



An
Bord
Pleanála

Inspector's Report

ABP-314958-22

Development	Construction of a house and garage, with all ancillary works
Location	Bishopswood , Portarlington, Co. Offaly
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	22240
Applicant	Jason Whelan.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Seamus & Patricia Whelan
Date of Site Inspection	12 th July 2023
Inspector	Dolores McCague

1.0 Introduction

- 1.1.1. This report should be read in conjunction with the previous Inspector's Report dated 14th July 2023.

2.0 Background to Addendum Report

- 2.1.1. This addendum report is required, in response of the Board Direction of 6th November 2023, to 'assess the application against the four criteria set out in policy SSP-27 of the Offaly County Development Plan 2001-2007 and to advise the Board on their assessment of each of these matters'. This is taken to mean SSP-27 of the Offaly County Development Plan 2021-2027.

3.0 SSP-27

SSP-27, which refers to Housing in Rural Areas under Strong Urban Influence and Stronger Rural Areas, and Areas of Special Control, states as follows:

Having regard to the need to protect County Offaly's natural resources, environment, landscape and infrastructure, it is Council policy to consider a single dwelling for the permanent occupation of an applicant in Rural Areas under Strong Urban Influence and Stronger Rural Areas and Areas of Special Control where all of the following (1-4) can be demonstrated:

1. The applicant has a functional economic or social requirement to reside in this particular rural area in accordance with (i) or (ii):

(i) Economic requirements will normally encompass persons referred to in the revision to the Sustainable Rural Housing Guidelines 2005 and, if applicable, circulars. Pending the making of the revised Sustainable Rural Housing Guidelines by the Minister, a Functional Economic Requirement in County Offaly shall be taken as including persons who by the nature of their work have a functional economic need to reside in the local rural area close to their place of work. It includes persons involved in full-time farming, horticulture or forestry as well as similar rural-based part-time occupations where it can be demonstrated that it is the predominant

occupation. The 'local rural area' is defined as the area generally within 8km radius (5km radius particular to Areas of Special Control) of the place of work.

Or

(ii) Social requirements will normally encompass persons referred to in the revision to the Sustainable Rural Housing Guidelines 2005 and, if applicable, circulars.

Pending the making of the revised Sustainable Rural Housing Guidelines by the Minister, a Functional Social Requirement in County Offaly shall be taken as including (a) or (b) below:

(a) The applicant was born within the local rural area, or is living or has lived in the local rural area for a minimum of 5 years (15 years particular to Areas of Special Control) at any stage prior to making the planning application. It includes returning emigrants seeking a permanent home in their local rural area. The 'Local Rural Area' for the purpose of this policy is defined as the area generally within an 8km radius (5km radius particular to Areas of Special Control) of where the applicant was born, living or has lived. For the purpose of this policy, the rural area is taken to include 'Villages' listed in the Settlement Hierarchy, but excludes Tullamore, Birr, Edenderry, Portarlinton, Banagher, Clara, Daingean, Ferbane and Kilcormac (i.e. the Key Town, Self-Sustaining Growth Town, Self-Sustaining Towns, Towns and Smaller Towns listed in the Settlement Hierarchy).

Or

(b) Special consideration shall be given in cases of exceptional health circumstances - supported by relevant documentation from a registered medical practitioner and a disability organisation proving that a person requires to live in a particular environment or close to family support, or requires a close family member to live in close proximity to that person.

2. The applicant does not already own or has not owned a house in the open countryside.

3. If the site is located within an Area of Special Control, there is no alternative site outside of Areas of Special Control.

4. High quality siting and design.

3.1. **SSP- 27 Assessment**

The applicant has indicated that he qualifies under 1(ii) (a) 'is living or has lived in the local rural area for a minimum of 5 years at any stage prior to making the planning application'. His home is in a rural area local to the site, not Portarlinton the non-rural area, where he was born.

He states in the application form that he does not own any other house. His place of residence is given as his homeplace/parents' home. It is therefore likely that he complies with item 2: 'does not already own or has not owned a house in the open countryside'.

The site is not within an Area of Special Control, per item 3.

The siting and design quality was the subject of amendment following the further information request. I am satisfied that item 4 is complied with.

Per SPP-27 it is open to the Board to consider a dwelling for the permanent occupation of the applicant on this site.

Planning Inspector

21st November 2023