



An
Bord
Pleanála

Inspector's Report

ABP-313057-22

Development	Retention permission for wooden cabin and storage shed as constructed along with septic tank and percolation area and all ancillary site works.
Location	Devleash, Kiltimagh, Co. Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	211343
Applicant(s)	Chris Glynn
Type of Application	Permission Retention.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Chris Glynn
Observer(s)	None.
Date of Site Inspection	8 th February 2023.
Inspector	Bríd Maxwell

1.0 Site Location and Description

1.1. The appeal site is located in a rural area approximately 4km to the northeast of Kiltimagh in Co Mayo. The appeal site is occupied by a wooden cabin structure and storage shed structures. The wooden cabin has a floor area of 46.6sq.m with a decking area to its southern elevation and is laid out internally with two bedrooms a living kitchen area sunroom and bathroom. The storage shed 68.4m² is made up of steel container extended by way of a lean-to type timber structure with corrugated sheet roofing. The site falls from road level to the north in a southerly direction and the site has been excavated to set the cabin and shed structures into the site. Lands to the south of the site are visibly wet falling towards the Glone River (designated as part of the River Moy SAC) which is within 114m of the site.

2.0 Proposed Development

2.1. The application as described in the public notices involves permission for retention of existing wooden cabin and existing storage shed as constructed along with new septic tank and percolation area and all ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

By order dated 21st February 2022 Mayo County Council issued notification of the decision to refuse permission for the following reasons:

“It is considered that a dwellinghouse by reason of design, in an open and exposed rural area, would interfere with the character of the landscape, would seriously injure the amenities and depreciate the value of property in the vicinity, would establish an undesirable precedent for similar future developments in the area and thus would be contrary to the proper planning and sustainable development of the area.

Accordingly, to grant the proposed development, would also, contravene “Objective LP-01 – Landscape Protection” and “RH-02 – Rural Housing” of the Mayo County Development Plan 2014-2020 and would be contrary to the proper planning and sustainable development of the area.

It is considered that the storage shed is inappropriate in design for a domestic shed in this rural location, and if permitted, would set an undesirable precedent in the area, would seriously injure the amenities of property in the vicinity and would be contrary to the proper planning and development of the area.

The sight visibility at the existing vehicular entrance onto the local road are substandard and the applicant has not submitted satisfactory evidence that the minimum sight distances for the local road can be achieved in both directions, to ensure that no traffic hazard is created as a result of the development. It is considered that the development seeking retention, if permitted, would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's report notes concerns regarding sightline visibility at the entrance. Design considered inappropriate in an exposed and non-wooded area. Refusal was recommended as per subsequent decision.

3.2.2. Other Technical Reports

Senior Executive Architect's report notes serious concerns regarding the design of the dwelling proposed for retention which appears to be in breach of Part F, Part L and Part M of the building regulations. Shed on the site is of a very poor design standard. Refusal recommended.

Area Engineers report notes that the sight visibility at the entrance is substandard in a westerly direction due to trees, hedge and clay mound.

3.3. Prescribed Bodies

No submissions

3.4. **Third Party Observations**

No submissions

4.0 **Planning History**

07/2780 Permission granted (on slightly narrower site). 18/01/2008 to Chris Glynn for construction of new dwellinghouse, domestic garage, septic tank percolation area and ancillary works. Condition 1 restricted occupancy to the applicant.

P07/27800 Extension of duration to 17th January 2018.

062856 Withdrawn

06/2001 Incomplete

5.0 **Policy Context**

5.1. **Development Plan**

The Mayo County Development Plan 2022-2028 refers. This plan was adopted on 29th June 2022 and came into effect on 10th August 2022.

The site is outside the designated rural area under strong urban influence.

RHO 2 In rural areas not classified as in Rural Areas under Strong Urban Influence, there is a presumption in favour of facilitating the provision of single housing in the countryside, based on siting and design criteria for rural housing in statutory guidelines and plans, except in the case of single houses seeking to locate along Mayo's Scenic Routes/Scenic Routes with Scenic Views or Coastal Areas/Lakeshores.

RHO 5 To advise all rural housing applicants to utilise the Design Guidelines for Rural Housing (Mayo County Council) and core principles of same

RHP 1 To support and promote strong vibrant sustainable rural communities in County Mayo.

RHP 5 To ensure that rural housing applications employ site specific design solutions to provide for proposals that integrate into and reflect and enhance local landscape character, in terms of siting, design, materials, finishes and landscaping.

5.2. **Natural Heritage Designations**

The site is circa 70m north of the River Moy Special Area Of Conservation (Site Code 002298).

5.3. **EIA Screening**

Having regard to the nature of the development comprising retention of 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**

6.1.1 The grounds of appeal are summarised as follows:

- The cabin is barely visible from the main road L59023 and only the upper part of the roof is visible from the Develeash / Ballinure townland road at the point where it meets the access road. Cabin has been excavated to lower level than the surrounding countryside and is in keeping with the landscape. There are a number of such structures in the locality.
- Permitted house 07/2780 would have been far more visible and less compatible with the surrounding countryside.
- Sheds were in existence long before the log cabin was constructed. They have been painted green and screened to blend into the countryside. Additional screening could be undertaken or size reduced remodelled.

- Existing entrance is via an agricultural access as shown for original permission. Access is considered adequate however the applicant owns land to the right of the entrance and can provide alternative if necessary.
- Originally it was intended to build the family home here however due to the recession this was not feasible. Cabin was never intended for long term permanent living. Main use is for recreation for the family. Cabin has been in existence for six years and no complaints by neighbours.
- In light of the housing crisis it would be utterly wasteful to insist that this cabin which is perfectly habitable with all utilities be demolished. Cabin has been pledged for use by refugees of the war in Ukraine.

6.2. **Planning Authority Response**

The Planning Authority did not respond to the grounds of appeal.

6.3. **Observations**

No submissions

7.0 Assessment

7.1 From my review of the file, all relevant documents, an inspection of the site and its environs, I consider that the main planning issues for consideration in the Board's assessment of the appeal may be considered under the following broad headings:

- Settlement Policy and Impact on the amenities of the area
- Design & Visual impact
- Servicing, Wastewater Treatment, Traffic & Access
- Appropriate Assessment

7.2 Settlement Policy

7.2.1 On the issue of settlement policy of the Mayo County Development Plan 2022-2028 I note that as the site falls outside the designated rural area under strong urban influence and the plan does not require a demonstration of local housing need. I note that permission was previously granted to the current applicant for a dwelling on the site (slightly narrower site) in 2008 (07/280) and this permission was extended in 2012 (07/2800) and which ultimately expired in January 2018. I note that the principle of provision of a dwelling on the site was not questioned by the Planning Authority and on the basis of the planning history on the site I do not propose to revisit this issue.

7.3 Design and Visual Impact

7.3.1 This is the key issue in my view in relation to the appeal. As regards the visual impact of the structure and impact on the amenities of the area I note that the site is exposed and is openly visible from the south. I would concur with the assessment of the Planning Authority that the log cabin structure is out of character in this rural area and to grant permission for retention would set an undesirable precedent for similar such development.

7.3.2 The 'Mayo Rural Housing Design Guidelines' (2008) that are appended to the Mayo County Development Plan 2022-2028, set out the principles to be adhered to when designing a house in the countryside and RH05 of the Development Plan requires rural housing to be designed in accordance with the Design Guidelines. The Design Guidelines encourage high standards in the design and construction of housing, including necessary standards for internal living spaces and external amenity areas. The proposed house would comprise a gross floor area of approximately 46sq.m. and would not provide a reasonable quality of residential amenity for future residents in line with the Mayo Rural Housing Design Guidelines. Consequently, the proposed development would not be compliant with the provisions set out in RH05 of the Development Plan. On this basis I consider that refusal is warranted on design grounds.

7.4 Servicing, Traffic & Access, Wastewater Treatment.

7.4.1 As regards traffic and access I note the concerns of the planning authority regarding the restricted sightlines to the west of the entrance. I note that the previous permission provided for a new entrance approximately centrally along the road frontage and the current entrance was outside the previous site boundary. I consider that a single entrance to the land is preferable and I am of the view that adequate sightlines are achievable by way of modification of the existing entrance and the proposal would not itself constitute a traffic hazard. The site abuts a minor and lightly trafficked rural road and the traffic arising is not significant.

7.4.2 As regards servicing the dwelling is connected to a public water supply. On the matter of wastewater treatment, no information is provided regarding existing treatment or system on the site. The Site Suitability Report submitted with the planning application notes that the site is located in an area with a poor aquifer category and where groundwater vulnerability is high. I note that a drainage channel 43m south east of the trial hole area flows into the River Glore circa 125m to the south of the site which is tributary of the River Moy and part of the designation River Moy SAC. The site suitability assessment (carried out in November 2021) notes that

in the trial hole excavated to 2m the water table was encountered at 1.75m with mottling to 1.4m. Soil / Subsoil is classified as gravelly sandy silt clay topsoil to 0.4m with clayey sand subsoil of granular structure, and a gravelly clayey sand at .7m. An intermittent podzol layer and iron pan at 0.7m are noted which are percolation inhibiting. A T value of 42.78 was recorded. It is proposed to install a packaged wastewater treatment system and polishing filter. Based on the submitted details it appears that it would be technically feasible to provide for wastewater treatment on the site in accordance with EPA Wastewater Manual standards within the 'Code of Practice - Wastewater Treatment and Disposal Systems serving Single Houses (p.e. ≤ 10) (EPA, 2021).

7.5 Appropriate Assessment

7.5.1 Having regard to the nature and scale of the proposed development, the nature of the receiving environment and likely emissions arising from the proposed development and the 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

8.1. I recommend that the Board refuse permission for the reasons attached.

Reasons and Considerations

1. As stated in the Mayo County Development Plan, 2022-2028, it is the Council's stated policy, as defined by Landscape Policy NEP 14 "*To protect, enhance and contribute to the physical, visual and scenic character of County Mayo and to preserve its unique landscape character*". Rural Housing Policy RHP 5 seeks "*To ensure that rural housing applications employ site specific design solutions to*

provide for proposals that integrate into and reflect and enhance local landscape character, in terms of siting, design, materials, finishes and landscaping.”

It is considered that the unauthorised development of the wooden cabin and storage shed on the site relates unsatisfactorily to the immediate area with an incongruous design and discordant materials, and if permitted, would establish an undesirable precedent for other similar developments with a poor standard of amenity. The proposed development would, therefore, contravene materially objective RHP 5 and NEP 14 as set down in the Mayo County Development Plan, 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the layout and design of the subject development, it is considered that the proposed development constitutes a substandard form of development that would seriously injure the residential amenities of occupants of the dwelling and would be contrary to the provisions of RHO5 of the Mayo County Development Plan 2022-2028, requiring rural housing to be designed in accordance with the Mayo Rural Housing Design Guidelines (2008), which are appended to the Development Plan and encourage high standards in the design and construction of housing. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell
Planning Inspector

24th February 2023