



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312928-22

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<b>Development</b>	Construction of house with garage and all ancillary site work.
<b>Location</b>	Bunnanilra, Castleconor, Enniscrone, Co Sligo
<b>Planning Authority</b>	Sligo County Council
<b>Planning Authority Reg. Ref.</b>	21479
<b>Applicant(s)</b>	Aoife Dunleavy.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Aoife Dunleavy.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	8 <sup>th</sup> February 2023.
<b>Inspector</b>	Bríd Maxwell

## 1.0 Site Location and Description

- 1.1. This appeal relates to a rural site of .41 hectares located within the townland of Bunnailra, Castleconor, Enniscrone Co Sligo. The appeal site lies circa 5km to the south of Enniscrone and 7km north east of Ballina. The site is on a gentle slope within a relatively flat coastal plain landscape. The site is triangular in shape and was part of a larger field pattern. It is bounded to the east by a land drain with a whitethorn hedge line and by a post and wire fence to the northern and western boundary. A land drain also runs adjacent to the western boundary. The roadside boundary is defined by a low vegetated earthen bank. The nearest existing dwelling is located circa 170m to the northwest of the site. The area is predominantly in agricultural use with scattered rural housing.

## 2.0 Proposed Development

- 2.1. The proposal involves the construction of a single storey dwellinghouse incorporating domestic, garage and wastewater treatment system with raised soil polishing filter and all ancillary site works and services.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated 8<sup>th</sup> February 2022 Sligo County Council issued notification of the decision to refuse permission for the following reason:

*“The proposed development is located within a buffer zone / green belt of the Enniscrone Local Area Plan 2014-2020. It is the policy of the Planning Authority to manage development in such areas and to restrict the provision of one off rural housing in accordance with the criteria set out in policy P-GBSA-HOU-1 of the County Development Plan 2017-2023. On the basis of information submitted it is not considered that the proposed development complies with this policy. The proposed development would constitute inappropriate housing development in a rural area lacking certain public services, would militate against the preservation of the rural environment, would set an undesirable precedent for further such development at*

*this location and would give rise to an uneconomic demand for the provision of public services and facilities. The proposed development would conflict with the provisions of the Development Plan and accordingly would be contrary to the proper planning and sustainable development of the area.”*

### **3.2. Planning Authority Reports**

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

Planner’s report notes location within the buffer zone of the Enniscrone LAP 2014-2020. Refusal was recommended as per subsequent decision.

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

Environment Section report indicates no objection in principle subject to conditions.

Area Engineer’s report no objection subject to conditions including set back of roadside boundary over a distance of 50m.

### **3.3. Prescribed Bodies**

Irish Water – No objection subject to standard conditions including connection agreement with Irish Water.

### **3.4. Third Party Observations**

No submissions.

## 4.0 Planning History

**11/389** Permission granted to Michael Ruane to construct a dwellinghouse septic tank proprietary effluent treatment system with percolation area as well as all ancillary site development works.

## 5.0 Policy Context

### 5.1. National Planning Framework, Department of Housing Planning and Local Government 2018

National Policy Objective 19 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.

I note that the site falls within the area under Urban Influence from to town of Ballina as shown in Map 1: Indicative Outline of NSS Rural Area Types.

### 5.2. Development Plan

The Sligo County Development Plan 2017-2023 and Enniscrone Local Area Plan 2014-2020 refer.

The appeal site lies within the green belt / buffer zone of Enniscrone.

At 3.3.2 of the Sligo County Development Plan in relation to green belts it is outlined that the main purpose of the green belt policy is to protect the land around towns and

villages from unnecessary development and maintain the designated areas mainly for agriculture or forestry. It is essential that settlements are consolidated within the limits set out in their land-use plans (local area plans and mini-plans), while retaining a strong spatial and visual identity that differentiates them from the surrounding countryside.

Urban design policies – Urban development and expansion : “It is the policy of Sligo County Council to: P-UD-9 Create a strong urban edge for every town and village by preventing ribbon development on the approaches to built-up areas and by restricting unnecessary development within the green belts around towns and villages.”

Rural Housing Policy is set out at 5.3.1 of the County Development Plan:

Policy P-GBSA-HOU-1 “Accommodate proposals for one-off rural houses in the green belts and sensitive areas, subject to normal planning considerations including Habitats Directive Assessment and compliance with the guidance set out in Section 13.4 Residential development in rural areas (development management standards), where a housing need is demonstrated by the following categories of applicants:

A. landowners, including their sons and daughters, who wish to build a first home for their permanent occupation on the landholding associated with their principal family residence;

B. persons whose primary employment is in a rural-based activity with a demonstrated genuine need to live in the locality of that employment base, for example, those working in agriculture, aquaculture, forestry, horticulture or other natural resourcebased employment;

AND where such persons can demonstrate that the home they propose is in the interests of the proper planning and sustainable development of the area.

In relation to landscape character, the site is within the “Normal Rural Landscape”.

Development Management Standards for Residential Development in Rural Areas are set out at 13.4.

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

The site is not within a designated area. The nearest such sites include the Killala Bay / Moy Estuary SAC circa 2km to the west and Kilala Bay / Moy Estuary SPA circa 2.5km to the west. The River Moy SAC circa 5km to the south.

### **5.4. EIA Screening**

Having regard to the nature of the development comprising construction of a new dwelling together with a new proprietary wastewater treatment system it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore, be excluded by way of preliminary examination.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The first party appeal is made on the following grounds:

- Applicant is seeking to provide permanent family home on family land and return to work in family business which is agriculture related. (Herd number details provided.)
- Applicant is a native of Ballina and does not have other suitable lands.
- Applicant intends to get a Green cert and herd number.
- Intention is to settle into this community and become an active member of the neighbourhood and farming community.

- Applicant's parents live on Lord Edward Street Ballina and it would be of benefit to have a family member on the lands for ease of management and security of stock.
- House plans are for a simple 3 bed bungalow with attached garage to rear in keeping with designs in the vicinity. An A rated energy efficient house is proposed.
- Permission was previously granted on the site 11/289.

## 6.2. **Planning Authority Response**

The Planning Authority maintains that a genuine local rural housing need has not been established. As regards previous permission on the site 11/289 this was granted to Michael Ruane who was receiving the site from his mother Mary Ruane, the landowner at that time, and was granted under the provisions of the County Development Plan 2011-2017. The green belt /buffer zone was later established under the Enniscrone LAP 2014-2020.

## 6.3. **Observations**

No submissions.

## 7.0 **Assessment**

- 7.1 Having examined the file, considered the prevailing local and national policies, inspected the site, and assessed the proposal and all submissions, I consider the key issues arising in this appeal for determination by the Board relates to the

question the principle of development in the context of current settlement policy. The question of appropriate assessment also needs to be addressed.

## 7.2 Policy – Principle of Development.

7.2.1 The appeal site lies within the greenbelt around Eniscrone where the relevant policy P-GBSA-HOU-1 “*Accommodate proposals for one-off rural houses in the green belts and sensitive areas, subject to normal planning considerations including Habitats Directive Assessment and compliance with the guidance set out in Section 13.4 Residential development in rural areas (development management standards), where a housing need is demonstrated by the following categories of applicants:*

*A. landowners, including their sons and daughters, who wish to build a first home for their permanent occupation on the landholding associated with their principal family residence;*

*B. persons whose primary employment is in a rural-based activity with a demonstrated genuine need to live in the locality of that employment base, for example, those working in agriculture, aquaculture, forestry, horticulture or other natural resource based employment;*

*AND where such persons can demonstrate that the home they propose is in the interests of the proper planning and sustainable development of the area.”*

7.2.2 In summary the first party contends that she complies with the requirements of P-GBSA-Hou-1 as she is returning from her current job in Dublin to work in the agriculture related family business (no details are provided) and intends to apply for a green certificate and herd number. The applicant is to receive the site from her father. The family home is on Lord Edward Street Ballina.

7.2.3 I note that based on the submitted documentation the landholding relates to this appeal site only (0.41hectares) and another field (9.48hectares) located within the townland of Newtown to the southwest of the appeal site. Having considered the



application I consider that the case does not meet the criteria as set out in P-GBSA-HOU-1. The proposal does not relate to a site on a landholding associated with the principal family residence (criteria A), and the applicant has not provided any evidence to suggest that her “*primary employment is a rural based activity with a demonstrated genuine need to live in the locality of that employment base*” (criteria B). There is no evidence to demonstrate a specific locational housing need in relation to the appeal site and the applicant’s housing need could readily be met within the settlement of Enniscrone, her native town of Ballina or other town or village in the locality. I am satisfied that the particulars of this application do not meet the criteria of P-GBSA-Hou-1 in terms of a genuine rural generated housing need. On this basis I consider that refusal is warranted.

7.2.4 I also note that the site falls within the area under urban influence from the town of Ballina and I consider that in light of National Policy Objective 19 of the National Planning Framework the proposal does not demonstrate a rural generated housing need and would contribute to the further encroachment of random rural development in the area which would militate against the preservation of the rural environment and would be contrary to the proper planning and sustainable development of the area.

### 7.3 Other Matters

7.3.1 As regards site suitability for effluent treatment I note that the site suitability assessment report notes that drainage ditches on and adjacent to the site suggesting poor permeability and surface water risk. It is outlined that in the trial hole, excavated to 2.2m, bedrock was not encountered while the water table was encountered at 1.5m. The soil is described as a sandy gravelly silt/clay topsoil with sandy gravel at .4m. A T value of 7.03 and P test of 9.22 was determined. Having regard to the level of standing water in the trial hole at 1.5m it is proposed to install a packaged wastewater treatment plant and soil polishing filter. I note that whilst it may be technically feasible to provide this system on the site and meet the minimum separation distances and standards as set out in the EPA Code of Practice Domestic Wastewater Treatment Systems (PE ≤10) the poor percolation characteristics and risk to surface water is of concern.

7.3.2 As regards traffic impact the site abuts a relatively straight section of the roadway and adequate sightlines are readily achievable. The level of traffic arising is not likely to give rise to traffic hazard.

7.3.3 As regards visual impact the site is not locally prominent and the visual impact is not likely to be significant. I note that the design is for a single storey dwelling and does not give rise to any particular concerns.

7.3.4 As regards Appropriate Assessment having regard to the nature and scale of the proposed development and the nature of the receiving environment and proximity to the nearest European site, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

I recommend that the Board uphold the decision to Refuse permission for the following reasons:

1. Having regard to the location of the site within an area identified as the buffer zone green belt of the Enniscrone Local Area Plan 2014-2020 and an area under the urban influence of Ballina town where housing is restricted to persons who can demonstrate rural-generated housing need and 'where such persons can demonstrate that the home they propose is in the interest of the proper planning and sustainable development of the area in accordance with policy P-GBSA-HOU-1 of the Sligo County Development Plan 2017-2023, and to National Policy Objective 19 of the National Planning Framework issued by the Department of Housing, Planning and Local Government in February,

2018 which, for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area, the Board is not satisfied that the applicant has sufficiently demonstrated that they have a rural-generated housing need. As a result, the Board considers that the proposed development would contribute to the further encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Bríd Maxwell  
Planning Inspector

21 February 2023