



An
Bord
Pleanála

Inspector's Report ABP313401-22

Development	House, DWWTS and associated works.
Location	Ballynamona, Kilmokea, County Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20220147
Applicant(s)	Ethan Keogh
Type of Application	Permission
Planning Authority Decision	Refuse.
Type of Appeal	Applicant v refusal
Appellant(s)	Ethan Keogh
Observer(s)	None
Date of Site Inspection	15 th July 2023
Inspector	Hugh Mannion

1.0 Site Location and Description

- 1.1.1. The application site has a stated area of 0.53ha and comprises part of a larger agricultural field at Ballynamona, Kilmokea, County Wexford about 3kms northwest of Campile village. The application site is accessed through a separate field which has just enough road frontage to accommodate a vehicular gate onto the public road. This field, through which the proposed access road would run, is also in farming/cattle grazing use. The proposed access would be onto a minor narrow public with no median line, footpaths of public lighting. The area is served by a dense network of minor public roads and the R733 links New Ross in the north to Campile village in the south. Between the application site and the junction of the minor public road with the R733 are about 12 houses.

2.0 Proposed Development

- 2.1.1. The proposed development comprises the construction of a house, DWWTs and associated works at Ballynamona, Kilmokea, County Wexford.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. Refuse permission.

The proposed development would compound a local concentration of one-off housing which would significantly adversely affect the visual amenity of the area which is within a designated River Valley Landscape and the application has not demonstrated an overriding need to develop this particular site. The proposed development would, therefore, be contrary to policies RH07, L05 and L11 of the County Development Plan 2013 – 2019.

3.2.1. **Planning Authority Reports**

3.2.2. Planning Reports

The planner's report recommended that permission be refused as set out in the manager's order.

3.2.3. Other Technical Reports

The **Environment Section** recommended a grant of permission with a condition requiring compliance with the EPA code of Practice for DWWTS.

Water Services reported no comment.

Roads Section reported no objection and that adequate sightlines are available.

4.0 **Planning History**

4.1. No relevant planning history.

5.0 **Policy and Context**

5.1. **The National Planning Framework – National Policy Objective 19**

5.2. 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.

5.3. **Sustainable Rural Housing Guidelines for Planning Authorities (2005)** require that planning authorities in making development plans have regard to "The distinction in the NSS between urban and rural generated housing was intended to acknowledge the fact that demands for housing in rural areas arise in different circumstances". Additionally, development plans should distinguish between different rural area types – including areas under strong pressure for rural housing arising from proximity to Cities and larger towns.

- 5.4. **Wexford County Development Plan 2013 – 2019**
- 5.5. **Objective RH07** To minimise the individual or cumulative adverse visual impacts that local concentrations of one-off housing, outside of settlements, may have on Upland, River Valley and Coastal landscape character units or Landscapes of Greater Sensitivity. In this regard, in locations where the Council considers that there is a risk of individual or cumulative adverse impacts, the Council will only consider proposals for housing developments where the applicant has demonstrated an overriding need to reside in the particular location in accordance with the criteria contained in Table No. 12
- 5.6. **Objectives L05** To prohibit developments which are likely to have significant adverse visual impacts, either individually or cumulatively, on the character of the Uplands, River Valley or Coastal landscape or a Landscape of Greater Sensitivity and where there is no overriding need for the development to be in that particular location.
- 5.7. **Objective L11** To seek to minimise the individual and cumulative adverse visual impacts that local concentrations of one-off housing, outside of settlements, may have on Upland, River Valley and Coastal landscape character units or Landscapes of Greater Sensitivity. In this regard, in locations where the Council considers that there is a risk of individual or cumulative adverse impacts, the Council will only consider proposals for housing developments where a need for the dwelling has been demonstrated in accordance with the criteria contained in Table No. 12 in Chapter 4.
- 5.8. **Wexford County Development Plan 2022 – 2028**
- 5.9. **Objective L09** To seek to minimise the individual and cumulative adverse visual impacts that rural housing may have on Upland, River Valley and Coastal an Distinctive Landscape Character Units. In this regard, in locations where the Council considers that there is a risk of individual or cumulative adverse impacts, the Council will only consider proposals for housing developments where a need for the dwelling has been demonstrated in accordance with the criteria contained in Table No. 12 in Chapter 4.

- 5.10. **Objective SH 39** To consider individual rural housing in the open countryside in accordance with the categories and associated criteria set out in Table 4.6 and subject to compliance with normal planning and environmental criteria and the relevant development management standards.
- 5.11. Wexford County Development Plan at section 4.9 commits the planning authority to “continue to support sustainable rural settlement in accordance with the National Planning Framework, the RSES and the Sustainable Rural Housing-Guidelines for Planning Authorities (DEHLG, 2005) and any future updates of those guidelines”.
- 5.12. Applicants for rural housing in the open countryside, must meet one of the following categories:
- A. A person who has a demonstrable social functional need to reside in a particular rural area (except for Structurally Weak Rural Areas)
- Or
- B. A person who has a demonstrable economic functional need to reside in a particular rural area (except for Structurally Weak Rural Areas).

5.13. **Natural Heritage Designations**

Not relevant.

5.13.1. **EIA Screening**

- 5.13.2. Having regard to the nature and modest scale of the proposed development and the likely emissions therefrom it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- The land is family owned and the applicant intends to construct a house that has minimal impact on the visual amenity and on the wider landscape.
- The applicant will lead a sustainable lifestyle including walking to his place of work (700 metres away).
- The proposed development includes screen planting and regeneration of landscape features within the landholding.
- There is an existing access to the public road.
- The proposed house is designed to maximise solar gain, harvest rainwater, have solar panels.
- The proposed development accords with the Wexford County Development Plan 2013- 2019 and the draft plan.
- The applicant has a housing need, and the proposed house complies with all the normal planning criteria.

6.2. Planning Authority Response

- None

6.3. Observations

- None

6.4. Further Responses

- None

7.0 Assessment

7.1. The planning issues in this case are as set out in the reason for refusal.

- 7.2. The application site is within a 'stronger rural area' designated in the Wexford County Development and Illustrated in the Rural Area Types map number 1 included in the current Plan. The planning authority is satisfied that the applicant has family and social ties to the area but because of the areas inclusion in the Suir River valley these are insufficient to justify a rural house.
- 7.3. The application site is situated in the Barrow/Suir River Valley illustrated on the Landscape Character Units map number 7.1 attached to the current Wexford County Development Plan 2022 – 2028. The current Plan requires that sensitive landscape areas identified in the plan are protected from inappropriate development. In designated river valleys areas only when a demonstrable social or economic need is established will the planning authority consider a grant of planning permission where other planning aspects of a proposed development are satisfactory.
- 7.4. In the present case the proposed development would comprise backland development in an area subject to considerable pressure for one – off rural housing. There are at least 12 houses on the same side of the public road between the site entrance and the junction of that road with the R733 that links Campile to New Ross with additional houses on the opposite side and further housing north of the proposed access gate. This concentration of housing exhibits the characteristics for areas under strong urban pressure identified in the Rural Housing Guidelines and most likely arising from the proximity of the area to larger towns – in this case New Ross.
- 7.5. The National Planning Framework sets out goals for sustainable forms of development. National Policy Objective 19 seeks to “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”.
- 7.6. The Sustainable Rural Housing Guidelines requires that planning authorities in making development plans distinguish between rural generated housing need and

urban generated housing need. Additionally planning authorities must identify rural area types in their Development Plan and are encouraged to distinguish between areas under strong pressure for housing development unrelated to rural generated housing need and areas where pressure for this type of housing is less apparent.

7.7. The applicant makes the point that the site is in family ownership, that he can walk to work from the site and that the proposed house will include solar panels and rainwater harvesting which will enhance the sustainability of the proposed development.

7.8. The application does not establish the application arises from a demonstrable social or economic need as required by development plan objective L09 or a rural generated housing need to develop a house on this site. The site has no public water supply or public sewerage – the application proposes a bored well and a domestic wastewater treatment system. The road serving site has no median line, footpaths or public lighting – in short this is an un-serviced rural area within a designated river valley landscape where additional houses unrelated to a demonstrable social or economic need to live will lead to further suburbanisation of a rural landscape, generate demands for the uneconomic provision of public services and facilities and generate additional unsustainable travel patterns. I conclude on this basis that the proposed development would comprise an unsustainable form of rural housing development unrelated to a rural generated housing need in a river valley landscape designated for protection and would, therefore, be contrary the current Wexford County Development Plan.

7.9. **Domestic Effluent**

7.10. Although not referenced in the planning authority's reason for refusal the issue of disposal of domestic effluent within the site arises in this case.

7.11. The site suitability assessment for the disposal of foul effluent records that there is mottling of the soil in the trial hole within about 1.2m of the surface. This is indicative of a variable water table level and the absence of the required distance between the invert level of the outflow pipe of the septic tank and the water table. The application proposes an engineered solution to this non-compliance with the EPA code of practice by the provision of a proprietary treatment system and a polishing filter. The application is deficient in detail in this regard. The effluent is to be pumped along a

semi-circular route between the proprietary treatment system and the polishing filter. Additionally, it appears that the trail hole was dug within the polishing filter which is advised against in the EPA COP because such arrangements risk creating preferential pathways to the ground water from the soil surface/polishing filter.

7.12. If the Board were considering a grant of permission, I recommend that the issue of foul effluent disposal within the site be raised with the parties to the appeals.

7.13. **Appropriate Assessment Screening**

7.14. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the nature of receiving environment and the distance from any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

8.0 **Recommendation**

8.1.1. I recommend a that permission be refused for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

The application site is situated in the Barrow/Suir River Valley illustrated on the Landscape Character Units map in the current Wexford County Development Plan 2022-2028. The application site does not have access public sewerage or public water supply and the public road is narrow, without a median line, footpaths or public lighting. The applicant has not demonstrated social or economic functional need to reside in this particular rural. The proposed development would, therefore materially contravene an objective set out in the Wexford County Development Plan 2022 to 2028 in relation to the provision of houses within designated river valleys and would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Hugh Mannion

Senior Planning Inspector

17th July 2023.