



An
Bord
Pleanála

Inspector's Report

ABP-312021-21

Development	Permission is sought for dwelling house with garage, wastewater treatment system, and associated site works.
Location	Glenmore, Collon, Co Louth.
Planning Authority	Louth County Council.
Planning Authority Reg. Ref.	211191.
Applicant(s)	David Kierans.
Type of Application	Planning permission.
Planning Authority Decision	Refusal.
Type of Appeal	First Party.
Appellant(s)	David Kierans.
Observer(s)	None.
Date of Site Inspection	19 th day of February, 2022.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The rectangular in shape appeal site has a stated 0.303ha and it is located in the 'Townland' of Glenmore, on the eastern side of Corlis Road, circa 209m to the south of its junction with the R169 (Brannigans Cross) and circa 2.18km by road to the south east of the R169's junction with the N2 (Derry – Dublin) national road which at this point consists of Church Street/Ardee Street and runs through the centre of the village of Collon, in County Louth.
- 1.2. The site forms part of a larger field which appears to be used for grazing. There is an agricultural laneway running along the northern boundary extending to an adjoining field to the east. The site occupies a high point in the landscape and views from the site include vistas containing Monasterboice Tower.
- 1.3. The area in proximity to the roadside boundary contains large piles of stone and the ground levels fall in an easterly and southerly direction.
- 1.4. The ground conditions underfoot were water logged and evidence of water loving plants. The roadside boundary contains a deep drainage ditch. Though overgrown the sound of moving water in them was evident.
- 1.5. Bounding the site to the north is a dwelling house what is unoccupied and a caravan. Tall evergreen non-native confers align the boundary between the site and this property. There was no demarcation of the eastern and southern boundaries of the site.
- 1.6. The surrounding rural landscape contains a proliferation of one-off dwellings and there was a steady flow of traffic on the adjoining local road.

2.0 Proposed Development

- 2.1.1. Planning permission for is sought for the construction of a two-storey four bedroom dwelling house four-bedroom dwelling house, garage, waste water treatment system, percolation area, new entrance to public road and associated site works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 10th day of November, 2021, the Planning Authority issued a notification to refuse planning permission for the following stated reasons:

- “1. *The proposed dwelling, by reason of its location would result in a fifth one-off rural house in a row along a 300m section of roadway which would exacerbate ribbon development and would result in an intrusive encroachment of physical development into the open rural landscape. The cumulative impact of the proposed development together with the existing one-off houses in the vicinity of the site, would militate against the preservation of the rural environment and would set an undesirable precedent for other such development in the vicinity. Such development would be contrary to Policy SS25 and Policy SS53 of the Louth County Development Plan 2015-2021 which seeks to prevent ribbon development, and which require applications for one-off houses demonstrate compliance with the Development Management Assessment Criteria for One-Off Rural Housing as detailed in Section 2.19.7. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *The proposed dwelling is located with development zone 5 as designated by the Louth County development plan 2015-2021. It is the policy (SS 19) of the plan that applicants for single dwellings in this zone demonstrate and document that they have lived for a minimum period of 10 years in the local rural area (including cross-border), they have a rural housing need, they do not already own a house or have not owned a house within the rural area of the county for a minimum of 5 years prior to making an application. Based on the information submitted, the planning authority is not satisfied that the applicant comes under the scope of this policy and as such, the proposed development would contravene the rural housing policy of the Louth County Development Plan 2015-2021 and thus would be contrary to the proper planning and sustainable development of the area.”*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **Planning Officers report** dated the 5th day of November, 2021, is the basis of the Planning Authority's decision and it includes the following comments:

- The applicant has not demonstrated they have a rural housing need.
- The site chosen for the proposed development would militate against the preservation of the rural environment and would set an undesirable precedent.
- This development would give rise to ribbon development.
- No residential amenity impacts would arise.
- Concludes with a recommendation of refusal.

3.2.2. Other Technical Reports

- **Infrastructure:** No objection, subject to safeguards.
- **Environment:** No objection, subject to safeguards.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. Site

4.1.1. P.A. Ref. No. 08470:

On the 25th day of April, 2008, planning permission was **granted**, subject to conditions, for a development consisting of the construction of a two-storey dwelling house, garage, waste water treatment system, percolation, and associated site works. According to the information on file this application was made by the applicant's son and was not implemented.

4.2. Landholding

- 4.2.1. **P.A. Ref. No. 08469:** On the 15th day of September, 2008, planning permission was **granted** subject to conditions for a development consisting of the construction of a two-storey dwelling house, garage, waste water treatment system, percolation, and associated site works. According to the information on file this application was made by the applicant's son and was not implemented.
- 4.2.2. According to the documentation on file the applicant was granted permission for a two-storey dwelling house in the townland of Glenmore under P.A. Ref. No. 96778.
- 4.2.3. Of additional note the planning history records also show that the applicant was **granted** planning permission for a dwelling house in the Townland of Sheepgrange, Co. Louth, under P.A. Ref. No. 81435.

5.0 Policy & Context

5.1. Development Plan

- 5.1.1. The Louth County Development Plan, 2021-2027, came into effect on the 11th day of November, 2021. Under Map 3.1 of the said plan the site is located in a rural area under urban influence (Rural Category 1) and under Map 3.2 the site is located within Rural Policy Zone 2 land. Applicants for one-off dwellings in Rural Policy Zone 2 are required to meet the qualifying criteria set out in Table 3.5 of the said Plan.
- 5.1.2. Section 13.9 of the Development Plan deals with the matter of housing in the open countryside. With Section 13.9.1 setting out that countryside is a valuable resource that provides a scenic landscape enjoyed by residents and visitors, and farmland that delivers high quality produce. It also sets out that "*whilst this Plan acknowledges the desire of local residents to live in the rural area, the provision of one-off housing in the open countryside must be carefully managed in order to protect the landscape and countryside for future generations to work in and enjoy*".
- 5.1.3. Section 13.9.5 of the Development Plan deals with the matter of ribbon development.
- 5.1.4. Section 13.9.10 of the Development Plan deals with Garages and Outbuildings in the Countryside. It sets out that: "*garage will normally be positioned to side or rear of the*

dwelling and will be designed and finished in materials that match the dwelling. The design and scale of any garage shall be proportionate to the dwelling”.

- 5.1.5. Section 13.9.19 of the Development Plan states: “*applicants for one-off rural housing will be required to demonstrate compliance with the criteria relevant to the specific Rural Policy Zone in which the application site is to be located. The qualifying criteria for each policy zone is outlined in Section 3.17.4 of Chapter 3 ‘Housing’.*”
- 5.1.6. Section 13.20.3 of the Development Plan deals with Domestic and Commercial Wastewater Treatment and states that: “*domestic wastewater treatment plants and percolation areas must comply with the Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤10) (EPA, 2021) or any subsequent updated guidance*”.
- 5.1.7. Section 13.16.17 of the Development Plan deals with Entrances and Sightlines. It states that: “*a well-designed access is important for safety and convenience of all road users*”.
- 5.1.8. Section 8.11 of the Development Plan deals with the matter of hedgerows.
- 5.1.9. Section 13.16.17 of the Development Plan deals with the matter of entrances and sightlines.
- 5.1.10. Table 13.13 of the Development Plan sets out the requirements for entrances onto various categories of roads and for local roads requires a sightline of 75m from a 3m setback from the edge of the carriageway.

5.2. Regional Spatial Economic Strategy – Eastern & Midland Region, 2019-2031.

- 5.2.1. RPO 4.80 sets out that Local Authorities shall manage urban growth in rural areas under strong urban influence by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstratable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.3. National

- 5.3.1. **National Planning Framework – Project Ireland 2040, Department of Housing, Planning and Local Government, (2018):** Of relevance to this appeal case is National Policy Objective 19. This national policy objective 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.

5.3.2. **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. Of relevance to this appeal case is that the site is located in an area classified as an under Strong Urban Pressure and Appendix 4 which deals with the matter of Ribbon Development. Section 3.3.3 of these guidelines deals with 'Siting and Design'.

5.3.3. **Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021.**

5.3.4. The **Development Management Guidelines for Planning Authorities**, June, 2007.

5.4. **Natural Heritage Designations**

5.4.1. None relevant.

5.4.2. The nearest Natura 2000 site is the River Boyne and River Blackwater SAC (Site Code: 002299) which is located c5.2km to the south at its nearest point.

5.4.3. Of further note the site is within 0.5km to the south east of pNHA Mellifont Abbey Woods (Site Code: 001464).

5.5. **EIA Screening**

5.5.1. Having regard to the nature and scale of the development proposed, i.e., a dwelling house, garage and associated works, the sites geographic remoteness from any

Natura 2000 sites, 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

6.1.1. The grounds of this First Party Appeal can be summarised as follows:

- The appellants seek that the decision of the Planning Authority is overturned.
- Policy SS53 of the Development Plan, 2015 to 2021, provides for exceptions in the case of ribbon development. This exception provided for under this policy has been ignored by the Planning Authority in their assessment of this application.
- Dwellings relating to larger examples of ribbon development along this road have been permitted by the Planning Authority in recent years and the road serving the site is practically suburban in its character.
- They contend that they are a landowner and have resided here for the past 22 years and within the local area for the previous 18 years.
- The 300m gap under Policy SS53 of the Development Plan prevents building on any of the frontage of their land.
- The appellant's son was permitted a dwelling house on the same site in 2008 and his other son was permitted a dwelling house on an adjacent site in 2008 also. Both of his sons purchased houses elsewhere and did not build at time.
- The lands were originally owned by the appellants father, they were purchased by him after his father's passing and he constructed this existing house in 1999 where he has been living since.
- Due to the Divorce Court Order the dwelling he lives in is presently for sale.
- His agricultural lands are rented to a neighbouring farmer.
- They have forged close links with the local community and that his daughter would continue live with him in his new dwelling.

- Under the new Development Plan provisions there is a criterion for their circumstance under Rural Policy Zone 2.

6.2. **Planning Authority Response**

- 6.2.1. The Planning Authority's response received by the Board on the 20th day of December, 2021, indicates that they have no comments to make.

6.3. **Observations**

- 6.3.1. None.

7.0 **Assessment**

7.1. *Preliminary Comment*

- 7.1.1. I consider that the substantive planning issues in relation to the proposed development in this case arise from the Planning Authority's reasons for refusal of planning permission for a development comprising of the construction of a two-storey four-bedroom detached dwelling house, a detached garage, the installation of a waste water treatment system and associated percolation area, a new entrance onto the public road and all associated works at a site in the Townland of Glenmore, c2.18km to the south east of the village of Collon, in County Louth, on rural zoned land. These issues essentially relate to rural settlement strategy and diminishment of visual amenities of the rural area by way of exacerbating ribbon development. The matter of 'Appropriate Assessment' also requires assessment. Other issues that arise for consideration in my view is the proliferation of individual entrances onto a restricted in width of local road with deep drainage ditches on either side and the visual amenity concerns that go beyond ribbon development along this local road. These issues have not been raised in the grounds of appeal and the Board may consider this a new issue.
- 7.1.2. I raise it as a concern that at the time this application was lodged with the Planning Authority and at the time this appeal was submitted to the Board that the applicant has excluded the dwelling house in which they contend they currently live, are in ownership of and is at that time for sale as part of a divorce settlement from the blue line area of

the site. The Board may wish to seek clarity on the landowner's interest in this land as part of their determination of this appeal case by way of additional information.

- 7.1.3. Of further concern in relation to the proposed development is the inaccurate information provided in the planning application which sets out that the gross floor space of works is 158.41m². This grossly under states that the area of the proposed detached dwelling which measures at c160m² and the proposed detached garage at 66m².
- 7.1.4. In addition, for clarity I note that the Louth County Development Plan, 2021-2027, came into effect on the 11th day of November, 2021, the day after the Planning Authority issued their notification to refuse planning permission for the development proposed under this application. My assessment below is based on the provisions of this new plan together with other relevant planning provisions and guidance that are in place at the time my report was prepared.

7.2. Principle of the Proposed Development – Rural Housing Need

- 7.2.1. The Planning Authority's second reason for refusal essentially considered that the applicant had not demonstrated a local rural housing need under the Louth County Development Plan, 2015 to 2021. Thus, to permit the proposed development would be contrary to the proper planning and sustainable development of the area.
- 7.2.2. The appellant seeks that the Board consider that they are compliant with Criteria 8 of the recently adopted Louth County Development Plan, 2021 to 2027, and sets out that they are selling their current place of residence as part of satisfying a divorce court settlement. They also indicate that they wish to build a new home on their landholding which they contend is rented out to a neighbour due to health circumstances and that they have social ties with this rural locality.
- 7.2.3. The Development Plan has a presumption against one-off rural housing at rural locations identified as being under strong urban influence except in cases where the applicant can demonstrate they meet the applicable qualifying criteria for the rural locality where the proposed dwelling is sought.
- 7.2.4. The documents accompanying this application and with the appeal seek to demonstrate that the proposed rural dwelling house and associated works are permissible under Criteria 8 of Table 3.5 of the Development Plan which relates to

lands zoned 'Rural Policy Zone 2 – Area under Strong Urban Influence'. Which I note is the rural zoning policy applicable to the site and its setting. This table sets out the local housing need qualifying criteria in Rural Policy Zone 2.

- 7.2.5. Criteria 8 states: *“a person who has been a residential for at least 10 years that previously owned a home and is no longer in possession of that home due to the home having been disposed of following legal separation/divorce/repossession and can demonstrate a social or economic need for a new home in the rural area”*.
- 7.2.6. While I consider that the documentation provided with this application appear to support that the appellants place of residence has to be sold as part a divorce settlement. It also indicates that they are resident of their home in Glenmore which their landholding wraps round. It does not provide proof that this dwelling has been disposed of and is now in the legal interest of another party. As such they have not demonstrated by way of any robust evidence that the home has been disposed of as part of the documentation provided with this application.
- 7.2.7. Further the documentation provided indicates that the small agricultural landholding the site forms part of is rented out and it does not substantiate in my view an economic need for a rural dwelling house.
- 7.2.8. Moreover, while I accept that the applicant has social ties to this locality. Based on them having lived in Glenmore on foot of a grant of planning permission for a rural dwelling house in the late 1990s and having previous to this lived in the Townland of Sheepgrange also on foot of a grant of planning permission for a rural dwelling. I do not accept that the documentation provided by the applicant demonstrates a social need for a dwelling house at this rural locality that would be such that it can only be facilitated by way of a dwelling house at this rural location.
- 7.2.9. Having regard to the Criteria 8 I am not satisfied that the applicant has demonstrated with sufficient evidence that they meet the requirements of this criterion for a rural dwelling house at this location.
- 7.2.10. In relation to the other criteria for a dwelling house set out under Table 3.5 of the Development Plan the appellant based on the information provided does not meet any of the other criteria, including the exceptional health circumstance. Which I note is not supported by any robust evidence, it is not supported by the documentation provided which includes insurance to drive a car, a gun licence through to the design of the

dwelling proposed. A two storey substantial dwelling that is not designed around a person of the alleged health conditions they suffer.

- 7.2.11. Based on the above considerations, in my view to permit the proposed development would be contrary to Policy Objective HOU 41 of the Development Plan which states that the Council will seek to: “*manage the development of rural housing in the open countryside by requiring applicants to demonstrate compliance with the Local Needs Qualifying Criteria relative to the Rural Policy Zone set out in Tables 3.4 and 3.5*”.
- 7.2.12. In relation to regional through to national planning policy provisions and guidance I note the following.
- 7.2.13. The Regional Spatial Economic Strategy for the Eastern & Midland Region sets out that Local Authorities shall manage urban growth in rural areas under strong urban influence by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstratable economic or social need to live in a rural area, and compliance with statutory guidelines as well as plans, having regard to the viability of smaller towns and rural settlements.
- 7.2.14. As said previously in this assessment, I am not satisfied that the appellant has demonstrated a genuine economic or social need to live in this rural locality. As opposed to one that reflects a desire on their behalf to continue living at this rural locality where they have previously been permitted a rural dwelling house and where they have no tangible economic rural based activities that require a residence on this modest block of agricultural land which is rented out and not farmed by them. Their individual desire is not social or economically needs based. It does not override the public good of safeguarding rural landscapes under strong urban pressure from further proliferation of one-off dwelling houses alongside protecting agricultural lands function which is a precious resource in its own right. In addition, further proliferation of dwelling units dependent upon proprietary waste water treatment systems and not in accessible locations to public transport, amenities as well as other services beneficial to them gives rise to further proliferation of unsustainable private car dependent dwelling units which is contrary to local, regional and national planning provision where local needs has not been demonstrated.

- 7.2.15. The appeal site is located in an area defined as being under strong urban influence as defined in the Sustainable Rural Housing Guidelines for Planning Authority's, 2005, and under the National Planning Framework, 2018.
- 7.2.16. This in my view is due to a number of locational factors including but not limited to its proximity to a number of large urban areas, including Drogheda, Navan, Ashbourne, as well as proximity to the N2 and M1 corridors which provide easy access to Dublin and other settlements in the wider geographic area.
- 7.2.17. National Policy Object 15 is of particular relevance in that it seeks to support the sustainable development of rural areas by managing the growth of areas that are under strong urban influence to avoid overdevelopment whilst sustaining vibrant rural communities.
- 7.2.18. In addition, National Planning Objective 19 is of particular relevance, in that it seeks to direct urban generated housing need into towns and villages. It also advocates in rural areas under urban influence that the provision of single housing in the countryside should be based on the core consideration of demonstrable economic or social need to live in a rural area, subject to safeguards. Including but not limited to design and siting considerations.
- 7.2.19. In conclusion, from the details provided with this application and on appeal the appellant has not in my view demonstrated that they meet the local through to national planning requirements for a one-off rural dwelling at this location. This in my view is reason in itself to support a refusal of planning permission.

7.3. Visual Amenity Impact

- 7.3.1. The Planning Authority's first reason for refusal relates to the proposed development in their view giving rise to exacerbation of ribbon development based on the fact that it would be the fifth dwelling house in a row along a 300m stretch of roadway in a rural landscape. This refusal reason also sets out that as a result the proposed development would result in an intrusive encroachment of physical development and together with the one-off houses in the vicinity would militate against the preservation of the rural environment and it would give rise to an undesirable precedent. For these reasons it was considered by the Planning Authority that the proposed development would be contrary to Development Plan (2015 to 2021) policies (Note: SS25 and SS53) which seek to prevent ribbon development in rural localities and it would also be contrary to

the development management criteria for one-off rural houses set out in the said Development Plan.

- 7.3.2. In relation to ribbon development I note that Section 13.9.5 of the Development Plan, 2021 to 2027, states that: “*ribbon development is a prevalent issue in the County that is having a detrimental impact on the character of the rural landscape*”. It defines ribbon development in a manner that is consistent with the Sustainable Rural Housing Guidelines as: “*five or more houses on any one side of a given 250 metres of road frontage*”; and, that it: “*does not necessarily have to be served by individual accesses nor have a continuous or uniform building line*”. Crucially in relation to this proposal it sets out that: “*in cases, where a development would create or extend ribbon development, the proposal will not be considered favourably*”.
- 7.3.3. In this case having measured the road frontage of the appeal site and the adjoining road frontages of the four neighbouring dwellings to the immediate north the proposed development, if permitted, the proposed dwelling sought under this application would be the fifth dwelling house within one ribbon extending c210m in road frontage length.
- 7.3.4. I therefore consider that to permit the proposed development at this location would in this case give rise to ribbon development which is a type of development which is not supported by local planning provisions.
- 7.3.5. Further, the recently adopted Development Plan does not provide for any exceptions to where this type of development may be permitted in certain limited circumstances like the previous Development Plan did.
- 7.3.6. Appendix 4 of the Sustainable Rural Housing Guidelines deals with the matter of ribbon development and under which it sets out that they recommend against the creation of this form of development in the rural countryside. There are a variety of reasons given for this including: “*road safety, future demands for the provision of public infrastructure as well as visual impacts*”.
- 7.3.7. These guidelines set out that in assessing such proposals for individual houses in rural areas that: “*planning authorities will therefore in some circumstances need to form a view as to whether that proposal would contribute to or exacerbate ribbon development*”; and in so doing, taking account of the nature of existing housing in the rural areas. Including whether it is characterised by ribbon development, the type of rural area it is, the circumstances of the applicant through to whether distinct areas of

ribbon development would coalesce as a result of the development. In all cases, it advocates a balanced and reasonable view in the interpretation of the criteria set out in these guidelines should be had.

- 7.3.8. I also note that that the National Planning Framework objective of managing growth of areas that are under urban influence is to avoid overdevelopment.
- 7.3.9. In this case the site is located on rural zoned land that is identified in local through to national planning provisions as being one that is under strong urban pressure. This is very evident along the road frontage on which the proposed one-off rural dwelling is proposed sought under this application. With the either side of the road containing a proliferation of such developments, including exhibiting distinct ribbon and linear pattern of suburban type dwellings that appear to have little synergy with the function of the rural landscape in which they are sited. In addition, they are of varying array of built forms and quality. They include two-storey built forms that are not inconsistent with the built form and height of the proposed dwelling. Albeit I am of view that like the proposed dwelling many of these built insertions are man-made built insertions that are visually incongruous and not sympathetic with their rural environment.
- 7.3.10. In this case the proposed 2-storey 8.308m high dwelling house with a 11.75m ridge point that maintains this height together with mainly a sponge plaster finish with possible use of stone cladding on the front principal two storey gable shaped projections would be highly visible in its setting due to the site's elevated and highly visible position in its rural landscape setting. Its visibility would be added to by the detached garage structure also proposed. This structure has a given 5.31m height despite it being indicated as single storey. It also has a measured floor area of c66m². In addition, no robust landscaping of the site is proposed that would diminish the visibility of either structure in its setting. Moreover, the natural features that are present consist of a poor quality hedgerow on the western roadside boundary and the northern boundary mainly comprises of mature non-native evergreens. There are no boundaries present demarcating the eastern and southern boundaries of the site with the site due to the falling nature of the ground of the immediate and wider landscape setting making any structure located on this site highly visible from a significant distance. Indeed, the site occupies the highest point within the landholding indicated as being in their ownership.

- 7.3.11. The proposed development would in my view add to the cumulative adverse diminishment that has occurred in this locality by way of similar developments and the design is one that has had no regard to mitigating its visual impact on a setting that is highly sensitive to change.
- 7.3.12. This conclusion is based on the fact that the opposite side of the local road from which a new access for the proposed development is proposed a landscape setting that is identified as being of significant landscape value. And more crucially the rural landscape in close proximity to the east and one that is visible from the site itself is a larger area of landscape identified as a 'Tentative World Heritage Site of Monasterboice' with this area also forming part of AHSQ 2 (Area of High Scenic Quality - Monasterboice) with Irelands second tallest round tower, i.e., Monasterboice Round Tower, being visible from the site. In this regard I note Policy Objective HOU 40 of the Development which recognises this sensitive scenic and culturally important landscape alongside setting out "*the need to carefully manage development in these areas*". Moreover, the immediate surrounding landscape is subject to Rural Policy Zone 1 – Area Under Strong Urban Influence and Significant Landscape Value.
- 7.3.13. Based on the above considerations I concur with the Planning Authority that the proposed development would result in exacerbation of ribbon development. Moreover, it has the potential, given the dimensions of the landholding through to the 88m of road frontage that would remain between it and the applicants home at the time of this appeal, to give rise to further exacerbation of this unsympathetic haphazard form of rural development and in turn further diminishment of the visual amenities of its rural environment.

7.4. Other Matters Arising

7.4.1. New Access onto the Public Road

Whilst I note that no objection has been raised by the Planning Authority on this matter in their determination of this appeal case and that this is not raised as an issue by the Appellant in their grounds of appeal submission. Notwithstanding, having inspected the site and its setting I am of the view that firstly the documentation provided with this application in relation to the provision of a new entrance is not satisfactory in many ways. Firstly, they do not accurately describe the road onto which the entrance is proposed. They are not based on a topographical study or any form of survey of the

section of road upon which the sightlines for the proposed new entrance would be dependent upon. They also do not set out that an existing agricultural entrance would be closed to facilitate the proposed development and the presence of an entrance to the meet north of it and the obstructions that are present in this direction. They also do not clarify what arrangements would be provided to deal with the deep ditch that runs alongside the roadside hedgerow that contained at the time of inspection fast flowing water.

Overall the documentation do not demonstrate safe access onto the public road, or the level of interventions required to achieve long term safe access and egress onto a stretch of road which in the vicinity of the site is of restricted width, poor surface, has a changing vertical alignment or what measures are proposed to deal with drainage.

I also observed a steady flow of traffic in both directions during my inspection of the site.

I am not satisfied that the applicant has demonstrated in this application a safe means of access onto the public road and that the proposed development would not give rise to any traffic hazard or road safety issue.

Further I am not satisfied that this road has spare capacity to accommodate further proliferation of this form of rural housing. Particularly where a genuine local rural need has been demonstrated and where such development can be absorbed without significant detrimental impacts to the visual amenities of this sensitive to change rural landscape.

Moreover, the proposed development, if permitted, would increase the potential for conflict to arise in the vicinity of the proposed entrance and would therefore add to the level of traffic hazard for all road users of this substandard road.

I consider this to be a new issue in this appeal case.

7.4.2. Planning Precedent:

I note the appellant in this case considers that there is established precedent for the proposed development which includes a not implemented grant of planning permission by their son for a dwelling on the subject site through to similar developments having been granted planning permission on this road in recent years.

On this matter I first of all note that the local through to national planning provisions have substantially changed since the cases referred to by the appellant have been determined by the Planning Authority both at local through to national level.

In addition, the site context has changed by the number of one-off dwellings that have been permitted in the intervening years.

Further, the Board considers such development proposals on their individual planning merits which is its remit in its *de novo* consideration of this appeal case.

Moreover, having had regard to the planning history of the site and its immediate setting I do not consider that there is any appeal case determined by the Board in this locality that would establish any positive planning precedent of relevance to this particular case.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development, I am satisfied that 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.

8.0 **Recommendation**

- 8.1.1. I recommend that planning permission be **refused**.
- 8.1.2. I note that 'Reason and Consideration' No. 1 and 3 relates to a **new issues**.

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, and in the Louth County Development Plan, 2021-2027, by way of its Rural Policy Zone 2 – Area under Strong Urban Influence where housing is restricted to persons demonstrating local need in accordance with the Table 3.5, it is considered that the applicant does not come within the scope of the housing need qualifying criteria for a rural one-off dwelling house at this location.

In addition, having regard to 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, it is considered that the applicant has not demonstrated compliance with National Policy Objective 19 and the local need qualifying criteria set out under Table 3.5 of the Development Plan.

It is therefore considered that the applicant does not come within the scope of either the economic or social housing need criteria set out in the overarching National Guidelines of the relevant Local Housing Need Qualifying Criteria of the Development Plan.

The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural car dependent development in an area where there is a strong proliferation of such developments.

It would militate against the preservation of a rural environment that is afforded protection as an area of high scenic quality where inappropriate developments like this are discouraged and directed to where they can be more sustainably accommodated on serviced lands within settlements making more efficient use of provision of public services and infrastructure and giving rise to more climate resilient sustainable forms of residential development.

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

2. The Louth County Development Plan, 2021 to 2027, under Section 13.9.5 has a presumption against development that would create and exacerbate ribbon development where ribbon development is defined by way of example as five or more houses on one site of the road with a road frontage of 250m in accordance with Appendix 4 of the Sustainable Rural Housing Guidelines. The Board considers that the proposed dwelling would by virtue of being the fifth house on a road frontage that in this case is less than 250m would give rise to ribbon development and would given the character of residential development along the

road that serves the site have the potential to give rise to further exacerbation of ribbon development in a manner that would be contrary to Section 13.9.5 of the said plan and would add to the cumulative diminishment of the visual amenities of this rural landscape by way of such developments. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. The site is located on a local road where the maximum speed limits apply and which is seriously substandard in terms of width and alignment alongside in the vicinity of the proposed entrance accommodates a number of existing entrances. The traffic generated by the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users.

Patricia-Marie Young
Planning Inspector
10th day of March, 2022.