



An
Bord
Pleanála

Inspector's Report

ABP-311717-21

Development	Construction of a dwelling.
Location	Site at Six Cross Lane, Rush, Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F12A/0418
Applicant(s)	James Jones
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	James Jones
Observation	Colin & Louise Kane
Date of Site Inspection	12 th February 2022
Inspector	Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.2 hectares, is located a short distance to the north east of Rush, Co. Dublin. The appeal site is located off Six Cross Lane, which runs on a north south axis and is parallel to the coastline. The appeal site is located at the end of Six Cross Lane and off a section of private laneway that serves the appeal site and three other dwellings. The appeal site is a vacant site/field area and is located at an elevated height relative to Six Cross Lane. There is a significant level of existing dwellings in the vicinity and off Six Cross Lane, which is narrow in width and has difficulty facilitating two way traffic. In terms of adjoining structures there are two dwellings adjoining the southern boundary (a dormer style dwelling and a single-storey dwelling. To the north is a two-storey dwelling (the observers dwelling) whose gable faces south, to the west are fields/agricultural lands and to the west are a number of single-storey dwellings that back onto to the site but are a lower level.

2.0 Proposed Development

- 2.1. Permission is sought for a two-storey dwelling, a new wastewater treatment system, landscaping, new entrance gates & boundary treatments and all associated site works. The dwelling has a floor area of 266sqm and a ridge height of 8.125m. The site is accessed from an existing private access laneway serving a number of other dwellings.

3.0 Planning Authority Decision

3.1. Decision

Permission refused based on two reasons...

1. The site is located within the 'HA' zoning objective under the Fingal Development Plan, 2017 - 2023 the objective of which is to 'protect and enhance high amenity areas', and in a 'Rural Area under Strong Urban Influence' in the 'Sustainable Rural

Housing Guidelines for Planning Authorities' (DoEHLG, 2005). Furthermore, it is national policy in such areas under urban influence, as set out in National Policy Objective 19 of the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018, to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in such rural areas under urban influence. The applicant has not demonstrated their eligibility to be considered for a dwelling in the rural area of Fingal on the basis of being engaged in farming. The proposed development would contravene materially the rural settlement strategy of the Fingal Development Plan 2017-2023 including Objective RF38, would be contrary to the Ministerial Guidelines and to the over-arching national policy in the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the substandard nature of the access road in alignment, width and surface condition, the Planning Authority is not satisfied that adequate and safe access arrangements would be provided to the proposed development. The proposed development would therefore constitute a traffic hazard and would be contrary to the proper planning and sustainable development of the area.

3. The site is located within the 'HA' zoning objective under the Fingal Development Plan, 2017 - 2023 the objective of which is to 'protect and enhance high amenity areas', and is also indicated on Sheet No. 14 'Green Infrastructure 1' of the Fingal Development Plan 2017-2023 as being located within a 'Highly Sensitive Landscape'. The proposed development, which is located on a prominent elevated site, would by virtue of its excessive scale, bulk and incongruous design, cause injury to the character of the area and would be unsympathetic and inappropriate within the rural landscape. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

4. The proposed development would by virtue of its design, specifically the location of a first-floor window approximately 4 metres from the site boundary, result in an

unacceptable level of overlooking and a consequent diminution in the privacy of the adjoining property to the north and would seriously injure the amenities of and depreciate the value of property in the vicinity.

3.2. Planning Authority Reports

3.2.1. Planning Report

Planning Report (24/09/21): A number of issues were raised including failure to comply with Rural Housing policy of the County Development Plan, substandard access laneway/traffic hazard, adverse visual impact and overlooking of an adjoining dwelling. Refusal was recommended based on the reasons outlined above.

Other reports

Irish Water (05/09/21): No objection.

Transportation Planning (no date): Access road substandard in width and alignment.

3.3. Prescribed Bodies

3.3.1 None.

3.4. Third Party Observations

3.4.1 Submission by submitted by Colin & Louise Kane, Ailesbury House, Six Cross Lane, Rush, Co. Dublin.

- Issues concerning design and scale relative to their property and adverse impact on existing residential amenity.

4.0 Planning History

F19A/0269: Permission refused for a two-storey dwelling, wastewater treatment system and associated site works. Refused based on four reasons including non-

compliance with Rural Housing policy, traffic hazard, adverse visual impact and adverse impact on adjoining residential amenity.

5.0 Policy Context

5.1. Development Plan

The relevant development plan is the Fingal County development Plan 2017-2023. The appeal site is within lands zoned 'HA' with a stated objective 'to protect and enhance high amenity areas'.

On Sheet NO. 14 'Green Infrastructure 1' of the Development Plan the site is located in an area classified as 'Highly Sensitive Landscape'.

Within areas of the County currently zoned rural. These areas are zoned Rural Village (RV), Rural Cluster (RC), Rural (RU), Greenbelt (GB), or High Amenity (HA).

Objective RF26: Ensure the vitality and regeneration of rural communities by facilitating those with a genuine rural generated housing need to live within their rural community.

Objective RF27: Recognise and promote the agricultural and landscape value of the rural area and prohibit the development of urban generated housing in the open countryside.

Table RF02 outlines eligibility for housing in the open countryside under the Rural Settlement Strategy.

Objective RF33: Require that any house which is granted planning permission in the areas with the zoning objective, RU, HA, or GB will be subject to an occupancy requirement whereby the house must be first occupied as a place of permanent

residence by the applicant and/or members of his/ her immediate family for a minimum period of seven years.

Objective RF36: Demonstrate that any proposed dwelling is for use as the applicant's primary residence and the proposed dwelling will be located on a farm where the applicant's family currently resides.

Objective RF37: Allow for consideration of any additional house, in the case of a fragmented farm, to be located on an area of the farm not physically connected to the main portion of the farm, and which area has been in the applicant family's ownership and part of the overall active farm holding for at least three years prior to the date of application.

Objective RF38: Demonstrate that the farm has been a working and actively managed farm in the ownership of the applicant's family for a minimum of three years preceding the date of the application for planning permission. The applicant will be required to demonstrate the following in relation to their working of the family farm:

- (i) The applicant is a member of a family which operates a farm within the rural area of Fingal and is actively engaged in farming the family farm. Verifiable documentary evidence (such as dated and stamped Land Registry Documentation) showing details of the farm ownership, details of the family relationship with the farm owner, and the nature of the applicant's involvement in farming the family farm will be required.
- (ii) The farm on which the application for planning permission for a rural house has been submitted has been a working and actively-managed farm in the ownership of the applicant's family for a minimum of three years preceding the date of the application for planning permission.
- (iii) The location of the family home on the existing farm.
- (iv) The location of all other houses on the family farm which have been granted planning permission since the 19th October 1999. Submission details will include the

date of grant of planning permission and the Council's file Register Reference under which any Planning Permissions were granted.

(v) The family farm has been a working farm for the preceding three years. The criteria which are considered to constitute a working farm and the size thresholds for various types of farm are set out below. The minimum threshold area of a farm excludes the area of the farm occupied by the farm yard and farm buildings, the area of the existing family home and its curtilage, and the area of the site of the proposed dwelling.

(vi) Documentary evidence that the applicant resides on a working family farm within the planning application.

Objective RF39: Permit new rural dwellings in areas which have zoning objectives RU, or GB, on suitable sites where the applicant meets the criteria set out in Table RF03.

Table RF03: Criteria for Eligible Applicants from the Rural Community for Planning Permission for New Rural Housing

(i) One member of a rural family who is considered to have a need to reside close to their family home by reason of close family ties, and where a new rural dwelling has not already been granted planning permission to a family member by reason of close family ties since 19th October 1999. The applicant for planning permission for a house on the basis of close family ties shall be required to provide documentary evidence that:

- S/he is a close member of the family of the owners of the family home.
- S/he has lived in the family home identified on the application or within the locality of the family home for at least fifteen years.

(ii) A person who has been in employment in a full-time occupation which is considered to satisfy local needs by predominantly serving the rural community/economy for fifteen years prior to the application for planning permission, and has not already been granted planning permission for a new rural dwelling since the 19th October 1999. Documentary evidence of such employment is required.

(iii) A person who is an immediate member of a rural family who has not been granted permission for a rural dwelling, since the 19th October 1999, and is considered to have a need to reside adjacent to the family home by reason of that person's exceptional health circumstances. The application for a rural dwelling must be supported by two sworn affidavits from relevant and qualified professionals, with at least one from a registered medical practitioner. A qualified representative of an organisation which represents or supports persons with a medical condition or disability may supply the other. It is to be noted that criterion no. (iii) applies in areas which have zoning objective, HA, as well as in areas with zoning objective GB and RU.

(iv) A 'bona fide' applicant who may not already live in the area, nor have family connections there or be engaged in particular employment or business classified with the local needs criteria, subject to the following considerations: Such applicants will be required to satisfy the Council of their long term commitment to operate a full-time business from their proposed home in a rural area, as part of their planning application. The applicant will outline within a submitted Business Plan how their business will contribute to and enhance the rural community, and will demonstrate to the satisfaction of the Council that the nature of their employment or business is compatible with, and addresses and satisfies local needs, and will protect and promote the rural community. The applicant will satisfy the Council that the nature of their employment or business is dependent on its location within the rural area so as to discourage applicants whose business is not location dependent. The applicant will demonstrate their commitment to the proposed business through the submission of a comprehensive and professionally-prepared Business Plan, and through submission of legal documentation that they have sufficient funding committed to start and operate the business. Applicants whose business is not location dependent will not be considered.

Objective RF70: Protect and promote the sustainability of rural living by facilitating rural-related enterprise for rural dwellers.

Objective RF74: Support the maximum number of sustainable, working farms within the County, and ensure that any new development does not irreversibly harm the commercial viability of existing agricultural land.

Objective RF79: Support and facilitate the growth of the agri-food sector in Fingal.

Objective RF104: Promote the sensitive re-use and adaptation of existing farm buildings for farm diversification. Where a new building is necessary, it shall be sited, where practical, in or adjacent to the existing group of farm buildings and shall relate to existing buildings and the surrounding countryside in terms of design, siting, and materials.

5.2 Sustainable Rural Housing Guidelines for Planning Authorities (2005):

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 within 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'.

5.3 National Planning Framework – Project Ireland 2040

NPO19 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:

- o 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;
- o 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.

5.4 **Natural Heritage Designations**

5.4.1 Rogerstown Estuary SAC and SPA, c. 950m south of the appeal site.

5.5 **EIA Screening**

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 first party appeal has been lodged by MacCabe Durnery Barnes on behalf of the applicant, James Jones, 3 Eden Terrace, Rush, Co. Dublin. The grounds of appeal are as follows...

- The applicant meets the requirements of the Development Plan and Rural Housing policy being a member of an actively engaged farming family and meets the criteria of RF37. There is no policy in the Development Plan requiring appraisal of farmed lands, their suitability for a site selection.
- The applicant has provided details of all family lands, his family home and notes that the appeal site is an infill site and is most suitable for a proposed development in terms of visual amenity.
- The appellant notes that the reason for refusal does not include consideration of other sites despite it being the reason for refusal as it would be contrary Development Management Guidelines and refers to appeal ref no. 307483-20, which is a relevant case in which the applicant had demonstrated a need to live in this rural area. The applicant complies with national policy and NPO19

- In relation to reason no. 2 the appellant has submitted a traffic report that demonstrates the proposal will not have a significant traffic impact and is currently used without traffic issues for existing dwellings and farm machinery.
- In relation to refusal reason no. 3, the appellant has proposed to reduce the scale of the dwelling by removing the first floor element. It is noted that the site is an infill site and not highly visible from the beach area. It is considered that the proposal will not have an adverse or prominent visual impact.
- In relation to reason no. 4 the revised plans removing the first floor element and would address the concerns of Planning Authority about overlooking of the adjoining property.

6.2. **Planning Authority Response**

Response by Fingal County Council

- The PA still consider that the laneway is inadequate in width and alignment and would require substantial works and that the applicant has not demonstrated compliance with Fingal Rural Settlement Strategy.

6.3 **Observation**

6.3.1 An observation has been submitted by Colin & Louise Kane, Ailesbury House, Six Cross Lane, Rush, Co. Dublin.

- The observers raise concerns regarding overlooking from a balcony to the front of the proposed dwelling.
- The existing planting along the boundary is not intended as screening and has the potential to die-back in the winter and would not offer protection from overlooking.

7.0 **Assessment**

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

Rural Housing policy

Traffic

Design, scale, landscape character/visual impact

Adjoining Amenity

7.2. Rural Housing policy:

7.2.1 Permission was refused on the basis that the site is located within the 'HA' zoning objective under the Fingal Development Plan, 2017- 2023 the objective of which is to 'protect and enhance high amenity areas', and in a 'Rural Area under Strong Urban Influence' in the 'Sustainable Rural Housing Guidelines for Planning Authorities' (DoEHLG, 2005) and having regard to national policy in such areas under urban influence (National Policy Objective 19 of the National Planning Framework) it was determined that the applicant has not demonstrated their eligibility to be considered for a dwelling in the rural area of Fingal on the basis of being engaged in farming. The proposed development was considered to contravene materially the rural settlement strategy of the Fingal Development Plan 2017-2023 including Objective RF38, would be contrary to the Ministerial Guidelines and to the over-arching national policy in the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

7.2.2 In refusing permission the Council considered that the applicant did not comply with Objective RF38. The Council accepts that the applicant is engaged in the family farming business, the size of such is above the applicable threshold level and that the farm is fragmented in nature. It was considered that as the applicant family home and family farm is located in the urban area and the proposal is on a site zoned 'HA' as opposed to a site not within this designation that strong justification is needed for the proposed dwelling. It was considered that the applicant does not comply with Objective RF38 and constitutes urban generated housing.

7.2.3 Based on the information on file the applicant is engaged in a family farming operation. The applicant resides in the urban area of Rush and the family home is also located in the urban area of Rush. The family farm consists of farming operation made up of a significant landholding that is spread throughout the area in a fragmented manner. Based on the information on file the horticultural business is Garden of Eden Herbs, which is based at Rush Main Street. It would appear that the lands in question supporting this business are both in the urban and rural area. The applicants existing residence is in the urban area of Rush as is the family home associated with this business. The applicant argues that his need is a rural generated need due to being generated by a rural activity and the nature of horticultural business in this area is unique.

7.2.4 I would be of the view that the applicant has submitted sufficient information to determine that they are engaged in a farming enterprise in the rural area of Fingal County Council for the relevant period. In this regard I would be of the view that they can demonstrate compliance with Objective RF38 despite the fact that the family home and centre of horticultural enterprise is located in the urban area. The farm would appear to include lands that are both urban and rural. Notwithstanding such national policy is a significant consideration. In terms of the Sustainable Rural Housing Guidelines and the NSS Rural Area Types, the appeal site is an area Area Under Strong Urban Influence. Consideration must be given to national policy with the site located in an Area Under Strong Urban Pressure. I would consider that in this case that the applicant has no definable social or economic need to live in the open countryside and would base this on the fact that the applicant currently resides in the urban area, the family home associated within this enterprise is located in urban area, the main business premises associated with this horticultural enterprise is located in the urban area as is significant level of lands associated with such and it has not been demonstrated that there is a need to reside in the open countryside to engage in the horticultural operation. I would consider that the case that this is rural generated need has not been demonstrated. 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.

7.2.5 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.

7.2.6 The appellant refers to a Board precedent for a dwelling in the Fingal area under ABP-308483. I would be of the view that this case although featuring similar issues, is not a justification for granting permission in this case. The proposal was refused on the basis that it was a material contravention of Development Plan policy in particular Objective RF38 in that the applicant did not comply with rural housing policy and the criteria for established as rural housing need. As outlined above I am of the view that the applicant has satisfied the criteria set out under the County Development Plan and the proposal does not constitute a material contravention. Notwithstanding such the provisions under Section 37 Subsection 2 (a) & (b) of the Planning and Development Act 2000 (as amended), state that where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, I do not consider the proposed development should be granted permission. The proposed development is not of strategic or national importance and there are not conflicting or unclear objectives in the Fingal County Development Plan. There is no evidence before me to demonstrate that permission has been granted for similar development in the surrounding area. There are no provisions for granting such development, having regard to the regional spatial and economic strategy for the area, guidelines under

Section 28 or policy directives under section 29 of the Act, the statutory obligations of the local authority, or any relevant policy of the Government

7.3 Traffic:

7.3.1 Permission was refused on the basis that having regard to the substandard nature of the access road in alignment, width and surface condition, the Planning Authority is not satisfied that adequate and safe access arrangements would be provided to the proposed development. The proposed development was considered to constitute a traffic hazard and would be contrary to the proper planning and sustainable development of the area. The appellant submitted a traffic report outlining the fact that there has been no history of any traffic incidences, that the alignment and configuration mean traffic is low speed and that the traffic generated by the proposed development will be low. The proposal is to resurface the laneway, provide for widening where possible (trimming back hedgerows and a more solid surface to the edges).

7.3.2 The site is accessed from Six Cross Lane, which is narrow in width and does not facilitate two way traffic. The section of private laneway from the Six Cross Lanes to the site is narrow in width and unsurfaced. The existing laneway already serves a number of dwellings at this location. I would consider that regardless of the improvements proposed the existing width and alignment of both the public road and the private laneway to the site is substandard in nature and unsuitable for increased traffic generation. The proposal would generate additional and more regular traffic movements, and would constitute a traffic hazard and obstruction to other road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

7.4 Design, scale, landscape character/visual impact:

7.4.1 The site is located within the 'HA' zoning objective of which is to 'protect and enhance high amenity areas', and is also indicated on Sheet No. 14 'Green Infrastructure 1' of the Fingal Development Plan 2017-2023 as being located within a 'Highly Sensitive Landscape'. The proposed development was considered to be

located on a prominent elevated site and by virtue of its excessive scale, bulk and incongruous design, cause injury to the character of the area and would be unsympathetic and inappropriate within the rural landscape.

7.4.2 The appeal site is elevated relative to Six Cross Lane and the coastline, but is in an area that is very overdeveloped for a rural area with a significant level of dwellings in the vicinity. Most of these dwellings are low profile chalet type dwellings. The proposed dwelling is a two-storey dwelling featuring a pitched roof section and flat roof section with the maximum ridge height of 8.125m above ground level. The dwelling is contemporary in nature.

7.4.3 I would consider that given the elevated nature of the site and its proximity to the coastline, there is a possibility that the proposal would have prominent and visual impact at this location. The appeal site is surrounded by existing dwellings, however such are in general low profile in nature. There is a two-storey dwelling to the north, however such is at a lower ground level. It is notable that the applicant has submitted a revised design to deal with the issues raised on the reasons for refusal. The proposal entails an amended design removing the first floor. I would be of the view that this revision would address any concerns regarding visual prominence and impact.

7.4.4 The proposed development was also refused by virtue of causing unacceptable level of overlooking and a consequent diminution in the privacy of the adjoining property to the north and would seriously injure the amenities of and depreciate the value of property in the vicinity. This relates to a first floor window on the northern elevation a short distance from the boundary with the adjoining property. The revised design submitted addresses this issue with no first floor windows proposed in the revised design.

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

trail hole test (2m) showed no water ingress into the trial hole. T tests for deep subsoils and/or water table and P tests for shallow soil/subsoils and/or water table by the standard method were carried out with 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 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 consider that notwithstanding the use of a proprietary wastewater treatment system on site, that having regard to the excessive proliferation of domestic wastewater treatment systems in the this rural area and in the immediate vicinity of the site, 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, I 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 **Appropriate Assessment**

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

9.0 Recommendation

9.1. I recommend refusal based on the following reasons...

10.0 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 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. Having regard to the width and alignment of public road and private laneway serving the site, which is unsuitable to cater for increased traffic, the proposal would generate additional and more regular traffic movements, and would constitute a traffic hazard and obstruction to other road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Notwithstanding the proposal to use a proprietary wastewater treatment system on site, the Board had regard, to the proliferation of domestic wastewater treatment systems in this rural area, the fact that that groundwater in the area is classified as highly vulnerable, 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. The Board could not be satisfied, on the basis of the information on the file, 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

22nd February 2022