



An  
Bord  
Pleanála

## Inspector's Report ABP-312377-22

<b>Development</b>	Construction of a new private dwelling and detached garage, new conventional septic tank and percolation area, a new vehicular entrance, and all associated site development works.
<b>Location</b>	Littletown, The Pigeons, Glasson, Athlone, Co. Westmeath.
<b>Planning Authority</b>	Westmeath County Council
<b>Planning Authority Reg. Ref.</b>	21/306
<b>Applicant(s)</b>	Aisling Baker
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	Third Party v. Decision
<b>Appellant(s)</b>	Grainne Robins
<b>Observer(s)</b>	Darran Killian Lorraine & Patrick McKee
<b>Date of Site Inspection</b>	17 <sup>th</sup> February, 2022
<b>Inspector</b>	Robert Speer

## **1.0 Site Location and Description**

- 1.1. The proposed development site is located in the rural townland of Littletown, The Pigeons, Glasson, Athlone, Co. Westmeath, approximately 11km north-northeast of Athlone town and c. 8km southwest of Ballymahon (Co. Longford), on lands between Lough Ree and the N55 National Road. While the surrounding landscape is primarily one of undulating rural countryside, there is an increasing proliferation of piecemeal one-off housing and linear-type development along roadways in the wider area. The site itself has a stated site area of 0.527 hectares, is broadly rectangular in shape, and presently forms part of a larger agricultural field set as pasture. It adjoins the public road to the northwest with the adjacent lands to the northeast, southeast and southwest in agricultural use. It is bounded by a mature tree line / hedgerow to the northeast while the roadside (north-western) site boundary comprises mature hedgerow set back behind a grassed margin (the remainder of the site perimeter boundary is not physically defined at present).

## **2.0 Proposed Development**

- 2.1. The proposed development, as initially submitted to the Planning Authority, consists of the construction of a two-storey dwelling house based on an irregular floor plan with a stated floor area of 246.8m<sup>2</sup> and a ridge height of 8.05m. The overall design encompasses a contemporary interpretation of the traditional vernacular and comprises a principle, two-storey block availing of a narrow plan form (in the guise of a traditional 'farmhouse') with a more conventional single-storey return to the rear. External finishes include natural stone, timber cladding, white nap render, blue / black roof slates / tiles, and a standing seam zinc (or similar) pressed metal roofing system.
- 2.2. A free-standing garage (floor area: 50m<sup>2</sup>) is proposed to be constructed to the rear of the house.
- 2.3. Access to the site will be obtained via a new entrance arrangement onto the adjacent roadway. The existing roadside boundary is to be maintained or set back as required to achieve sightlines of 90m in both directions.

- 2.4. It is proposed to install a conventional septic tank system and percolation area. A water supply is stated as being available from the public mains.
- 2.5. Amended proposals were subsequently submitted in response to a request for further information which revised the house design considerably (floor area: 252.2m<sup>2</sup>). It was also confirmed that a new bored well will be required to provide a water supply for the proposed dwelling.

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. Following the receipt of a response to a request for further information, on 15<sup>th</sup> December, 2021 the Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 11 No. conditions. These conditions are generally of a standardised format and relate to issues including occupancy, external finishes, effluent disposal, landscaping, and development contributions.

#### 3.2. Planning Authority Reports

##### 3.2.1. *Planning Reports:*

An initial report prepared by the case planner details the site context, including the relevant policy considerations, and states that Objective CPO 9.1 of the Development Plan is applicable given the site location in a '*rural area under strong urban influence*'. It proceeds to consider the submitted particulars as regards the relevant eligibility criteria and states that the applicant is generally in compliance with the local housing need provisions of the Development Plan. In terms of siting and design, concerns were raised as regards the inability of the case planner to access the site on the day of the site inspection, particularly as it was not possible to view the lands from the public road due to the height & density of the roadside hedgerow. In addition to the foregoing, it was considered that the length of the front elevation of the proposed dwelling was excessive and did not comply with the Westmeath Rural Housing Design Guidelines or the County Development Plan. Further concerns were raised with respect to the external finishes of the dwelling and need to omit the first-

floor windows on its side elevations in order to protect the amenity of the surrounding area. Additional clarity was also considered necessary in relation to the extent of hedgerow to be removed on site, the landscaping proposals, and the source of the water supply (given the absence of a public watermain in the vicinity). The report thus concluded by recommending that further information be requested.

Following the receipt of a response to a request for further information, including the submission of an amended house design and proposals for a private well, a final report was prepared which recommended a grant of permission, subject to conditions.

### **3.2.2. Other Technical Reports:**

*Area Engineer:* An initial report recommended that the applicant be required by way of further information to confirm the source of the water supply.

Following the receipt of a response to a request for further information (which included proposals for the provision of a private well), a subsequent report stated that there was no objection to the proposed development, subject to conditions.

## **3.3. Prescribed Bodies**

- 3.3.1. *Irish Water:* No objection (although it is noted that there is no public watermain in the vicinity of the proposed development, contrary to the submitted particulars).

## **3.4. Third Party Observations**

- 3.4.1. A total of 2 No. submissions were received from the appellant and the principal grounds for objection / areas of concern raised therein can be summarised as follows:

- The adverse visual impact of the proposal in an area of unspoilt rural countryside.
- The detrimental impact of the development on biodiversity / habitat / wildlife considerations.
- The proposal would exacerbate a pattern of ribbon development and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure.
- Failure to establish a rural housing need.

- The proposal is contrary to the Westmeath County Development Plan, the ‘*Sustainable Rural Housing, Guidelines for Planning Authorities*’ and the National Planning Framework.
- The inadequacy of the surrounding road network.

## 4.0 Planning History

None.

## 5.0 Policy and Context

### 5.1. National and Regional Policy

- 5.1.1. The ‘*Sustainable Rural Housing, Guidelines for Planning Authorities, 2005*’ promote the development of appropriate rural housing for various categories of individual as a means of ensuring the sustainable development of rural areas and communities. Notably, the proposed development site is located in an ‘*Area under Strong Urban Influence*’ as indicatively identified by the Guidelines. Furthermore, in accordance with the provisions of the Guidelines, the Westmeath County Development Plan, 2021-2027 includes a detailed identification of the various rural area types specific to the county at a local scale and ‘*Map 9.1: Rural Typology*’ of the Plan details that the site is located in a ‘*Rural Area under Strong Urban Influence*’.

### 5.2. Development Plan

5.2.1. ***Westmeath County Development Plan, 2021-2027:***

*Chapter 2: Core Strategy:*

*Section 2.14: Rural Areas:*

*Section 2.14.1: Rural Area Under Strong Urban Influence:*

This area comprises most of the County and is characterised by stable population levels with well-developed town and village structures and a strong agricultural base. The objective in these areas is to maintain a stable population base in rural areas within a strong network of villages and small towns. The policy is to facilitate housing

development by people who have strong links to the particular rural area, who are an intrinsic part of the rural community.

Such persons would normally have spent substantial periods of their lives living in the rural area as part of the established rural community, e.g. people employed in the rural area including farmers and their sons and daughters, people originally from the rural area and wishing to return, people wishing to reside near elderly parents to provide security and care, elderly parents wishing to live near other family members, people who would have grown up in rural areas seeking to build their home close to other family members, people working in rural areas such as teachers in rural schools.

The aim is to support the desire of individual applicants with strong rural links to settle in that area and to encourage people with no such links to settle in the identified extensive network of towns or villages.

*Core Strategy Policy Objectives:*

*CPO 2.11:* Support the sustainable development of rural areas in Westmeath 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.

*CPO 2.12:* Support the servicing of rural villages (serviced sites) to provide an alternative to one-off housing in the countryside, in line with RSES Objective RPO 4.78.

*Chapter 3: Housing:*

*Section 3.5: Future Housing Requirements:*

*Section 3.5.2: Rural Single Housing*

It is recognised that there is a continuing need for housing provision for people to live and work in rural Westmeath. The NPF states that it will continue to be necessary to demonstrate a functional economic or social requirement for housing need in areas under urban influence, i.e. the commuter catchment of cities and large towns and centres of employment. Elsewhere, single housing in the countryside will be facilitated based on siting and design criteria and having regard to the viability of

smaller towns and rural settlements. These requirements are reflected in the Core Strategy of this Development Plan which includes a differentiation between 'Rural Areas under Strong Urban Influence' and 'Structurally Weak Rural Areas'.

*Chapter 9: Rural Westmeath:*

*Section 9.4: Rural Settlement Strategy:*

*Rural Housing Need Policy Objectives:*

*CPO 9.1: Areas Under Strong Urban Influence:*

To accommodate demand from individuals for permanent residential development in defined 'Rural Areas Under Strong Urban Influence' who have strong links to the area and who are an intrinsic part of the rural community, subject to good planning practice, environmental carrying capacity and landscape protection considerations.

*Local Housing Need:*

Permit residential development in areas defined 'Rural Areas Under Strong Urban Influence and Stronger Rural Areas' subject to the following circumstances:

1. Persons who are actively engaged in agriculture, horticulture, forestry, bloodstock and peat industry,
2. Members of farm families seeking to build on the family farm,
3. Landowners for this purpose being defined as persons who own the land 5 years prior to the date of planning application,
4. Persons employed locally whose employment would provide a service to the local community,
5. Persons who have personal, family or economic ties within the area, including returning emigrants,
6. Persons who wish to return to farming and who buy or inherit a substantial farmholding which is kept intact as an established farm unit, will be considered by the Council to be farmers and will be open to consideration for a rural house, as farmers.

Where there is already a house on the holding, refurbishment or replacement of this house is the preferred option.

The local area for the purpose of this policy is defined as the area generally within a 10km radius of the applicant's family home

*CPO 9.2:* In line with Circular Letter PL 2/2017, review rural housing policy in line with Development Plan or other relevant Guidelines issued by the Minister in this area having regard to NPO 19.

Section 9.5: *Environmental Capacity:*

*Rural Housing Criteria Policy Objectives:*

*CPO 9.8:* Ensure that, in permitting one-off rural housing, key rural assets such as water, natural and cultural heritage and landscape quality are protected and maintained.

*CPO 9.9:* Protect the natural assets of the county including ground and surface water and ensure that physical standards are met including soil conditions suitable for effluent disposal and the avoidance of flood areas.

*CPO 9.10:* Protect the integrity of the landscapes as identified in the Landscape Character Assessment and protected views.

*CPO 9.11:* Seek that all proposed on-site wastewater treatment systems for single dwellings and extensions which will increase the population equivalent loading shall comply with the EPA Code of Practice for Wastewater Treatment and disposal Systems serving Single Houses (2009) and any revision thereof.

*CPO 9.12:* Seek to ensure that waste water treatment systems are installed by competent persons with regular monitoring and testing carried out on the treatment system, in accordance with the planning permission.

*CPO 9.13:* Have regard to the Department of Environment, Community and Local Government's Sustainable Rural Housing Guidelines 2005, and any subsequent amendment in the assessment of applications for rural housing



### Section 9.5.1: *Rural Housing Siting and Design*

### Section 9.6: *Development within the Hinterland of Settlements:*

The aim of policy in these areas is to avoid undesirable ribbon development on the approaches to settlements and to protect the fabric of settlements by restricting development on the outskirts of the regional centre, towns and villages. Provision will be made for farmers, members of farm families and people that have spent substantial parts of their lives as part of the established rural community building their first home.

Proposals shall in all instances, except for reasons of traffic safety, design or other environmental consideration, be clustered with the existing family home or if farm buildings are isolated from the family dwelling, consideration can be given to grouping with farm structures.

### *Development within the Hinterland of Settlements Policy Objectives:*

- CPO 9.14:* Promote the clustering of houses particularly on the same landholding or for the same family and promote shared accesses to minimise hedgerow removal.
- CPO 9.15:* Control ribbon development, particularly on approach roads into the county's regional centre, key town, self-sustaining growth towns and self-sustaining towns.
- CPO 9.17:* Ensure that the road network is adequate to cater for the development and that the traffic movements generated by the development will not give rise to a traffic hazard.
- CPO 9.18:* Retain, insofar as practicable, existing hedgerows and trees on new house sites. Replacement trees and hedgerows should be of native species.
- CPO 9.19:* Generally, resist urban generated and speculative residential development outside the settlement hierarchy.
- CPO 9.20:* Encourage innovative design, and layouts that promote solar gain subject to protecting the character of the landscape.

CPO 9.21: Undertake a review of the Westmeath Rural Housing Design Guidelines.

*Chapter 10: Transport, Infrastructure & Energy:*

*Section 10.13.1: Wastewater Treatment and Disposal Systems Serving Single Houses*

*Wastewater Policy Objectives:*

CPO 10.100: Ensure that private wastewater treatment plants, where permitted, are operated in compliance with EPA's Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (PE. ≤10) (EPA 2009), as may be amended.

*Chapter 13: Landscape and Lake Management:*

*Section 13.12: Character Area 6: Lough Ree & Shannon Corridor*

*Chapter 16: Development Management Standards:*

*Section 16.3.7: Rural Housing:*

Notwithstanding an applicants' demonstration of compliance with the rural housing criteria as set out at Chapter 9, it is important to note that applicants are also required to meet overriding sustainable planning practices in terms of visual impact, design standards, environmental and traffic safety issues.

The design of rural housing development requires careful design consideration to ensure that all new development sensitively integrates into the landscape. This requires specific focus on site selection, design, scale and form of the proposed development. The most successful designs subtly integrate with the receiving landscape by selecting naturally sheltered and screened sites and the development of a simple built form complimented with the use of materials that are reflective of traditional vernacular.

*Development Management Standards Policy Objectives - Rural Housing:*

CPO 16.32 – CPO 16.34

### **5.3. Natural Heritage Designations**

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Lough Ree Special Area of Conservation (Site Code: 000440), approximately 1.8km west of the site.
- The Lough Ree Special Protection Area (Site Code: 004064), approximately 1.8km west of the site.
- The Lough Ree Proposed Natural Heritage Area (Site Code: 000440), approximately 1.8km west of the site.

### **5.4. EIA Screening**

5.4.1. Having regard to the nature and small scale of the proposed development, the site location outside of any protected site, the nature of the receiving environment, the limited ecological value of the lands in question, and the separation distance from the nearest sensitive location, 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**

- The Westmeath County Development Plan, 2021-2027 sets out the rural housing policy which aims to restrict development in rural areas under strong urban influence in order to positively impact on the protection of the environment and to provide for sustainable development. The purpose of this restriction is to help reduce the levels of greenfield development in the areas immediately surrounding urban centres and to encourage brownfield development within those centres. Rural development is to be directed towards appropriate rural areas with urban development aimed towards established settlements. This policy is intended to prevent low density urban

sprawl with its associated adverse impacts on sustainable mobility, climate emission reduction targets, and other environmental considerations.

- Although the applicant (Ms. Baker) attended primary school locally, both she and her husband live and work in Dublin. Therefore, they do not have a local need nor are they an intrinsic part of this rural community.
- The applicants do not appear to have a housing need given that they already have a home in Dublin.
- There are a number of old cottages / dwellings in The Pigeons and within a 4km radius of Glasson village, the restoration of which would be an alternative housing option for the applicants.
- The prospect of a daily commute to / from Dublin would be contrary to the principles of sustainability and the need to address climate change.
- There are concerns as regards the impact of developing this greenfield site on wider biodiversity / habitat considerations, particularly given the availability of brownfield lands closer to Athlone and within other settlements in the locality.
- The development of this greenfield site would not be conducive to the broader sustainability objectives and settlement strategy of the County Development Plan.
- The overall design and size etc. of the proposed dwelling is not in keeping with the rural character of the surrounding area.
- The presence of a ringfort within 60m of the site suggests the possibility of other undisturbed / unknown features of archaeological interest in the vicinity.
- The existing roadway is narrow and incapable of allowing two vehicles to pass side-by-side.
- The proposed development would denude the natural beauty / visual amenity of this area of unspoilt countryside.

## **6.2. Applicant Response**

- For the purposes of clarity as regards the applicant's circumstances:

- The applicant's husband (Mr. Harry Goff) is a native of Two Mile House, Co. Kildare.
- Contrary to the suggestion that the applicant's husband works in Dublin, Mr. Goff's employment allows him to work remotely (as confirmed in accompanying correspondence). This aligns with the Government's National Remote Working Strategy while the fibre optic broadband installed along the roadway facilitates this connectivity.
- Although the applicant presently works for a school in Dublin, this will be her last year with this school as she plans to return to Littleton, The Pigeons, to support her parents. In the longer term, she plans to continue teaching locally and upon completion of the academic year, she will commence employment as a teacher locally at Ardnagrath National School, Walderstown, Athlone.
- Both the applicant and her husband will be living and working locally and thus will not be commuting to Dublin daily.
- Although the applicant and her husband bought an apartment in Dublin in 2019, this was always envisaged as a short-term ownership and was purchased in response to the cost of renting in Dublin. In the longer term, this apartment would not cater for the needs of raising a family and, therefore, it is being sold to fund the construction of the proposed dwelling.

It is anticipated that the sale of the apartment will be completed by the end of summer, 2022 and substantially before the applicant is in a position to live in the proposed dwelling. The sale of this apartment will also assist with the housing crisis in Dublin by allowing another party to purchase their own home.

- None of the properties suggested by the appellant as being suitable for restoration are for sale. Similarly, there are no existing dwellings for sale in the local area. Therefore, no such options were available to the applicant.
- Contrary to the grounds of appeal, not all of the households along the roadway in question are directly involved in farming or agriculture.

- The applicant is not in a position to confirm the appellant's assertion as regards the number of houses that have been refurbished along the roadway, however, it is reiterated that there are no dwellings / houses in need of refurbishment presently for sale in the area.
- The applicant satisfies the following aspects of the rural housing eligibility criteria of the Westmeath County Development Plan, 2021-2027:

*'Persons who have personal, family, or economic ties within the area, including returning emigrants, and who are an intrinsic part of the rural community':*

- The applicant (Ms. Aisling Baker) is from the parish of Tubberclare and has strong personal & family ties to the Tubberclare / Glasson area.
- Ms. Baker's parents and brother live in the vicinity of the site.
- The applicant spent her childhood living in the locality, attended school in Tubberclare, and has represented the local area in both a sporting and social capacity.
- The construction of the proposed dwelling will allow the applicant (and her husband) to provide care and support for her parents, particularly considering her father's ill health.
- The applicant has extensive ancestral / familial links to the local area.
- Both the applicant and her husband are involved in local GAA clubs.
- Ms. Baker is a member of the Glasson Lough Ree Heritage Group, a committee member of the Goldsmith International Literary Festival, and represented Co. Westmeath at the International Rose of Tralee Festival.
- The applicant's participation in local clubs / groups serves to support the Government's Rural Development Policy, 2021-2025 which aims to *'enhance participation, leadership and resilience in Rural Communities'*.
- The proposal will contribute to the sustaining of *'vibrant rural communities'* in line with the National Planning framework.

- The applicant is amenable to the occupancy condition imposed by the Planning Authority.

*‘Persons employed locally whose employment would provide a service to the local community’:*

- The applicant is a qualified and experienced teacher.
  - Upon qualification, the applicant was unable to obtain employment locally and was forced to seek employment elsewhere (Abu Dhabi & Dublin).
  - Ms. Baker is due to take up a teaching position in Ardnagrath N.S. in September, 2022 as part of the INTO Re-assignment Programme.
  - Accompanying correspondence confirms that there will be a need for primary school teachers in the area, both in the immediate and longer term. The applicant can satisfy this demand.
- The designation of the application site as a *‘Strong Rural Area under Urban Influence’* aims *‘to facilitate housing development by people who have strong links to the particular rural area and people who are an intrinsic part of the rural community’*. In this regard, it is submitted that the applicant’s local need was appropriately assessed by the Planning Authority and that the proposal complies with the requirements of the Westmeath County Development Plan, 2021-2027.
  - In response to appellant’s concerns as regards the wider sustainability, pollution and climate change implications of the proposal, it is reiterated that neither the applicant nor her husband will be commuting to Dublin given their employment circumstances.
  - The assertion that the size and density of the proposed development is not in keeping with *‘the rural dwelling style of this area’* is subjective and has not been supported by expert analysis. The proposed dwelling has been fully informed by the relevant guidelines and the applicant’s agent has offered the following design commentary:

*‘This is a single dwelling on a substantial site and would therefore easily comply with site densities.’*

*The concerns raised about the size of the dwelling are unfounded. The proposed dwelling is of a normal size for a rural dwelling in the Westmeath area. Its form is typical for the locality and is designed in the narrow plan style, typical of farmhouses in Westmeath. The mass and scale of the building is reduced through the use of subordinate side elements and rear return.*

*The site of the dwelling benefits from a beautiful, fully mature tree line along the northern boundary. This tree line provides a substantial context for the dwelling, and such a sheltered site would be typical of the positioning of traditional homes in Westmeath – indeed, there are numerous examples of this in the Westmeath Rural Design Guidelines. In our initial appraisal of the site . . . the mature tree line and hedgerows were one of the key attractions as we could make them very much part of the context of the design’.*

- Having regard to the Westmeath Rural Design Guidelines, and in light of the surrounding pattern of development, it is considered that the proposed dwelling is in keeping with the area.
- The proposal is supported by the rural housing policy provisions of the Development Plan while the applicant has also demonstrated that she satisfies the relevant housing need eligibility criteria. The representation made by an elected member in support of the application further serves to illustrate the applicant’s ties to the area.
- The ringfort identified in the grounds of appeal is in a different field and c. 90-100m from the proposed dwelling house. Furthermore, the development site is outside the ‘zone of notification’ as depicted in the Record of Monuments and Places (please refer to the accompany correspondence prepared by Mr Frank Coyne, Archaeologist).
- The District Engineer has indicated that there is ‘*no objection to the development as proposed in terms of road or traffic safety*’.
- The appellant’s comments as regards the possible renovation of derelict dwellings / sheds close to the application site and the subsequent assertion that the roadway is not suitable for traffic are dichotomous and illustrate the disjointed nature of the appeal.



- The landscaping plan provided in response to the request for further information outlines the minimal extent of hedgerow proposed for removal. This plan also details how the hedgerow will be supplemented with native planting around the perimeter of the property, all of which will enhance and contribute to the biodiversity of the site.
- The case planner has concluded that '*any hedgerow to be removed will be kept to an absolute minimum and will be supplemented*'.

### 6.3. Planning Authority Response

None.

### 6.4. Observations

#### 6.4.1. Darran Killian:

- Contrary to the assertion in the grounds of appeal that the occupants of all housing along this stretch of road are directly involved in farming / agriculture, it is submitted that neither the observer or his wife (who both reside in Littletown next to the development site) have any direct involvement in farming or agriculture. Similarly, the occupants of a further 3 No. neighbouring residences are not directly involved in farming or agriculture.
- The recent development of broadband in the locality has allowed many of its residents (including the observer) to work from home in occupations unrelated to farming or agriculture.
- It is hoped that the proposed development will assist in returning the local area to the vibrant community it once was.

#### 6.4.2. Lorraine & Patrick McKee:

- The observers retain ownership of one of the derelict houses shown in the photographs attached to the grounds of appeal. In this respect, it can be confirmed that the property in question was not for sale when the planning application was lodged and thus it was not an option open to the applicant.

- The applicant has a genuine local need given her familial and social ties to the area.

## 6.5. Further Responses

None.

## 7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The principle of the proposed development / rural housing policy
- Overall design & layout / visual impact
- Traffic implications
- Wastewater treatment and disposal
- Biodiversity / wildlife considerations
- Archaeological implications
- Appropriate assessment

These are assessed as follows:

### 7.2. The Principle of the Proposed Development / Rural Housing Policy:

7.2.1. In terms of assessing the principle of the proposed development having regard to the applicable rural housing policy, it is of relevance in the first instance to note that the proposed development site is located in an '*Area under Strong Urban Influence*' as indicatively identified by the '*Sustainable Rural Housing, Guidelines for Planning Authorities, 2005*' and that the detailed identification of the various rural area types at a county level shown on Map No. 9.1: '*Rural Typology Co. Westmeath*' of the Westmeath County Development Plan, 2021-2027 similarly indicates that the site is located in a '*Rural Area under Strong Urban Influence*'. The Guidelines state that '*Areas under Strong Urban Influence*' will exhibit characteristics such as their proximity to the immediate environs or the close commuting catchments of large cities and towns (e.g. Athlone Town) and will generally be under considerable

pressure for the development of housing due to their proximity to these urban centres or the major transport corridors accessing them (e.g. the N55 National Road and the M6 / N6 Corridor). Notably, within these '*areas under urban influence*', the National Planning Framework ('Project Ireland 2040: Building Ireland's Future') states that it will be necessary for applicants to demonstrate '*a functional economic or social requirement for housing need*' (with National Policy Objective No. 19 stating that the provision of single housing in rural areas under urban influence is to be based on the core consideration of a demonstrable economic or social need to live in a rural area and the siting and design criteria for rural housing contained in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements). The Guidelines further state that the housing requirements of persons with roots or links in rural areas are to be facilitated and that planning policies should be tailored to local circumstances.

- 7.2.2. Considering the proliferation of one-off rural housing development observed in the wider area during the course of my site inspection, and the evidence of the continuing pressure for such development due to the close proximity of Athlone town and a number of national routes, I would concur that the prevailing characteristics of the surrounding area are indicative of an '*Area under Strong Urban Influence*'. Accordingly, it is necessary to consider whether the applicants satisfy the relevant eligibility criteria, with particular reference to Objective CPO 9.1 of the Development Plan which seeks to accommodate individuals for permanent residential development in '*Rural Areas Under Strong Urban Influence*' who have strong links to the area and who are an intrinsic part of the rural community, subject to good planning practice, environmental carrying capacity and landscape protection considerations. More specifically, it must be established whether the applicants meet the 'local housing need' provisions by reference to one of 6 No. qualifying criteria (with the local area for the purpose of this policy defined as the area generally within a 10km radius of the applicant's family home).
- 7.2.3. Given the broader site context, cognisance should also be taken of Section 9.6: '*Development within the Hinterland of Settlements*' of the Development Plan which aims to avoid undesirable ribbon development on the approaches to settlements and to restrict development on the outskirts of the regional centre, towns and villages. Notably, provision is to be made for '*farmers, members of farm families and people*

*that have spent substantial parts of their lives as part of the established rural community building their first home’ within the ‘hinterland of settlements’, and all such proposals, except for reasons of traffic safety, design or other environmental consideration, are required to be clustered with the existing family home or, if farm buildings are isolated from the family dwelling, consideration can be given to grouping with farm structures.*

- 7.2.4. In addition to the foregoing, I would suggest that it is appropriate to have regard to the provisions of the *‘Sustainable Rural Housing, Guidelines for Planning Authorities’* which state that in facilitating housing intended to meet rural-generated needs eligible persons can include those working full-time or part-time in rural areas or persons who are an *‘intrinsic part of the rural community’* which are defined as follows:

*‘Such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes. Examples in this regard might include sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first homes near their family place of residence’.*

(For the purposes of clarity, I would advise the Board that Circular letter PL 2/2017: *‘Sustainable Rural Housing Guidelines for Planning Authorities 2005 – Local Needs Criteria in Development Plans’* clearly states that the *‘Sustainable Rural Housing, Guidelines for Planning Authorities, 2005’* remain in place and thus form the current ‘default’ position (as supported by the National Planning Framework) pending the publication of revised guidance by the Department).

- 7.2.5. From a review of the available information, it is clear that the rationale for the selection of the subject site primarily derives from the applicant’s (Ms. Aisling Baker) connections to the wider area with only limited reliance being placed on the circumstances of her husband i.e. Mr. Harry Goff (it would appear that Mr. Goff is a native of Two Mile House, Co. Kildare, although he is able to work from home and is developing links with the local community).

7.2.6. The application documentation is accompanied by Westmeath County Council's 'Local Need Questionnaire' and various supplementary information from which it can be ascertained that the applicant is acquiring the subject site from a third-party landowner and that she is originally from the Tubberclare / Glasson area given that her family home is located c. 2km southeast of the site alongside the N55 National Road (a driving distance of c. 3.7km along the local road network). In this regard, she would appear to have resided in the locality from 1995-2012 after which she qualified as a teacher and pursued employment opportunities in Dublin and beyond. Further support is lent to the proposal by the assertion that the applicant attended the local primary school in Tubberclare as well as her familial connections to the wider Tubberclare / Glasson area and her involvement in local community and sporting organisations. She had also indicated her desire to live close to her parents in order to provide future care and support given the ill health of her father.

(I would advise the Board that there is no minimum residency requirement (within the local rural area wherein permission is sought) with respect to any of the eligible categories of person specified in Objective CPO 9.1, however, I would suggest that this objective is intended to be applied in the context of the wider rural settlement strategy contained in Section 9.4 of the Development Plan which states that persons applying for permission in '*Rural Areas Under Strong Urban Influence*' must have strong links and a need to settle in that area and will '*normally have spent substantial periods of their lives living in the rural area as part of the established rural community*').

7.2.7. At this point, it is of relevance to note that both the applicant and her husband presently reside in Dublin City and that they own their current place of residence (an apartment in Drumcondra). However, it is the applicant's intention to relocate to the application site with a view to taking up employment as a teacher in Ardnagrath National School (c. 6km from the site) while her husband is able to work remotely from home. In this regard, various supporting correspondence has been provided detailing the applicant's intentions including documentation from her current and future employers as well as a letter from an auctioneer detailing the forthcoming sale of their current residence (the proceeds of which will be used to fund the proposed development).

- 7.2.8. On the basis of the available information, I would accept that the applicant has established a previous long-term residency and social / familial links to the immediate locality to the effect that she has '*strong links to the area*' and is '*an intrinsic part of the rural community*' thereby satisfying the local housing need provisions of Objective CPO 9.1: '*Areas Under Strong Urban Influence*' of the current Development Plan. Moreover, given that the applicant has previously lived in the locality for a substantial period of her life, she would satisfy the broader provisions of Section 9.4 of the Development Plan which states that persons applying for permission in '*Rural Areas Under Strong Urban Influence*' must have strong links (and a need to settle) in that area and will '*normally have spent substantial periods of their lives living in the rural area as part of the established rural community*'. Notably, eligible persons are listed in the Plan as including people originally from the rural area and wishing to return, people wishing to reside near elderly parents to provide security and care, people who would have grown up in rural areas seeking to build their home close to other family members, and people working in rural areas such as teachers in rural schools. Accordingly, it is my opinion that the applicant satisfies the eligibility criteria set out in Objective No. CPO 9.1 of the Development Plan.
- 7.2.9. However, in assessing the merits of the proposal and whether the applicant could be held to satisfy the relevant eligibility criteria in terms of having a '*functional economic or social*' housing need requirement to reside at the location proposed as per National Policy Objective No. 19 of the NPF, I would suggest that the following key factors require further consideration i.e. '*housing need*' and any '*specific locational need*' to reside on the lands in question. With respect to the issue of housing need, it is apparent that the applicant (and her husband) presently owns her current place of residence and has the intention of selling her apartment in Dublin in order to relocate to the subject site. It is this decision to sell her property in advance of having secured more permanent and suitable accommodation that will give rise to the applicant's housing need. In my opinion, it would be unsustainable to accept that the simple disposal of a property and the consequent generation of a 'housing need' could be held to amount to the establishment of an economic or social need to live in a rural area. Such a scenario would undermine key principles of the county settlement strategy and the '*Sustainable Rural Housing, Guidelines for Planning Authorities*,

2005' (a key aspect of the latter being to facilitate persons who are an intrinsic part of the rural community and are building their '*first homes*').

7.2.10. In relation to the assertion that the applicant has a specific locational need to reside at the subject site, while I would acknowledge her desire to reside in the locality with a view to supporting her parents and in order to live close to family members, and that the application site itself is c. 6km from her future place of employment at Ardnagrath National School, I am not satisfied that these factors are sufficient to establish a need to reside at the rural location proposed.

7.2.11. In light of National Policy Objective 19 of the NPF which, for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on the core consideration of a demonstrable economic or social need to live in a rural area while having regard to the viability of smaller towns and rural settlements, the proximity of the site to Athlone town and other nearby settlements (e.g. Glasson), the nature of the applicant's housing need & circumstances, and notwithstanding the submissions on file indicating the applicant's familial links to the wider area, it is my opinion 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. In effect, I am unconvinced that the applicants' needs cannot be satisfactorily accommodated elsewhere such as within the town or any of the designated settlements in the wider area having regard to the need to support the viability of towns and settlements as per Objective 19 of the NPF.

### **7.3. Overall Design & Layout / Visual Impact:**

7.3.1. In terms of assessing the visual impact of the proposed development, it is of relevance in the first instance to note that the subject site is located within the Lough Ree & Shannon Corridor Landscape Character Area (LCA) as detailed in Map No. 68: '*Westmeath Landscape Character Areas*' of the Development Plan. Section 13.12 of the Plan states that this LCA is of significant conservation value (in reference to the presence therein of Special Protection Areas, Special Areas of Conservation and Natural Heritage Areas) while the Shannon River and Lough Ree are important in terms of their recreational and amenity value, as well as their natural heritage importance, and thus the quality of these assets must be protected. It is further stated that as development pressure increases around the lakeshore and

floodplain, the risk of landscape deterioration also increases. In this context, the broader landscape character assessment policy objectives aim to ensure that any new developments do not detrimentally impact on the character, integrity, distinctiveness or scenic value of their area; ensure the preservation of the uniqueness of a landscape character type by having regard to the character, value and sensitivity of a landscape in the assessment of development proposals; ensure that development reflects and, where possible, reinforces, the distinctiveness and sense of place of the landscape character types; and require a Landscape and Visual Impact Assessment for proposed developments with the potential to impact on significant landscape features.

- 7.3.2. In a local context, the proposed development site is situated between Lough Ree and the N55 National Road where the surrounding landscape is generally characterised by a gently undulating rural countryside interspersed with piecemeal housing and linear-type development where the broader topography falls towards the lakeshore to the north. Although views over the wider area are available from certain vantage points, the prevalence of mature trees and dense hedgerows along the roadside and intervening field boundaries in the immediate surrounds of the application site serves to lessen more expansive views.
- 7.3.3. The site itself comprises the north-eastern corner of a larger agricultural field and is screened in part by a combination of mature trees and dense hedgerow along its north-eastern boundary as well as by a high ditch along the roadside. Although more open views are available for a greater distance on the approach to the site from the southwest, these are limited to a comparatively short stretch of roadway given the screening offered by the mature planting / trees along the south-western perimeter of the wider field (of which the subject site forms part) and will be further mitigated by the proposed landscaping works.
- 7.3.4. With regard to the specifics of the design and siting of the proposed development, having conducted a site inspection, and following a review of the submitted plans and particulars, in my opinion, the actual design of the dwelling house (with particular reference to the amended proposal submitted in response to the request for further information) broadly adheres to the basic design principles set out in Objective CPO 16.32 of the Development Plan in that it has sought to evoke a contemporary interpretation of the traditional vernacular through its use of features such as narrow



plan forms, vertically emphasised fenestration, the differing ridge heights, the steep roof pitches, the chimney stacks over the ridge line, and the palette of external finishes that includes a smooth render, timber cladding, natural stone, and blue / black roof slates / tiles.

- 7.3.5. Having regard to the foregoing, while I would accept that the established pattern of development in the immediate vicinity of the site is predominantly single-storey dwellings / cottages, there are several examples of dormer and two-storey properties in the area and, on balance, I am satisfied that the overall design and siting of the proposed development is acceptable and will not unduly detract from the visual amenity or scenic quality of the surrounding rural landscape. While the site occupies a position in a landscape of higher amenity value given the proximity of the lakeshore, in my opinion, the development will not be so conspicuous as to have a disproportionate or dominating visual impact on the surrounding environment nor will it interfere with any view or prospect listed for protection in the Development Plan. However, although the visual impact of the proposed development when taken in isolation could be considered somewhat limited given the site context, the further erosion of the rural character of this Landscape Character Area attributable to the continued development of one-off piecemeal housing could be held to be detrimental to the visual amenity and rural character of the surrounding landscape.

#### **7.4. Traffic Implications:**

- 7.4.1. The proposed development site will be accessed via a new entrance arrangement onto the adjacent local road, and I am generally satisfied that adequate sightlines and stopping sight distances can be achieved at this location given the depth of the grassed margin along the carriageway and the likelihood of lower traffic speeds & volumes due to the alignment and width of this rural roadway.
- 7.4.2. However, the limited width of the carriageway on approaching the site from the east and west is of concern as this particular stretch of roadway cannot readily accommodate the passing of two vehicles side-by-side due to a lack of pull-in bays / passing opportunities (although this could be remedied in part through the provision of the splayed entrance to the proposed dwelling).

## **7.5. Wastewater Treatment and Disposal:**

- 7.5.1. It is proposed to install a conventional septic tank system with a percolation area and, therefore, it is necessary to review the available information in order to ascertain if the subject site is suitable for the disposal of treated effluent to ground. In this respect, I would refer the Board to the Site Characterisation Form submitted with the application which details that the trial hole encountered 100mm of CLAY overlaying c. 500mm of SILT / CLAY followed by 1,500mm of granular sandy SILT to the depth of the excavation at 2.1m below ground level. No rock or water table were encountered. With regard to the percolation characteristics of the underlying soil, a 'T'-value of 29.67min / 25mm and a 'P'-value of 35.03min / 25mm were recorded which would constitute a pass in accordance with the EPA Code of Practice.
- 7.5.2. On the basis of the foregoing results and the accompanying supplementary information, in addition to the recommendation of the Area / District Engineer, it would appear that the subject site is suitable for the installation of the septic tank system as proposed, subject to conditions.
- 7.5.3. However, given the absence of any connection to the public watermain (as confirmed by the response to the request for further information), it will be necessary to clarify the precise siting of any private well / water source to ensure that all minimum separation distances etc. are complied with.

## **7.6. Biodiversity / Wildlife Considerations:**

- 7.6.1. Although the proposed development will invariably result in the loss of some plant and animal species from within the footprint of the construction, cognisance must also be taken of the fact that the subject lands comprise improved agricultural grassland which is of a comparatively low interest or value from an ecological and biodiversity perspective. Furthermore, the lands in question are not subject to any preservation or amenity orders and no terrestrial species or habitats of conservation importance have been noted either on site or proximate to it.
- 7.6.2. Therefore, having regard to the relatively low ecological value of the application site, the nature and scale of the works proposed, the limited loss of existing trees & hedgerow, the provision of additional supplementary landscaping, and the implementation of best practice construction management measures, I am satisfied that the subject proposal is permissible from an ecological perspective.

## **7.7. Archaeological Implications:**

- 7.7.1. With respect to the concerns raised in the grounds of appeal as regards the proximity of the proposed development to a nearby 'ringfort' and the possibility that other undisturbed / unknown features of archaeological interest may be present in the vicinity of the site, it should be noted that RMP Ref. No. WM015-014: 'Ringfort – rath' (as identified in the National Monuments Service's 'Historic Environment Viewer' as well as the Sites & Monuments Record – Archaeological Constraint Mapping) is located in an adjacent field where it occupies a position approximately 60m from the site boundary and c. 90-100m from the proposed dwelling house. Furthermore, both the development site and the proposed works are outside the 'zone of notification' as shown in the Record of Monuments and Places. In this regard, I would also refer the Board to the supplementary correspondence prepared by Mr. Frank Coyne, Archaeologist (who co-authored the summary description of RMP Ref. No. WM015-014 for the National Monuments Service) submitted in response to the grounds of appeal wherein it is stated that in his professional opinion the proposed development will not have any negative impact on RMP Ref. No. WM015-014 and that no archaeological mitigation measures are necessary.
- 7.7.2. Having regard to the foregoing, with particular reference to the separation distances involved, and in the absence of any further evidence to support the appellant's contention that there may be other items of archaeological interest in the vicinity of the proposed development, I am satisfied that the proposal will not have a negative impact on RMP Ref. No. WM015-014 and would not warrant a refusal of permission on archaeological grounds.

## **7.8. Appropriate Assessment:**

- 7.8.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the adequacy of the wastewater treatment and disposal arrangements proposed, and the proximity of the lands in question to the nearest European site, it is my opinion 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 Natura 2000 site.

## 8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be overturned in this instance and that permission be refused for the proposed development for the reasons and considerations set out below:

## 9.0 Reasons and Considerations

1. Having regard to:

- a) the location of the site within a rural area identified as being 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 in April, 2005;
- b) 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 demonstratable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements,
- c) the provisions of the Westmeath County Development Plan, 2021-2027 which provide for consideration to be given to the development of rural housing in areas under strong urban influence for those with a definable social or economic need to live in the open countryside,

the Board is not satisfied, on the basis of the information submitted with the application and the appeal, that the applicant comes within the scope of either the economic or social housing need criteria. The proposed development, in the absence of any identified locally based need for the house at this location, would result in a haphazard and unsustainable form of development, 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 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.

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Robert Speer  
Planning Inspector

16<sup>th</sup> May, 2022