, turloughs, surface water and groundwater quality, as well as surface waters, aquatic and wetland habitats and freshwater and water dependant species in accordance with the requirements and guidance in the EU Water Framework Directive 2000 (2000/60/EC), the European Union (Water Policy) Regulations 2003 (as amended), the Western River Basin District Management Plan 2009-2015, Shannon International River Basin Management Plan 2009-2015 and other relevant EU Directives, including associated national legislation and policy guidance (including any superseding versions of

same) and also have regard to the Freshwater Pearl Mussel Sub-Basin Management Plans.

National Policy

Sustainable Rural Housing Guidelines (2005):

The overarching aim of the Guidelines is to ensure that people who are part of rural community should be facilitated by the planning system in all rural areas, including those under strong urban based pressures. To ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated.

National Planning Framework – Project Ireland 2040, Department of Housing, Planning and Local Government (2018) National Policy Objective 19 refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence i.e commute catchment of cities and large towns and centres of employment. This will be subject to siting and design considerations. In all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitely demonstrate that the proposed development will not have an adverse impact on water quality and requirements set out in EU and national legislation and guidance documents.

5.2. Natural Heritage Designations

None within the zone of influence of the project.

5.3. EIA Screening

5.3.1 The proposed development is of a class but substantially under the threshold of 500 units to trigger the requirement for submission of an EIAR and carrying out of EIA. Having regard to the nature of the development, which is a new dwelling and associated site works, the absence of features of ecological importance within the

site, I conclude that the necessity for submission of an EIAR and carrying out of EIA can be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by Patrick Fahy, Tumnahulla, Corrandulla, Co. Galway. The grounds of appeal are as follows...

- The appellant questions the applicants housing need in the context of Development plan policy, and National policy under the Sustainable Rural Housing guidelines and National Policy Objective 19 of the National Framework Plan.
- The proposal would give rise to dependence on vehicular traffic for commuting and would be contrary development plan policy TI 4.
- This is fourth application for dwelling on the lands from which the site is taken from with the application form noting the applicants are unaware of any previous applications on these lands.
- The application form fails to indicate the fact there are two recorded monuments within 100m of the site.
- The trial hole was insufficient in depth given its location above a regionally important aquifer. The site characterisation form indicates that bedrock was not encounter with the appellant disputes this.
- The existing road is inadequate in width and does not have the carrying capacity for such additional development. The junction where it joins the L-6179 is a hazardous junction and such has not been addressed by the application.
- Granting permission would set a precedent for other similar developments with the landowner intent on selling sites. The proposal would give rise ribbon/unsustainable development.

- The applicant submitted an observation in response to significant further information and such was returned. The applicants raise concern about their inability to respond to such and the fact that changes to plan submitted by way of further information result in overlooking.

6.1.2 A third party appeal has been lodged by Jim Creaven, Tumnahulla, Corrandulla, Co. Galway. The grounds of appeal are as follows...

- The appellant questions the suitability of the road network at this location for the proposed development, questions the applicants links to the area of the site and the fact it is under pressure from urban and ribbon development.
- The appellant questions the applicants housing need in the context of Development plan policy, and National policy under the Sustainable Rural Housing guidelines and National Policy Objective 19 of the National Framework Plan.
- The road network is inadequate in with and the existing junction with the L-61792 is deficient. Sightlines at the proposed entrance are deficient. The proposed development would be a traffic hazard.
- There is availability of alternative sites nearer to the applicants' family homes.
- The appellant is farmer in the locality and the proposal for a dwelling will hamper existing farming activities.

6.2. Applicant Response

6.2.1 Response by the applicants, Sarah Stankard & Dara Melia.

- The applicants point out that they have submitted sufficient information to prove their housing need and ties to the area.
- The dwelling will not have a negative effect on the area in terms of visual impact, adjoining amenity, traffic impact and public health.

6.3. **Planning Authority Response**

No response.

7.0 **Assessment**

7.1. Having inspected the site inspected the site and associated documents, the main issues can be assessed under the following heading.

Principle of the proposed development/rural housing policy

Design, scale, visual and adjoining amenity

Traffic impact

Public health

7.2. Principle of the proposed development/rural housing policy:

7.2.1 One of the main issues raised in the appeal submission concerns compliance with rural housing need policy in terms of local and national policy. The proposal was assessed on the basis that the site is located in an area classified as Rural Housing Zone 1 (Rural Areas Under Strong Urban Pressure-GTPS). With regard to the Sustainable Rural Housing Development Guidelines, the subject site was considered to be located in an area designated as 'Area Under Strong Urban Influence'. This is an area where urban generated development is to be directed to areas zoned for new housing in towns and villages. National Policy Objective 19 of the National Planning Framework refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence. It was determined the applicants had demonstrated compliance with rural housing policy.

7.2.2 Under RHO 1 - Rural Housing Zone 1 (Rural Area Under Strong Urban Pressure-GTPS) it is an objective of the Council to facilitate Rural Housing in the open countryside subject to a number of criteria (attached). Based on the information on file the applicant (Dara Melia) is from the local area (defined as within 8km of the site), grew up in the area, attended school in the area and currently lives in the family home in the area. The applicants do not appear to work in the area and have urban

occupations remote from the appeal site. The applicants desire to live in the area they are from and close to parents for the purpose of care. This is an understandable desire to reside in the area. Based on Development Plan policy under Objective RHO1 in Rural Housing Zone 1 and Rural Areas Under Strong Urban Pressure, the applicants would comply with the criteria under 1.(b). I would consider that in this case that although the applicant has links to the area the applicant has no definable social or economic need to live in the open countryside and would base this on the fact that applicant do not have employment links to the area. I would also note that national policy set out under the Objective 19 of the National Planning Framework and the guidance set out in the Sustainable Rural Housing Guidelines emphasises the requirement to demonstrate an economic, social or functional need to live in a rural area under strong urban influence such as this. In this case the applicant does not have a defined social or economic need to live in this area of strong urban influence and the development would be contrary to Objective 19 of the National Planning Framework and would be contrary to the guidance set out in the Sustainable Rural Housing Guidelines.

7.2.3 The proposed development, in absence of any identified local based need for the house at this location, would result in a haphazard and unsustainable form of development in an unserviced area, 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 and 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.

7.3 Design, scale, visual and adjoining amenity:

7.3.1 The proposal is for a two-storey dwelling with a ridge height of 7.80m. The dwelling features a pitched roof and section of flat roof with what appears to be mainly rendered with and partially clad in stone. The appeal site is flat in nature and in an area that is reasonable flat and low level. The site is taken from a larger field area and there is an existing two-storey dwelling located to the east. I would be of the

view that the overall design and scale of the dwelling proposed is satisfactory and is not in an unduly prominent or highly visible location within the landscape. There is a dwelling of similar scale on the site to east.

7.3.2 One of the appeal submissions suggest that alterations made to the dwelling as part of further information, was significant and that the proposal results in an adverse impact on adjoining residential amenity due to provision of a side window at first floor level. The revisions made as part of the further information response are very minor with the window serving an ensuite on the side elevation (east) made narrower in width and two windows on the front elevation (one at ground and one at first floor level) made narrower in width also. I would question these changes are material and very minor in nature. There may have been reason to advertise such, however in the main I could consider that the revisions are very minor. I would consider that the design as proposed originally and with minor alterations would have no significant or adverse impact on adjoining amenity with the dwelling similar in scale and height to the existing dwelling on the neighbouring site and having a similar building line and being a continuation of the pattern of development established by the existing dwelling. The window on the side elevation can be fitted with obscure glazing by way of condition.

7.3.3 There is suggestion in the appeal that the provision of the dwelling would impact on existing farming activities. I would consider that that there is no strong basis for this argument and that this is a speculative assertion.

7.4 Traffic impact:

7.4.1 The appeal site is located on a lower category public road that ends in cul-de-sac a short distance to the east of the site. The road is approximately 3m wide and does not cater for two way traffic. The public road the site is on forms a T-junction with the L-61792 to the west of the site. At present the public road the site is off serves existing agricultural lands and three existing dwellings and a farmyard associated with one of those properties. The appellant raise concerns about the width and

capacity of the public road and the layout of the junction with the L-61792. I am of the view that in terms of the nature and type of development that the level of traffic such will generate is modest in scale and is not out of keeping with the type of traffic already using the road. I would be of the view that the existing road networks could cater for the proposed dwelling without causing any explicit traffic hazard. The appeal submissions raise the issue of precedent and the proliferation of new dwellings and traffic impact. I would refer to the first section of this assessment and note that the appeal site is one of the more restrictive locations in terms of rural housing being in an area under urban pressure and that these policies do limit the proliferation of one-off housing. I would consider on its merits and the proposed development in isolation would not give rise to a traffic hazard.

7.5 Public Health:

- 7.5.1 The proposal entails the installation of a proprietary wastewater treatment system. Site characterisation was carried out including trial hole and percolation tests. The trial hole test (depth 2.1m) notes that the water table level was not encountered and no major rock detected. P tests could not be carried out due to difficulty digging the required depth test hoses. P test (for shall soil/subsoil and/or water table) were carried out with percolation values (standard method) that are within the standards that would be considered acceptable for the operation of a wastewater treatment system set down under the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses. The test results indicate percolation values that are within the standards that would be considered acceptable for the operation of a wastewater treatment system set down under the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses. The drawings submitted meets the required separation distances set down under the EPA Code of Practice (based on site size and separation from site boundaries).
- 7.5.2 I would have concerns that the site characterisation tests indicate that soil conditions on site may not be suitable for wastewater treatment with indication of rock layers in close proximity to the surface and such is reflected in the test results in that P test could not be carried out. I would consider that notwithstanding the use of a

proprietary wastewater treatment system on site, that having regard to the poor soil conditions and indication of rock layers at a shallow level on site, to the proliferation of domestic wastewater treatment systems in the this rural area, and to the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of Environment, Heritage and Local Government 2005 which recommend, in un-sewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities, and could not be satisfied, on the basis of the information on files, that the impact of the proposed development in conjunction with existing wastewater treatment systems in the area would not give rise to a risk of groundwater pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

8.0 Recommendation

8.1. I recommend refusal based on the following reasons.

9.0 Reasons and Considerations

1. Having regard to the location of the site within an Area 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 2005, 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 demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements, the Board could not be satisfied on the basis of the information on the file that the applicants came within the scope of either economic or social housing need criteria as set out in the overarching National Guidelines.

The proposed development, in absence of any identified local based need for the house at this location, would result in a haphazard and unsustainable form of development in an unserved area, 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 and 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. Notwithstanding the proposal to use a proprietary wastewater treatment system on site, the Board had regard to the poor soil conditions and indication of rock layers at a shallow level on site, to the proliferation of domestic wastewater treatment systems in the this rural area, and to the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of Environment, Heritage and Local Government 2005 which recommend, in un-sewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities, and could not be satisfied, on the basis of the information on files, that the impact of the proposed development in conjunction with existing wastewater treatment systems in the area would not give rise to a risk of groundwater pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colin McBride
Senior Planning Inspector

21st January 2022