



An
Bord
Pleanála

Inspector's Report

ABP-314713-22

Development	Self-contained dwelling unit, upgrading of existing wastewater treatment system and percolation area.
Location	Waddingtown, Harperstown, Taghmon, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20220959
Applicant(s)	Richard Purcell and Tracey Edwards
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Richard Purcell and Tracey Edwards
Observer(s)	None.
Date of Site Inspection	2 nd March 2023.
Inspector	Peter Nelson

1.0 Site Location and Description

- 1.1. The site is located on a local road, approximately 50m from the New Line Road (R733) and approximately 4km south of the Taghmon village. The site has a stated area of c.0.33 hectares and contains a dormer bungalow with a detached garage. The front boundary consists of a mature hedge and a grass verge. The remaining boundaries consist of hedging and a timber post and rail fence. The site is relatively flat with a slight slope to the rear.
- 1.2. Directly to the north of the site is another dormer bungalow with detached garage. To the south of the site is a cleared site. To the west of the site is a dwelling and an open field. Opposite the site is an entrance to a single storey bungalow.

2.0 Proposed Development

- 2.1. The erection of a self-contained dwelling unit and for works to upgrade an existing wastewater treatment system and percolation area.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Wexford County Council issued a decision to refuse on the 2nd of September 2022 for one reason which states that as the development constitutes a separate dwelling discharging to a shared wastewater treatment system, legal issues regarding responsibility for and access to the shared wastewater treatment system may arise in the future.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

The planning report dated the 1st of September 2022 reflects the decision to refuse. The proposed development was assessed under the Wexford County Development Plan 2013-2019. The main points can be summarised as follows:

- The applicants have demonstrated a need to provide full time care for a family member and the need for a detached unit has been adequately demonstrated.
- The scale of the dwelling accords with development plan policy
- The Environmental Section recommends refusal on the grounds that the proposed dwelling constitutes a separate dwelling discharging to a shared wastewater treatment system which may lead to future legal and access issues.

3.2.2. Other Technical Reports

- Roads Inspection Report dated 5th of August 2022 recommended grant with a standard condition.
- Senior Executive Scientist (Environment) Report dated 12th of August 2022 recommends refusal as detached ancillary accommodation units are contrary to Wexford County Development Plan 2022-2028 (Section 4.9.5, Volume 1 and Section 3.3, Volume 2) and legal issues regards responsibility for and access to the shared wastewater treatment system will arise in the future.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

- P.A. Ref: 20220569

Permission refused on the 22nd June 2022 for a self-contained dwelling unit and works to upgrade an existing waterwater treatment system on the subject site, as the use of a single wastewater treatment unit discharging to the existing percolation area and the proposed drip dispersal system may result in an uneven distribution of wastewater resulting in overloading of one or both systems and therefore a public health hazard.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Wexford County Development Plan 2022-2028 is the operative County Development Plan for the area. This plan came into effect on the 25th of July 2022.

Relevant Development Plan objectives include: -

5.1.2. Objective SH35

To facilitate access for people with disabilities and older people to an appropriate range of housing and related support services delivered in an integrated and sustainable manner that promotes equality of opportunity, individual choice and independent living.

5.1.3. Objective SH40

To strictly control individual rural housing in the open countryside in areas that are reaching their carrying capacity in terms of effluent treatment capacity, visual amenity and/or roads carrying capacity in accordance with the requirements set out in Table 4.6 and the associated definitions and notes and subject to compliance with normal planning and environmental criteria and the relevant development management standards.

5.1.4. Objective SH50

To consider the development of a self-contained residential unit attached to the main dwelling house only where it is satisfactorily demonstrated that the proposed occupant is an immediate family member who is dependent on the existing

occupant(s) of the main dwelling house or needs to live in close proximity to the existing occupant(s) of the main dwelling for health or support reasons. The development must comply with the relevant development management standards set out in Volume 2 and comply with normal planning and environmental criteria.

5.2. Natural Heritage Designations

None Relevant

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development, comprising of an additional dwelling on an existing site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The main points can be summarised as follows:

- As the application was submitted while the Wexford County Development Plan 2013-2019 was in operation it is the appropriate plan to assess the proposed development.
- The proposal meets the requirements of Section 18.13.3 of the Wexford County Development Plan 2013-2019.
- The unit is for the exclusive use of the applicant's parents and will remain in the ownership of the applicants.
- The self-contained unit does not constitute a separate dwelling which requires a private wastewater treatment system and would be assessed under a separate section of the relevant development plan.

- There will be no legal issues relating to the access to the wastewater treatment system as the property will remain in the ownership of the applicants who will retain all control, responsibility and access to the system.
- Planning permission would be required to separate the proposed unit from the property.
- The combined wastewater treatment system, shared access and shared services prevents a subdivision of the property from ever being possible.
- The wastewater treatment system has been designed in compliance with the Environmental Protection Agency Code of Practice: Domestic Wastewater Treatment Systems. (Population Equivalent less than or equal to 10).

6.2. Planning Authority Response

- None

7.0 Assessment

- 7.1. I note that the Planning Authority considered this proposal, under the Wexford County Development Plan 2013-19. As noted in section 5.1 above the current operational plan is the Wexford County Development Plan 2022-28.
- 7.2. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:
- Development Plan and Planning Policy
 - Wastewater
 - Appropriate Assessment

7.3. Development Plan and Planning Policy.

- 7.3.1. The applicant argues that as the application was submitted while the Wexford County Development Plan 2013-2019 was in operation, the proposed development should be assessed under that plan. That plan has expired and as the Wexford County Development Plan 2022-2028 is the current operational plan, the proposed development will be assessed under this plan.
- 7.3.2. The Planning Authority refused permission on the grounds that as the dwelling unit constitutes a separate dwelling discharging to a shared wastewater treatment system, legal issues may arise in the future regarding responsibility for and access to the shared wastewater treatment system.
- 7.3.3. The applicant argues that the self-contained residential unit for family members does not constitute a separated dwelling and therefore does not require a private wastewater system. I note that section 18.13.3 of the now expired Wexford County Development Plan 2012-2019 allowed for the consideration of a detached self-contained unit for use by a family member where the need for such a unit was demonstrated. However, Objective SH50 of the Wexford County Development Plan 2022-2028 allows only for consideration of the development of a self-contained residential unit attached to the main dwelling house. Section 3.3 of Volume 2 of the current development plan reiterates that a self-contained residential unit for a family member must be attached to the main dwelling house and must be accessible from the main dwelling house via an internal access door. While I recognise that this is a single site with a single entrance, I consider that the proposed development is a separate self-contained residential unit detached from the main dwelling and is therefore it is contrary to the policies of the development plan.
- 7.3.4. The site is in an area identified in the Development Plan as a rural area under strong urban influence. I consider that an additional detached dwelling unit on an existing site would set an undesirable precedent for similar developments in rural areas under strong urban influence.

7.4. Wastewater

- 7.4.1. The applicant states that the proposed development has been designed in compliance with the EPA code of practice: Domestic Wastewater Treatment Systems (Population Equivalent less than or equal to 10) 2021. It is proposed that the development will connect into the existing biocrete treatment plant and the existing raised percolation area to be removed and replaced with a new raised drip dispersal percolation area.
- 7.4.2. The proposed development has two bedrooms and therefore there will be an additional Design PE of 4. The existing dwelling has four bedrooms and a design PE of 6. Therefore, the design PE for the site will be ten and will therefore be assessed under the EPA code of practice: Domestic Wastewater Treatment Systems (Population Equivalent less than or equal to 10) 2021.
- 7.4.3. A site characterisation form has been submitted with the application. It identifies the aquifer category as poor and the vulnerability as low. The stated soil percolation tests conducted on site resulted in subsurface percolation value of 77.12 and a surface percolation value of 76.16. The depth of unsaturated soil and/or subsoil is 0.60. I have referenced these results with the EPA code of practice: Domestic Wastewater Treatment Systems (Population Equivalent less than or equal to 10) and I am satisfied that the site is suitable for discharge to groundwater.
- 7.4.4. I note that the report from the Senior Executive Scientist (Environment) on the current application refers to their report on the previous application on this site. (P.A. reg: 202205690). That report dated 27th May 2022 stated that site was suitable for discharge to groundwater.
- 7.4.5. The reason for refusal considered that legal issues regarding the responsibility for and access to the shared wastewater treatment system may arise in the future as the dwelling unit constitutes a separate dwelling unit. The applicant has stated that the proposed unit is for the exclusive use of the applicant's parents while remaining in the ownership of the applicant. I consider that the proposed site is a single site with a single entrance and recognise that planning permission would be required for subdivision of the site. I therefore consider that if the site remains in the one ownership, legal issues regarding responsibility for and access to the shared wastewater treatment system will not arise. If the Board is minded to grant

permission, I recommend a condition be attached restricting the separate unit from being sold, let, or otherwise transferred or conveyed, save as part of the main dwelling.

7.4.6. Appropriate Assessment

7.4.7. Having regard to the minor nature and scale of the proposed development, the site location outside of any protected site and the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

8.1. I recommend that the permission be refused for the proposed development for the reasons set out below:

9.0 Reasons

1. Having regard to the detached nature of the self-contained residential unit, its location on the site, and to the provision of Objective SH50 of the Wexford County Development Plan 2022-2028 it is considered that the proposed development would conflict with the provisions of the development plan and would set an undesirable precedent for similar developments in the area. The proposed development would therefore 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.

Peter Nelson
Planning Inspector

5 April 2023