



An
Bord
Pleanála

Inspector's Report ABP 312660 - 22

Development	House, domestic garage, waste water treatment system and associated sit works.
Location	Buaile na Sruthan, Bushy Park, Galway, County Galway.
Planning Authority	Galway City Council
P. A. Reg. Ref.	21 2080
Applicant	Gwenda and Tom Francis
Type of Application	Permission
Decision	Refuse Permission.
Type of Appeal	First Party x Refusal
Appellant	Gwenda and Tom Francis
Date of Inspection	4 th May, 2022.
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The application site has a stated area of 4,790 square metres and is formed from land within an agricultural landholding circa five kilometres to the north west of the city with access onto a minor road a short distance to the south of its junction with the N59. The roughly rectangular shaped site is on the south side of the site to the west of the farmyard and to the east of road frontage developments. A watercourse (Toberoran Steam) is located to the east side of the boundary in a south north direction. The ground level falls roughly from the south west in a north easterly direction and there are mature trees and vegetation in and around the site and lands.
- 1.2. There is an agricultural entrance onto the driveway linking the site entrance onto the public road and the farmyard within the farm holding. This driveway appeared have been recently surfaced with aggregate and timber fencing is at the entrance where the timber gate had been removed at the time of inspection. There was also evidence of trees cutting and clearance within the lands to either side of the driveway
- 1.3. A dwelling, stated to be the former parental home and occupied by applicant's sister is at the site frontage onto the public road and there is continuous road frontage development on plots to either side of her property and along the opposite side of the road. the applicant's sister, ruins of a dwelling previously occupied by the applicant's grandparents and ending at the farmyard to the south east.
- 1.4. The site area as shown inside the blue line on a map provided with the application has three access points onto the public road including the proposed entrance. It comprises lands to the east side of road frontage development and a dwelling at the rear of a road frontage dwelling.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for construction of a two-storey house with a stated floor area of 224 square metres and a detached garage to the west side with a stated floor area of 30.5 square metres. The finished floor level for both structures is 61.50 metres and the ridge height is 6.5 metres. The proposed development includes a waste water treatment system

comprising a packaged treatment system and polishing filter and associated site works.

- 2.2. Trial hole testing to a depth of 0.8 metres where bedrock but no water table was encountered was conducted and 'T' Test results indicated 30 mins according to the application submission demonstrating site suitability for effluent treatment.
- 2.3. Surface water drainage is to be discharged to the stream at the east side of the stie. The development is to be connected to the public mains water supply serving the area.
- 2.4. According to the written statement on the application form the applicant has been in beef farming for circa twenty years under Herd No G141-1232 and also breeds horses. He states that the farm has been in his family for five generations. According to the statement it is necessary to reside on the farm for the daily farm work and particularly due to special care needs of thorough bred horses
- 2.5. The application also includes a traffic speed survey and a soil suitability assessment report.

3.0 Planning Authority Decision

3.1. Decision

By order dated, *13th December, 2021*, the planning authority decided to refuse permission for the proposed development based on two reasons: -

According to Reason 1, the proposed development materially contravenes Objective RHO 9 and DM Standard 6 of the CDP due to the site configuration, the class 3 landscape category designation for the area and, the elongated and the haphazard vehicular access proposed for the proposed development constitutes obtrusive and disorderly back land development which fails to integrate to the rural location, interferes with the landscape character and an area classified as Landscape Category 3, detracts from the visual amenities into the rural location and, the preservation of the rural environment.

According to Reason 2 the application does not demonstrate substantiated rural housing need for rural links and as a result, the proposed development materially contravenes Policy Objective RHO1 of the CDP.

3.2. Planning Authority Reports

- 3.2.1. The planning officer indicated the recommendation for refusal of permission based in lack of substantive evidence of rural housing need having regard to Objective RHO 3 and dwelling design as being unsatisfactory having regard to the Design Guidelines provided for under Objective RHO 9 of the CDP.

There are no technical reports available on file or noted within the planning officer report.

4.0 Planning History

There is no record of planning history for the site.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Galway County Development Plan, 2015-2021 according to which the site location is within the Galway Transportation Planning Study Area. (GTPS) in respect of which policy objective RHO1 regarding eligibility for rural generated housing need for development of house is required.

The location is located within an area designated as Landscape character Class 3 on the sensitivity scale of 1-5 within the GPTS for which 'a substantiated rural housing need' and rural linkage to the area as provided for under RHO 3 Rural Housing Zone 3 applies.

The planning authority's Design Guidelines for the Single Rural House which are available in Appendix 5 and associated criteria are provided for under Policy Objective RHO9 and DM standard 6.

The site location is not within any flood risk area.

According to criteria under Policy RHO I Rural Housing Zone 1 (Rural Area Under Strong Urban Pressure) for which Objective RHO1 (a)

“Those applicants with Rural Links, (defined as a person who has strong links to the rural area and wishes to build a dwelling generally within an 8km radius of where the applicant has lived for a substantial continuous part of their life) to the area through long standing existing and immediate family ties seeking to develop their first home on existing family farm holdings”

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was lodged by McMillen Architects on behalf of the applicant on 7th February, 2022. Attached are photographs, a copy of an annotated google earth image, a statement that the applicant's son attends a primary school at Bushypark, an incomplete photocopy of a birth certificate and a TB testing statement (Regional veterinary office) for Mr Thomas Francis Oranswell, Bushypark Galway in his herd number. and a cover page for a statement issued to 'Tom Francis at Bush Park' with the heading, 'Coolmore National Hunt Sires'. According to the appeal.

- Careful consideration was given to the overall site selected instead of a previously considered more elevated site, and to design of the proposed dwelling.
- The applicant has significant connection to the area having been borne at the house now in his sister's house on the landholding. The ruins of the applicant's grandparents' farmhouse which is prone to flooding are adjacent to the site.
- It has been established that the proposed effluent treatment system is acceptable.
- With regard to the access, a farm gate which was at the road frontage has now been removed. The road access has been upgraded and the site is along the access lane to the farm buildings. IT provides a visual buffer from the public road. There are several other elongated access roads for individual

developments in the area including some of recent origin as shown on the Google earth image.

- The house design is not at variance with Objective RH09 of the CDP. It is in the form of a traditional long house with a pitched roof but reflects good and simple layout with some projections at the entrance for definition and at the rear to maximise sunlight. Sheetmetal is to be used as it relates to rural agricultural shed styles for modern farm buildings. The footprint is reflective of a hayshed common in the country. The design is that of an agricultural building which has been converted to a dwelling and which incorporates technology and a modern environment for habitation. There are numerous types and styles of houses ranging from single modern flat roof to two and a half storey houses some with long span roofs or dormers. Some houses have floor areas three times the size of the proposed development.
- The proposed development is neither an additional ribbon development nor a back land development given the existing established development in the area. There are several examples of 'back land development' in the area as shown in the google image with screen grabs from Good Street view which shows houses in a multiplicity of types and designs in the area which are visible from the road. It should be noted that there are numerous developments at the rear which are unrelated to the linear pattern of roadside development.
- The visual impact is minimal it only being noticeable from back gardens to the west. The house is to be within a field bound by hedgerows and mature trees and has wooded characteristics which will be retained. It backs to existing plots.
- Farm management requires hands-on 24-hour presence for the security and welfare of animals. It is important for there to be proximity to the farm yard which will be in sight of the proposed. The applicant satisfies the criteria to be allowed to build on the farm.

6.2. **Planning Authority Response**

There is no submission from the planning authority on file.

7.0 **Assessment**

7.1. The issues central to the determination of the decision having regard to the reasons for the decision to refuse permission, the appeal grounds and considered below under the following subheadings are:

Consistency with criteria demonstrating rural housing need and rural links to the area.

Single Rural Dwelling Design and Visual impact.

Other Considerations.

Environmental Impact Assessment Screening

Appropriate Assessment Screening.

7.2. **Consistency with criteria demonstrating rural housing need and rural links to the area**

7.3. With regard to the second reason for the decision to refuse permission there is no dispute that the applicant has established 'rural linkages' to the area, but it is not agreed that in the submissions lodged with the application and the appeal that a substantiated rural housing need as required under Policy RHO1 for the GPTS and RHO3 having regard to the site location being within Class 3 on the scale of 1-5 for landscape sensitivity of the Landscape Character categorisation within the CDP has been demonstrated.

7.3.1. Some additional documentation was provided with the appeal consisting of an incomplete photocopy of a birth certificate, a copy of a TB testing statement (Regional veterinary office) for Mr Thomas Francis Oranswell, Bushypark, Galway along with his herd number and, a cover page for a statement issued to 'Tom Francis at Bush Park' with the heading, 'Coolmore National Hunt Sires'.

- 7.3.2. On the Rural Housing Needs Application form included with the application it is stated that the applicant rents his accommodation at 24 Caisel, Ragoon Galway (H91CD6P) which is his place of residence.
- 7.3.3. In the documentation available on file in connection with the application and appeal it is stated the applicant's sister resides at the family home formerly occupied by his parents. It is indicated on the copy of the Google map included with the appeal that this property is to the south side of the proposed entrance and to the west side of the blue line indicated on the application drawings for the landholding from which the current application site is formed.
- 7.3.4. The family home is indicated as at a location with the Eircode H91DR67 on the Rural Housing Needs Application form. However, it is noted that the property with this Eircode, ('Oranswell' also, 'Tobar Odrain') is the property to the north side of the proposed entrance. It is to west side of the blue line indicated on the application drawings for the landholding from which the site subject of the application is formed. It is also noted that this property is also the address provided with the applicant's name for TB Testing statement for the applicant's Herd the photocopy of which is provided. In addition, the copy of the statement from Coolmore included with the appeal includes an address; 'Bushpark' under the applicant's name.
- 7.3.5. Given the foregoing with regard to the property, 'Tobar Odrain' about which clarification is required, it is considered, based on the information available in connection with the application and the appeal, that substantiated rural housing need of the applicant has not been demonstrated. It is recommended that the second reason for refusal of permission attached to the planning authority's decision to refuse permission should be upheld.
- 7.3.6. In the event of possible favourable consideration of the current proposal, further clarification regarding the matters discussed would be warranted.

7.4. Single Rural Dwelling Design and Visual Impact.

- 7.4.1. With regard to the first reason for refusal, it is noted that the planning officer commented that the proposed development with its stated floor area of 224 square metres and 6.2 metres height is not consistent with the *Design Guidelines for the Single Rural House*, and therefore not in accordance with Policy RHO9 of the CDP.

- 7.4.2. It is considered that a reasonable rationale for the form and design has been provided within the appeal in that it is sought in the design to reflect the traditional long house form with the use of sheet metal similar to that used in farm buildings for for the roof. This concept is appreciated but the current proposal is excessive in footprint and in its two-storey form and extent and range glazing detail an element of which double height it is unacceptable for the rural site location. There is no objection to the design concept in principle, but a considerably smaller scale and a simpler form and much lower profile dwelling would be essential in order to provide for sensitivity to and assimilation into the landscape and for compatibility with the *Design Guidelines for the Single Rural House*, and in turn, Policy RHO9. The proposed detached garage and its relationship to the main dwelling should also be taken into consideration.
- 7.4.3. Owing to the back land location, the remark within Reason 1 attached to the decision to refuse permission as to the elongated and haphazard vehicular access arrangements are reasonable, nothing the recent upgrade referred to in the appeal and observed during the course of the inspection. There is no objection, with regard to technical standards to the proposed entrance arrangements for access form the public road. It is recommended that the first reason for refusal of permission should be upheld.

7.5. **Other Considerations.**

The site layout drawing shows the location of the proposed wastewater treatment system and percolation area at the south western end of the site. A completed site characterisation form along with details of the proposed effluent treatment and disposal system are available. The planning officer in his report notes the trial hole depth encountering bedrock at 0.8 metres with no evidence of the water table to T Test results, to a proposed packaged wastewater treatment system and polishing filter. Connection to the mains public water supply is also proposed. There are no issues requiring further consideration.

The proposed entrance onto the public road is considered acceptable in design and in respect of sightlines in either direction, for the location. The traffic count along

with details of speed based on a survey undertaken on 21st October, 2021 is also noted. There are no issues requiring further consideration.

7.6. Environmental Impact Assessment.

- 7.6.1. Having regard to the nature of the proposed development and its location removed from any sensitive locations or features, there is no real likelihood of significant adverse effects on the environment. The need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

7.7. Appropriate Assessment.

- 7.7.1. Having regard to the scale and nature of the proposed development and to the location removed from any European Sites no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. Given the foregoing, it is recommended that the planning authority decision to refuse be upheld based on the Reasons and Considerations which follow.

9.0 Reasons and Considerations

1. The Board is not satisfied, based on the information provided in connection with the application and that the appeal that it is satisfactorily demonstrated that the applicant has a substantiated rural housing need in accordance with the requirements of the Objective RHO 1 for the Galway City Development Plan to allow for development of a house within a rural area within the area of the GTPS and Policy RHO3 for lands designated as Class 3 within the adopted Landscape Character Assessment in the CDP. The proposed

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

2. The proposed development by reason of the footprint, form, mass height and design details and by reason of the back land location would constitute haphazard and visually obtrusive and insensitive development which is incompatible with and would fail to assimilate into the rural receiving environment which is within a Class 3 area (on a sensitivity scale of 1-5) within the Landscape Characterisation within the CDP. As a result, the proposed development would be contrary to Policy RHO 9, and DM Standard 6 of the Galway County Development Plan, 2015-2021 and would be contrary to the proper planning and sustainable development of the area.

Jane Dennehy

Senior Planning Inspector

18th May, 2022.