



An
Bord
Pleanála

Inspector's Report

ABP-312096-21

Development	Construction of dwelling and all associated site works.
Location	Lavally, Gort, Co. Galway.
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	21649
Applicant	John Curley
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	John Curley
Observer(s)	None
Date of Site Inspection	25 th May 2022
Inspector	Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site is located on the northern side of the R380 (Loughrea Road), c. 1 km east of the centre of Gort.
- 1.2. The appeal site forms part of a field, is broadly rectangular in shape and has a stated area of 0.316 ha. There is a level difference of c. 2 metres between the centre of the appeal site and the R380 to the front of the appeal site. A portion of land along the boundary of the R380 is included within the red line boundary of the appeal site. The appeal site appears to be used for agriculture and is under grass. The roadside boundary of the appeal site comprises a stone wall. Access to the appeal site is from a recently constructed gated entrance. A power line traverses the front of the appeal site.
- 1.3. The adjoining lands to the north-west and lands on the opposite side of the R380 (off Circular Road) are indicated as being within the applicant's control/ownership, as depicted by the blue line boundary. The property to the south-west is indicated as the first party's family home. There is a recently constructed house situated to the rear of the first party's family home. This house has yet to be occupied. There is also a mobile home on the appeal site. The mobile home is being resided in.
- 1.4. The adjoining area is rural in character and they are a number of detached, single storey dwellings in the vicinity of the appeal site.

2.0 Proposed Development

- 2.1. The proposed development comprises;
 - Construction of a two storey, four-bedroom, detached dwelling:
 - stated floor area c. 213 sqm.
 - ridge height c. 7.5 metres (reduced to 7 metres following submission of further information).
 - material finishes to the proposed house have not been specified but appear to comprise plaster and stone cladding for the external walls. The roof covering has not been specified.

- positioned 23.5 metres from the public road (indicated as 25 metres in the subsequent appeal documentation).
- A single-storey garage:
 - stated floor area 32.5 sqm.
 - ridge height c. 5 metres.
 - material finishes to the proposed garage have not been specified but appear to comprise plaster for the external walls. The roof covering has not been specified.
 - positioned north of the proposed dwelling.
- The installation of a packaged waste water treatment system and a soil polishing filter.
- The proposal utilises an existing access. Works appear to be proposed to this entrance, including the creation of a splay. The site layout plan also indicates the blocking up of the vehicular entrance serving the family home of the first-party, with a single entrance indicated to serve the existing family home/farm and the proposed dwelling.

3.0 Planning Authority Decision

3.1. Further Information

Prior to the decision of the Planning Authority to REFUSE permission for the proposed development, the Planning Authority requested Further Information.

3.1.1. Further Information was requested as follows:

- There appears to be family lands which front onto Circular Road, Gort. Whilst located within a pluvial flood risk area, information has not been submitted to exclude consideration of these lands to facilitate the housing need of the applicant.
- The assessment submitted for the lands at Ballysheedy focuses on the groundwater vulnerability of the lands. This is not an acceptable reason to

exclude these lands for consideration to facilitate the housing need of the applicant. These lands remain open for consideration to the applicant.

- The Planning Authority is aware of family lands in Ballyaneen, Gort. The applicant has not identified these lands in housing need documentation. These lands have road frontage along a local road and appear to be available to facilitate the housing need of the applicant.
- Submit revised plans for a single storey dwelling house/or single storey dwelling with attic conversion, with a maximum height of 6 metres.

3.1.2. Further Information submitted on 14/10/2021:

- Based on a site specific flood risk assessment, the lands fronting Circular Road have a significant pluvial flood risk. Additionally, the provision of on-site wastewater disposal would not be possible due to the low lying nature of these lands.
- Lands at Ballysheedy and Ballyaneen are located outside a 1.5 mile radius/five minute travel time to Gort Fire Station and would therefore result in the applicant being unable to comply with the terms of his employment.
- Reference is made to a letter from the family doctor letter citing reasons why the applicant needs to reside next to the family home. (I note that this letter is not on the appeal file with the further information documentation. I note however that a letter from the family doctor was submitted with the initial application and referred to the desirability of the applicant residing adjacent to the family home, to assist with the needs of the applicant's mother).
- The house was reduced in height by 0.5 metres (to 7 metres) and the FFL reduced by 0.5 metres.

3.2. Decision

The Planning Authority issued a Notification of Decision to Refuse Permission on the 10th November 2021 for 2 no. reasons which can be summarised as follows;

1. The proposed development is located along a restricted Regional Road, where residential development is restricted to members of farm families, on the family

holding with justification for the proposed access including an assessment of the scope for sharing an access and/or achieving access onto an alternative minor road. The applicant has failed to satisfy the housing need requirements set out in DM Standard 18 of the Galway County Development Plan 2015-2021. The proposed development would contravene Objective TI 6, DM Standard 18 and DM Standard 21 of the current County Development Plan and would endanger public safety by reason of traffic hazard, obstruction of road users or otherwise on a strategic restricted route.

2. It is an objective of the Galway County Development Plan, 2009-2015¹, to encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fits appropriately into the landscape. The proposed development, by reason of its storey and a half design, its height, suburban features, and siting on a prominent, exposed and locally elevated site in a Class 3 Landscape, would be incapable of satisfactorily assimilating into the landscape, and would constitute a form of development which is out of character with the pattern of single storey development in the area. The proposed dwelling would be contrary to Objective LCM2 and DM Standard 6 of the Galway County Development Plan, 2015-2021. The proposed development would contravene materially an objective and a development management standard of the Galway County Development Plan 2015-2021, would interfere with the character of the landscape, would detract from the visual amenity of the area and would establish an undesirable precedent for similar future developments in the area.

I note that Reason No. 2 included in the Notification of Decision to Refuse Permission issued by the Planning Authority makes reference to material contravention of the Galway County Development Plan 2015-2021. The Galway County Development Plan 2022-2028 came into effect on the 20th June 2022 and is now the relevant development plan. As such, I do not therefore consider that the Board is bound by the provision of Section 37 (2) (b) of the Planning and Development Act 2000 (as amended).

¹ Reference to the Galway County Development Plan 2009 – 2015 in the Notification of Decision to Refuse Permission appears to be a typographical error.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The first report of the Planning Officer (dated 15th June 2021) includes the following comments;

- The Planning Authority are not satisfied that the applicant satisfies the requirements of DM Standard 18 of the Galway County Development Plan 2015-2021 as there are family farmlands which do not require access onto a regional road.
- The subject site is located along a restricted regional road, where the 80kph speed limit applies. It would appear that the design speed of the road is 100kph, therefore 160 metre sightlines are required. 160 metre sightlines have been demonstrated. The proposed entrance to the site is an existing agricultural entrance on site. The planning history of this entrance is unknown and alterations to same are apparent, such as alterations to the kerbing in front of the road to allow a drop for access, new pillars etc.
- The proposal is for a large storey and a half house, elevated 3 metres above the public road. The dwellings in the vicinity are modest scaled, single storey structures. The design is not considered appropriate.

The report of the Planning Officer recommended that permission be refused however a request for Further Information issued.

3.3.2. The second report of the Planning Officer (dated 9th November 2021) includes the following comments;

- The applicant does not meet the requirements as set out in DM Standard 18 (b), which relate to this development on a restricted regional road.
- The applicant has not satisfactorily addressed the design and visual impact request.

The report of the Planning Officer recommends a refusal of permission consistent with the Notification of Decision which issued.

3.3.3. Other Technical Reports

Roads & Transport Section (dated 15th June 2021) - notes that sightlines of 160 metres are achievable, and recommends that condition is attached to any grant of permission requiring the walls to be set back on each side of the entrance and that the surface finish and gradient between the footpath and wall is to be the same as the existing footpath.

3.4. Prescribed Bodies

None received.

3.5. Third Party Observations

None received.

4.0 Planning History

Appeal Site

None

Lands to North

PA. Ref. 20/66 – Permission REFUSED for a house, garage, and waste water treatment system. Applicant – John Curley.

Reason for refusal concerned non-compliance with rural housing policy in relation to access onto regional route.

PA. Ref. 19/408 – Permission REFUSED for a house, garage, and waste water treatment system. Applicant – John Curley.

Reasons for refusal concerned non-compliance with rural housing policy in relation to access onto regional route, traffic safety and risk to water quality/public health.

5.0 Policy Context

5.1.1. National Planning Framework (NPF) – Project Ireland 2040 (2018)

National Policy Objective 15 of the National Planning Framework states -

‘Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.’

National Policy Objective 19 of the National Planning Framework states -

‘Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere.

In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.1.2. Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10) 2009

The 2009 CoP may continue to be used for site assessments and subsequent installations commenced before 7th June 2021 or where planning permission has been applied for before that date’. I note that the planning application was lodged with Galway County Council on the 22nd April 2021 and the site assessment carried out in October 2020. Based on the forgoing, the EPA CoP 2009 is considered to be the relevant CoP for the purpose of this appeal.

5.1.3. Ministerial Guidance

Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

The appeal site is located within an area identified as a ‘Rural Area Under Strong Urban Influence (Rural Housing Zone 2 GCTPS) (see Map 4.1, Galway County

Development Plan 2022 - 2028). The Guidelines state that these areas exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

5.2. Development Plan

5.2.1. The proposed development was considered by the Planning Authority under the Galway County Development Plan 2015-2021 however the Galway County Development Plan 2022-2028 came into effect on the 20th June 2022 and is now the relevant development plan.

5.2.2. The appeal site is not subject to any specific land-use zoning under the Galway County Development Plan 2022-2028. The appeal site is located within the 'Urban Fringe' of Gort and is within the Galway County Transportation and Planning Study Area (GCTPS).

5.2.3. There is a Recorded Monument (Burial Ground) to the south-east of the appeal site (Ref. GA07287 refers).

5.2.4. In terms of Landscape Character Type, the appeal site is located within the 'Central Galway Complex Landscape' (see Appendix 4 of CDP). This landscape typology is characterised by *'extensive plains of grassland comprising of medium-to-large fields with low enclosures and many areas of low stone walls used for field boundaries. This area contains the majority of the county's population with associated high levels of urban generated rural housing, roads and settlements'*. Regarding landscape sensitivity, the appeal site is located within a Class 1 'Low Sensitivity Landscape'. The appeal site is not affected by any protected views (see Map 08, Appendix 4) or scenic routes (see Map 09, Appendix 4).

5.2.5. The provisions of the Galway County Development Plan 2022 - 2028 relevant to this assessment are as follows:

- Policy Objective RH2 - Rural Housing Zone 2 (Rural Area Under Strong Urban Pressure-GCTPS-Outside Rural Metropolitan Area Zone 1)

- Policy Objective RH 16 - Direct Access onto Restricted Regional Roads
- DM Standard 26: Access to National and Other Restricted Roads for Residential Developments
- DM Standard 28: Sight Distances Required for Access onto National, Regional, Local and Private Roads
- DM Standard 29: Building Lines

5.3. Natural Heritage Designations

- Lough Cutra SAC (Site Code 000299) – c. 3 km south-east.
- Lough Cutra SPA (Site Code 004056) – c. 3 km south-east.
- Lough Cutra pNHA (Site Code 000299) – c. 3 km south-east.
- Coole – Garryland Complex SAC (Site Code 000252) - c. 2 km west.
- Coole – Garryland SPA (Site Code 004107) - c. 2 km west.
- Coole – Garryland pNHA (Site Code 000252) - c. 2 km west.

5.4. EIA Screening

Having regard to the limited nature and scale of the proposed development, 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

This is a first-party appeal against the decision to refuse permission. The grounds for appeal can be summarised as follows;

Refusal Reason 1:

- The first party's main employment is with Galway County Council Fire & Rescue Service, based in Gort Fire Station. Fire fighters must be able to respond to the

fire station within 5 minutes. The first party has an economic need to live in the area due to his contract of employment.

- The family farm also includes lands at Ballysheedy and Ballyaneen however these lands are located in excess of the 1.5-mile radius/5-minute travel time to Gort Fire Station, required under the first party's contract of employment.
- It is proposed to use an existing farm entrance to serve the new dwelling, family home and farm, thereby reducing the number of entrances onto the R380 from two to one.
- The R380 is not a restricted Regional Road in the Galway County Development Plan 2015-2021.
- The first party lives in the family home and is also involved in the running of the family farm with his brother on a part time basis.
- The first party needs to live near the family home to support his mother, and his sister, who is in poor health. The first party therefore has a social need to live in the area.
- DM Standard 21 of the Galway County Development Plan 2015-2021 requires building lines onto regional roads to be located a minimum of 25 metres from the existing or proposed realigned carriageway surface edge. Submitted plans showed a dimension of 23.5 metres however the actual distance is 25 metres. This is indicated on a revised site layout submitted with this appeal.
- The existing family home and proposed development site are located on the family farm. The first party has never owned a house. The proposal would not establish a precedent given the unique circumstances of the first party. The first party's job and the need to support his mother and sister should be taken into consideration.
- The proposal complies with Objective 19 of the National Planning Framework and the guidance provided within the Sustainable Rural Housing Guidelines.

Refusal Reason 2:

- The same house design was proposed under PA. Ref. 19/408 and PA. Ref. 20/66 and design was not raised as a concern in the assessment of these applications.
- The design of the proposed house was revised following a request for Further Information. The finished floor level of the proposed dwelling has been reduced by 1 metre and the ridge height has been reduced by 0.5 metres, resulting in an overall reduction in the height of the proposed house of 1.5 metres.
- The proposed design respects the character and pattern of the area. The materials and built form fit appropriately into the landscape. The proposal is energy efficient. Revised landscaping and screen planting has been submitted with this appeal.
- The Planning Authority granted permission for a dwelling of similar height under PA. Ref. 19/1063 on a nearby site.

6.2. **Planning Authority Response**

None

6.3. **Observations**

None

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Rural Housing Policy
- Access
- Design/Siting & Impact on Visual Amenity
- Waste water

- Appropriate Assessment
- Other Issues

7.2. Rural Housing Policy

- 7.2.1. The appeal site is identified in the Galway County Development Plan 2022 – 2028 (see Map 4.2) as being within Zone 2 - Galway County Transport & Planning Study (GCTPS), which corresponds an 'Area Under Strong Urban Influence'. In accordance with National Policy Objective 19 of the National Planning Framework (NPF) the provision of single housing in such cases is based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria.
- 7.2.2. Policy Objective RH2 of the Galway County Development Plan 2012-2028 (which applies to rural areas under strong urban pressure – GCTPS – outside rural metropolitan area zone 1) sets out specified circumstances where applicants may be considered eligible for a dwelling in a rural area. Depending upon which criteria of Objective RH2 an application for a dwelling is being made, applicants are required to demonstrate their 'Rural Links' and/or 'Substantiated Rural Housing Need' to the area.
- 7.2.3. The main occupation of the first party is a firefighter, based in Gort Fire Station. The first party also works as a carpenter and is engaged in farming on a part-time basis with his brother on the family farm. Details of a herd number registered to the first party has been submitted with the application/appeal however no details of the first party's role in the family farm have been submitted. Consequently, I do not consider that a need to reside in the rural area has been established on the basis of engagement in farming. The primary justification made by the first party for the dwelling at this location is on the basis of his employment as a firefighter, and his need to reside in proximity to the fire station, which I note is located within the centre of Gort. I do not consider that a demonstrated need to reside in a rural area has been established. I consider that the first party's housing need would be more appropriately met within the urban area of Gort, and not within the rural area. In this regard, the proposal could be considered to be partially urban generated, as the first party will travel from the rural area into the urban area for his main employment.

- 7.2.4. I have considered the information submitted in relation the health requirements of the first party's sister, and his desire to assist his mother, however I do not consider that this would justify permitting a dwelling on the adjacent site.
- 7.2.5. In summation, whilst the documentation submitted indicates a strong local connection, I am not satisfied that a need to reside at this rural location has been demonstrated. I note that the assessment of rural links and the facilitation of rural housing is in the context of a case by case analysis of each individual site and the carrying capacity of the area. In this regard, I note the location of the appeal site in an area under strong urban influence, the location of the appeal site within the urban fringe of Gort, where the erosion of the urban fringe is discouraged, the prevalence of one-off housing in the area and the restricted status of the R380, onto which access is proposed. Having regard to the forgoing, I consider that the first party has not demonstrated that he meets the criteria of demonstrable economic or social need to live in a rural area set out in the NPF, a rural generated housing need that meets the test set by the Sustainable Rural Housing Guidelines, or rural links and/or substantiated rural housing need as required by the Galway County Development Plan 2022-2028.

7.3. Access

- 7.3.1. Access to serve the proposed development is onto the R380, which is designated as a restricted regional road under the Galway County Development Plan 2022 – 2028 (see Table 6.3 and Table 15.2). Specific regional roads are designated as 'restricted' in order to maintain their efficiency and functionality, and to minimise risks to road safety as a result of additional stopping and turning movements. This is achieved through restricting the number of new accesses, and the intensification of existing accesses onto such roads.
- 7.3.2. The posted speed limit of the R380 at this location is 80kmph and the corresponding sightline requirement is 160 metres, in accordance with DM Standard 28 of the Galway County Development Plan 2022 – 2018. Based on the site layout plan submitted I note that the required sightlines are achievable in both directions.
- 7.3.3. The proposal entails using an existing, recently constructed vehicular access to serve the proposed dwelling. From reviewing the planning history associated with the appeal

site I cannot identify a permission for the existing entrance or for the works which have been undertaken at this entrance, which include the erection of piers. Based on Google Maps/Street View imagery, I note that the entrance appears to have been constructed between 2012 and 2018. As part of the proposal, the existing vehicular entrance serving the family home, which is located to the immediate south of the appeal site, will be blocked up and a single entrance will serve the proposed dwelling, and the family home and farm. I note that there is a mobile home on the appeal site and a newly constructed structure, which based on its appearance is a dwelling. Therefore it appears that the entrance will serve the existing family home and farm, the proposed dwelling, a mobile home and potentially the recently constructed dwelling. Noting the restricted status of the R380 at this location and the multiplicity of users of the entrance, I consider that the use of the entrance would give rise to a traffic hazard and could also impact on the carrying capacity of the R380, by virtue of the frequent use of a single access point onto the R380.

- 7.3.4. Policy Objective RH 16 and DM Standard 26 require that proposed vehicular accesses onto restricted regional roads are justified, limited to members of the family on the family lands, and that consideration is given to the use of an existing access, including the upgrading/relocation of an existing access, with access onto a minor road being the preferred option. Notwithstanding the proposal to use an existing entrance, given the ambiguity in relation to the planning status of this entrance, I consider that Policy Objective RH 16 and DM Standard 26, which relate to proposals for new entrances, would apply. Alternative lands with access onto local/minor roads have been examined, specifically lands at Circular Road, Ballysheedy and Ballyaneen, and have been discounted on the basis of flooding, and due to the requirement of the first party to reside in proximity to his place of employment. The basis for discounting these sites is reasonable in my view. However, given that the first party has not demonstrated a need to live in a rural area, and noting the number of users utilising this entrance, I consider that the provision of an entrance onto a restricted regional road at this location is not justified.

7.4. **Design/Siting & Impact on Visual Amenity**

- 7.4.1. The second reason for refusal relates to the sitting and design of the proposed dwelling. The Planning Authority considered that the proposed dwelling would not assimilate into the landscape and would detract from the visual amenities of the area.
- 7.4.2. The appeal site is afforded minimal screening from the R380 and given the relatively flat nature of the landscape and the elevated nature of the appeal site, I consider that the proposal would be particularly prominent. The prevailing house typology in the area is a bungalow, with the exception of the recently permitted dwelling to the south (PA. Ref. 19/1063 refers), which was for a storey and a half dwelling. Whilst I consider the principle of a storey and a half dwelling acceptable at this location, I consider that the design of the proposed dwelling is more akin to that of a two storey dwelling, in part due to the two double height projections on the front elevation. In my view, minimal consideration has been given to dissipating the mass and bulk of the proposed dwelling and I agree with the Planning Authority that the design of the proposed dwelling would be incongruous in the landscape. Notwithstanding the alterations proposed by the first party at the appeal stage, in my opinion the dwelling proposed would be incongruous in the receiving landscape and would negatively affect the visual amenities of the area.

7.5. **Waste Water**

- 7.5.1. The Site Characterisation Report submitted with the application identifies that the subject site is located in an area with a Locally Important Aquifer where the bedrock vulnerability is high. The report of the Planning Officer refers to the site as being located in an area with a regionally important conduit karst aquifer and having a vulnerability classed as extreme. I have consulted the GSI Ireland website and I note that the appeal site is located in an area with a Locally Important Aquifer where the bedrock vulnerability is high, as stated in the applicants' Site Characterisation Report. A Ground Protection Response of R1 is noted by the applicant. Accordingly, I note the suitability of the site for a treatment system (subject to normal good practice i.e. system selection, construction, operation and maintenance in accordance with this CoP). The applicants' Site Characterisation Report identifies that there is no Groundwater Protection Scheme in the area.
- 7.5.2. The trail hole depth referenced in the Site Characterisation Report was 2.6 metres. No bedrock or water was encountered in the trail hole. The soil conditions found in the

trail hole are described as comprising gravel clay with abundant cobbles and boulders. Percolation test holes were dug and pre-soaked. A T value of 23.6 and P value of 15 were recorded. Based on the EPA CoP 2009 (Table 6.3) the site is suitable for a secondary treatment system with a polishing filter at ground surface or overground. At the time of my site inspection the trail hole had been filled. The percolation test holes were not visible. I am satisfied that the proposal complies with the required separation distances set out in Table 6.1 of the CoP 2009.

7.5.3. The Site Characterisation Report submitted with the application concludes that the site is suitable for treatment of waste water, it is proposed to install a packaged waste water treatment system and a polishing filter. Based on the information submitted, I consider that the site is suitable for the treatment system proposed.

7.6. **Appropriate Assessment**

7.6.1. Having regard to the nature and limited scale of the proposed development and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

7.7. **Other Issues**

7.7.1. There is a Recorded Monument (Burial Ground) to the south-east of the appeal site (Ref. GA07287 refers). The planning application was referred by Galway County Council to the Development Applications Unit of the DoHLGH but no response was received. From reviewing the planning history associated with the appeal site, specifically PA. Ref. 19/408, I note that the Development Applications Unit of the DoHLGH previously recommended that an archaeological monitoring condition be attached in the event of the development being permitted. If the Board are minded to grant permission for the proposed development I recommend that an archaeological monitoring condition be attached.

7.7.2. DM Standard 29 of the Galway County Development Plan 2022 – 2028 requires dwellings fronting regional roads to be set back 25 metres for the carriage edge of the

road. This requirement was reflected in DM Standard 21 of the previous Development Plan and was included in the first reason for refusal, as the proposed dwelling was positioned 23.5 metres from the edge of the R380. A revised site layout has been submitted with the appeal indicating the required 25 metre set back and as such I consider that the proposal complies with the requirements of DM Standard 29 of the Galway County Development Plan 2022 – 2028.

8.0 Recommendation

8.1. Having regard to the above it is recommended that planning permission be refused for the proposed development based on the following reasons and considerations.

9.0 Reasons and Considerations

1. The site of the proposed development is located within an "Area Under Strong Urban Influence" as set out in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April 2005. Furthermore, the subject site is located in an area that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, 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 documentation submitted with the application and appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the over-arching national policy, to the provisions of the current Galway County Development Plan 2022 - 2018, would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the restricted status of the R380 at this location and to the multiplicity of users of the entrance, it is considered that the use of the entrance would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a restricted regional road.

3. Having regard to the elevated nature of the site and to the relatively flat nature of the adjoining landscape, and to the design, height and massing of the proposed dwelling, it is considered that the proposed development would seriously injure visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

Ian Campbell
Planning Inspector

24th August 2022