



An
Bord
Pleanála

Inspector's Addendum Report ABP-312337-21

Type of Appeal

Appeal against decision to refuse planning permission for a dwelling house.

Location

Lavy Nore, Charlestown, Co. Mayo.

Planning Authority

Mayo County Council.

Planning Authority Ref

21/639

Appellant

Tom Henry (first party)

Planning Authority Decision

Refusal of Planning Permission.

Inspector

Fergal Ó Bric.

1.0 Preliminary

- 1.1. This report has been prepared pursuant to a Section 137 Board request (Board Direction number BD-013303-23) which seeks an addendum report to be prepared in response to new information received from the appellant. The Board decided that the file should be referred back to the Inspector for an updated report and recommendation having regard to the submission received from the applicant.

2.0 Further Responses

2.1. Summary of Responses

- 2.1.1. All received further responses as they relate to the appeal referred to ABP-312337-21, are summarised below.

2.2. The Planning Authority

- 2.2.1. None received.

2.3. The Appellant (landowner)

- 2.3.1. Mr John Halligan (Architect) on behalf of Mr Tom Henry (the appellant), has responded to the request from the Board in relation to demonstrating compliance with the Rural Housing Policy as set out in the Mayo County Development Plan 2022-28. The response sets out that the applicant currently resides within the urban settlement of Castlebar and that his current place of residence is in proximity to his place of work. It also states that the applicant is due to retire in the near future and that he wishes to build a smaller dwelling at Lavy More, in proximity to his son. It is stated that the applicant is originally from the Lavy More area and that he has a number of relations living in the area.

3.0 Assessment

3.1. Introduction

- 3.1.1. In this, my updated report, I have confined myself to the new matters raised by the appellant. The only issue to be dealt with is compliance with the Rural Housing Policy as set out within the current Mayo County Development Plan 2022-28.

3.2. Rural Housing Policy

- 3.2.1. The appeal site is located in an area designated as a remaining rural area and, therefore, not under Strong Urban Influence as defined in the Sustainable Rural Housing Guidelines for Planning Authorities. This national guidance on rural housing states that in Remaining Rural Areas, the key objective should be to facilitate the housing requirements of the rural community whilst directing urban generated development to cities, towns and villages. Rural generated housing is defined as being housing needed in rural areas within the established rural community by persons working in rural areas or in nearby urban areas. Urban generated housing is defined as housing sought by persons living and working in urban areas. Based on the information set out by the applicant in his most recent submission, I consider that the current proposals would constitute urban generated housing, based on his current place of residence and employment.
- 3.2.2. This assessment will make reference to the policies and objectives of the current Mayo County Development Plan (MCDP) 2022-2028. Section 2.4.1 of the MCDP outlines a settlement hierarchy with the three tier 1 towns of Castlebar, Ballina and Westport being the main focus for development. Charlestown is one of the tier 3 towns. There are smaller designated tier 4 and tier 5 rural villages and rural settlements. However, Lavy More is not identified as being either, a Rural Village or Rural Settlement within the Development Plan. The nearest designated settlements to the appeal site is the rural settlement of Carracastle, located approximately 6.2 kilometres to the south-east of the appeal site and the urban settlement of Charlestown located approximately 3 kilometres west of the appeal site. The Development Plan states that it will: Focus on protecting and consolidating existing settlements. Section 3.4.8 sets out that the Council recognises the importance of increasing population and supporting the rural economy, while seeking to consolidate the existing rural town and village network.
- 3.2.3. The applicant has provided some information in relation to his ties to the area, stating that his son resides in the original family home, adjacent to the appeal site and that he has a number of relatives residing in the area. The applicant states that he is originally from this rural area but presently resides and works within the urban settlement of Castlebar, a distance of approximately forty three kilometres from the appeal site. Given that the applicant has been residing and working this distance from the appeal site, I consider that his established social and economic ties are in Castlebar area and not in Lavy More. The applicant has failed to outline his intrinsic

ties to the local Lavy More area, except that he has a son residing in proximity to the appeal site and a number of relatives in the area. This information is vague and lacks precision and would be required to demonstrate a housing need in accordance with the Rural Housing Policy as set out within the Development Plan. Therefore, it is not considered that the applicant has demonstrated a demonstrable economic nor social need to reside in a rural area as set out in the NPF nor has he demonstrated a rural generated housing need that meets the criteria set out within the Sustainable Rural Housing Guidelines. I additionally conclude that the proposed development would contravene the settlement strategy set out in the Development Plan which seeks to strengthen and consolidate designated rural settlements, including Carracastle and the urban settlement of Charlestown, as alternatives to encouraging rural housing in the open countryside.

- 3.2.4. I note that the Development Plan under RHP 4 references the Sustainable Rural Housing Guidelines which specifically refers to those with intrinsic ties to a rural area or those that are part-time or full-time employed within a rural area. Based on the supporting documentation submitted, I am not satisfied that the applicant has demonstrated that he is an intrinsic part of the Lavy More community by virtue of his social or economic ties. The Development Plan facilitates people with urban based backgrounds to reside in the designated rural villages and settlements specifically identified as being within Tiers IV and V of the MCDP and, include, Carracastle.
- 3.2.5. In the absence of an identified locally based, site specific economic or social need to reside in the area, it is considered that the development would contribute to the establishment of random rural housing and would exacerbate the pattern of ribbon development in the area. The proposals would also militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would negatively impact on the viability of the adjacent designated settlements of Carracastle and Charlestown
- 3.2.6. I also note that the Lavy More area has experienced a high level of development pressure over the last couple of decades. This proposal would result in the development of a 16th dwelling house over a distance of approximately 660 metres on the southern side of this road, mainly to the west of the appeal site, in the direction of Charlestown. There are approximately ten dwellings constructed on the opposite side of the road over the same distance. Although, the current proposal would not technically constitute ribbon development (5 houses or more on one side

of the road over a distance of 250 metres) as defined in the Sustainable Rural Housing Guidelines, I consider that the Lavy More area has experienced considerable development pressure in recent years. I consider that the proposals would contribute towards the exacerbation of a pattern of ribbon development along roads leading to/from Charlestown and, would therefore, establish an undesirable precedent.

- 3.2.7. In conclusion, it is considered that the applicant has not demonstrated a site specific rural housing need based on his specific economic or social links to reside in this rural area, as required under the provisions of the current Mayo Development Plan 2022, the Sustainable Rural Housing Guidelines and Policy Objective 19 of the National Planning Framework.

4.0 Recommendation

I recommend that planning permission be refused. Having regard to the above and to the content of my original report dated 13th day of December 2022, I recommend that permission be refused for the reasons set out below:

5.0 Reasons

- 1 The subject site is located within an area designated “Other Rural Areas” as identified in the Mayo County Development Plan 2022-2028. Furthermore, the site is located in an area that is designated as a Stronger Rural Area in the Sustainable Rural Housing Guidelines and in the National Planning Framework, where National Policy Objective 19 aims 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 demonstrated a genuine housing need to live in this rural area as required under the National Planning Framework and the Sustainable Rural housing Guidelines. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Mayo County Development Plan, 2022, specifically RHP 4 which makes specific reference to the National Planning Guidance. The proposed

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

- 2 The subject site is located within an area designated “Other Rural Areas” as identified in the Mayo County Development Plan 2022-2028. Furthermore, the site is located in an area that is designated as a Stronger Rural Area in the Sustainable Rural Housing Guidelines and in the National Planning Framework, where National Policy Objective 19 aims 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 demonstrated a genuine housing need to live in this rural area as required under the National Planning Framework and the Sustainable Rural housing Guidelines. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Mayo County Development Plan, 2022, specifically RHP 4 which makes specific reference to the National Planning Guidance. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 3 It is the policy of the Planning Authority as set out within the current Development Plan to control urban sprawl and ribbon development. The proposed development would be in conflict with this policy because, when taken in conjunction with existing and permitted development in the vicinity of the site, it would consolidate and contribute to the build-up of ribbon development in this open rural area. This would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 4 It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a local road at a point where sightlines are

restricted in easterly and westerly directions and have not been demonstrated in accordance with Mayo County Development Plan standards.

Fergal Ó Bric
Planning Inspectorate
16th October 2023