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Bord  
Pleanála

## Inspector's Report ABP314093-22

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<b>Development</b>	House, garage, DWWTS and associated works.
<b>Location</b>	Robinstown Great, New Ross County Wexford.
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20211734
<b>Applicant(s)</b>	Oliver & Carol Bolger
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant with conditions.
<b>Type of Appeal</b>	Third Party v Grant
<b>Appellant(s)</b>	<ol style="list-style-type: none"><li>1. Nicholas Murphy</li><li>2. Richard Murphy.</li></ol>
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	15 <sup>th</sup> July 2023
<b>Inspector</b>	Hugh Mannion

## **1.0 Site Location and Description**

- 1.1.1. The application site has a stated area of 0.36ha and comprises an undeveloped parcel of land in Robinstown Great, New Ross, County Wexford. The area lies to the south of the N30 national secondary road which links New Ross in the west to Enniscorthy in the east. The area is served by a dense network of narrow rural roads and the predominant landuse is agriculture. The area is under some pressure for development related to its location close to New Ross. The site itself slopes down and east from the public road. There is good screening provided by hedgerows, including trees, within the site and the site has an existing access to the public road.

## **2.0 Proposed Development**

- 2.1.1. The proposed development comprises the construction of a house, garage, DWWTS and associated works at Robinstown Great, New Ross, County Wexford.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.2. Grant permission with 13 conditions.

3.3. Condition 4 requires that the house be occupied by the applicants as a place of permanent residence for a period of 5 years from the date of the final grant.

3.4. Conditions 10 and 11 required that the domestic wastewater treatment system complies with the EPA code of practice.

### **3.4.1. Planning Authority Reports**

#### **3.4.2. Planning Reports**

The planner's report recommended a grant of permission as set out in the manager's order.

#### **3.4.3. 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 objection.

**Roads Section** reported no objection and that adequate sightlines are available. traffic at the site entrance to the public road.

## 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. **Development Plan**

5.5. **Wexford County Development Plan 2022 – 2028** 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”.

5.6. 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)

#### 5.7. **Natural Heritage Designations**

Not relevant.

##### 5.7.1. **EIA Screening**

5.7.2. 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 design of the proposed house does not respect the Development Plan advice in relation to design for new housing in the countryside. The proposed development is out of character with adjoining houses.

- The proposed development will give rise to ribbon development.
- The height and orientation of the upper floor windows will give rise to overlooking and overshadowing of the adjoining houses.
- The area is an 'area under strong urban influence'. The applicants already own another house and have not demonstrated a need to build a house in a rural area.
- The proposed development will give rise to flooding on adjoining sites.
- There is a quarry/dump on site not mentioned in the application.
- The site is a habitat for owls and red squirrels and is an historic avenue.

## 6.2. Applicant Response

- The house has been orientated to avoid overlooking of the neighbour to the north – there are no windows from habitable rooms looking north. There are bathroom/landing windows, and these have opaque glass. Additional planting will be undertaken to further mitigate any overlooking of adjoining property.
- The house has, mainly, metal cladding which is reflective of agricultural buildings in a rural area.
- The proposed development does not constitute ribbon development as there are not 5 entrances in a 250m distance, the adjoining house to the north is not in use as residential accommodation but solely as a farmyard.
- The applicants have a small house in New Ross which no longer meets the needs of a family with 3 children. The applicant was born/reared in Robinstown. The other applicant works in a local national school 2 miles from the application site.
- There is no history of flooding within the application site. Surface water can be disposed of safely to an on-site soakaway.
- There is no history of quarry/dump on site.
- There is no proposal to remove any trees that might be significant for wildlife.

### 6.3. **Planning Authority Response**

- None

### 6.4. **Observations**

- None

### 6.5. **Further Responses**

- None

## 7.0 **Assessment**

7.1. The planning issues in this case are as set out in the grounds of appeal and are as follows – design, overshadowing/overlooking impacts of nearby property, ribbon development, rural housing policy, flooding of adjoining property and habitat loss. This assessment, will, also, briefly address foul water disposal and Appropriate Assessment.

### 7.2. **Design.**

7.3. The appeal makes the point that the proposed design is out of character with other houses in the area. The appeal is largely correct on this point in so far as the metal finish/materials is not common in the area. The applicant makes the point that this type of cladding is common in agricultural buildings.

7.4. The site is below road level and there is good screening available within the site and in the wider area. I consider that there is some leeway in relation to matters of taste and design and I conclude on this point that the proposed house will not seriously injure the visual amenity of the area.

### 7.5. **Overlooking/overshadowing.**

7.6. The appeal makes the point that the proposed house will overlook/overshadow adjoining property.

7.7. The applicant points out that the rear/northern elevation at first floor level provides windows to a landing, bathroom and ensuite shower and that these will not be such as to impact on the farmhouse to the north.

- 7.8. There is a complex of farm buildings to the north/rear of the proposed development. The farmhouse is small and may not be occupied but nevertheless requires protection of its amenity. I agree with the applicant that the three small windows on the first floor do not have the capacity to seriously injure the amenity of the house to the north by reason of overlooking.
- 7.9. In addition, having regard to the separation distance off the boundary (approx. 3.9m), the screening provided by the mature hedgerow and the nature of the closest building within the farmyard as an agricultural building I conclude that no unreasonable overshadowing of the property to the north will arise from the proposed house.
- 7.10. The proposed house is 14.5m off the boundary with the house on the site to the south. The proposed house is about 55m diagonally distant from the house on the site to the south. Given these separation distances and the orientation of the house south of the application site I conclude that the proposed development will not seriously injure the amenity of that property.
- 7.11. **Ribbon Development.**
- 7.12. The appeal makes the point that the proposed development will give rise to ribbon development. The Sustainable Rural Housing Guidelines make the point that “taking account...of the dispersed nature of existing housing in many rural areas, areas characterised by ribbon development will in most cases be located on the edges of cities and towns and will exhibit characteristics such as a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250metres of road frontage”. While the application site is about 8kms from New Ross it is a rural area, and the application site is infill site between two existing houses/farmyards.
- 7.13. I conclude on this point that the proposed development will not contribute to ribbon development.
- 7.14. **Rural Housing Policy**
- 7.15. The appeal makes the point that the applicants already have a house and have not demonstrated a need to live in a rural area under strong urban influence.

- 7.16. 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”.
- 7.17. 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. The site is located in an area identified in the current Wexford County Development Plan and illustrated in the rural area types within the county on Map 1 – Rural Area Types as a rural area under strong urban influence. The national Guidelines describe these areas as exhibiting “characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network”. In relation to rural housing in areas under strong urban influence the plan recognises that applicants can have a demonstrable social or economic need to live in rural areas. A person who has lived for a minimum of 7 years in a rural area, where they have not previously owned a house, where the house will be their permanent residence and where the applicant can work from home or commute for work may mean favourable consideration for applications for rural housing. The applicant makes the point that he was born and raised in Robinstown, went to primary school locally in Rathgarogue which is about 2 miles from the application site. The applicant’s partner works in that school.

7.18. The key point here is that the applicant owns/occupies a house in New Ross – less 5kms from the application site. The applicants make the case that their present house is too small for a growing family but no case that the application arises from a necessity related to rural based occupation (the applicants work in New Ross and in a local school respectively). 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 where additional houses unrelated to a demonstratable social or economic need to live will 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 an rural generated housing need and would, therefore, be contrary to the NPF, the Sustainable Rural Housing Guidelines and the current Wexford County Development Plan.

**7.19. Flooding of adjoining property**

7.20. The appeal makes the point that the proposed development has the capacity to give rise to flooding of adjoining property. The applicant states that the surface water arising within the site can be safely disposed of within the site.

7.21. The planning authority's Drainage Section reported in this case and raised no objection on grounds of surface water disposal. The site has discernible slope down from the roadside boundary. The proposed development will not give rise to any additional surface water loading in the site. There are no streams within the site and site suitability assessment submitted in relation to the suitability of the site for disposal of domestic effluent concludes that site has good drainage characteristics. I conclude in this basis that the proposed development will not give rise to surface water flooding of adjoining property.

#### 7.22. **Habitat loss.**

7.23. The appeal makes the point that the proposed development will give rise to habitat loss and therefore impact on wildlife.

7.24. The site is not designed as a European site under the Habitats or Birds Directives, nor is it included in any NHA or proposed NHA. The site has been subject to habitat management arising from its use for agriculture I conclude on the basis no unacceptable wildlife impacts will arise from the proposed development.

#### 7.25. **Domestic Effluent**

7.26. The application includes a site suitability assessment for the disposal of domestic effluent. The assessment concludes that the site is suitable for the safe disposal of septic tank effluent. The planning authority's Environment Section reviewed the submission and recommended a grant of permission.

#### 7.27. **Appropriate Assessment Screening**

7.28. 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 National Planning Framework 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, planning authorities should 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 Sustainable Rural Housing Guidelines require planning authorities to distinguish between urban generated rural housing need and rural generated housing need and

distinguish between areas under strong urban pressure for rural housing and other areas. The Wexford County Development Plan 2022-2028 has designated this area as one under strong pressure for urban generated rural housing and requires that applicants for rural housing should have a demonstrable social or economic need to live in a rural area.

The application site is in a rural area close to New Ross, there is no public sewerage or public water supply serving the site and the public road is narrow, without a median line, footpaths or public lighting. The applicant has not demonstrated a rural generated housing need to live in this area and the proposed development would, therefore, give rise to demands for the uneconomic provision of public services, would contribute to unsustainable travel patterns, would be contrary to an objective set out in the NPF in relation to rural housing and the policy set out in the Sustainable Rural Housing Guidelines (2005), would materially contravene the policies of the Wexford County Development Plan 2023 to 2029 and 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.

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Hugh Mannion

Senior Planning Inspector

16<sup>th</sup> July 2023.