



An
Bord
Pleanála

Inspector's Report ABP-315363-22

Development	Construct a new dwelling, domestic garage, waste water treatment system, percolation area and all associated site works. .		
Location	Gortard, Clarinbridge, County Galway.		
Planning Authority Ref.	22996		
Applicant(s)	Sinead Walsh.		
Type of Application	Permission.	PA Decision	Refuse Permission.
Type of Appeal	First Party	Appellant	Sinead Walsh
Observer(s)	None		
Date of Site Inspection	27/04/23	Inspector	Fergal Ó Bric

1.0 Site Location and Description.

The site is located approximately one kilometre northeast of the settlement of Clarinbridge and is accessed off a local county road, the L-81084 which in turn accesses onto the N67 north of Clarinbridge on the eastern side of the N67, a National Secondary Route, linking the rural settlement of Clarinbridge with the Metropolitan settlement of Oranmore in south-west County Galway. Site levels within the appeal site are consistent with those of the public road and the dwelling would be located along a similar building line to two other two storey dwellings located south east of the appeal site and constructed in the recent past. The

subject lands are currently in pasture. There is a row of eight dwellings located on the opposite side of this local road, and two recently constructed dwellings located immediately south of the appeal site and another dwelling further north of the appeal site on the same side of the road. The landscape is broadly flat with some gentle undulations, field boundaries comprise post and wire fencing along the roadside (eastern) and northern boundaries, a post and rail fence along the southern boundary and a hedgerow along the western (rear) boundary.

2.0 Proposed development.

Permission is sought for a one and a half storey dwelling house, domestic garage and waste water treatment system, percolation area and all associated site works.

A letter of consent from the land owner, Elena Savacenco has been submitted consenting to the applicant making a planning application on her lands. It is stated that the site is to be purchased by the applicant from the landowner, subject to a grant of planning permission being forthcoming.

2.1 Further information was submitted by the applicant to the Planning Authority on the 7th day of November 2022 in relation to the following: Explanation for the existence of a storage container on site; Documentation demonstrating compliance with the Rural housing policy of the County Development Plan; Explanation as to the nature of standard best practice environmental measures; Clarification in relation to the Site Characterization Report and the absence of P-values and a longitudinal section of the percolation area; Surface water management proposals; Correspondence from Irish water in relation to connecting to the public water mains and revisions to the fenestration sizes on the side (southern) and domestic garage ridge height.

3.0 PA's Decision:

A single reason for refusal as follows: The proposed development is located within a rural area identified as an Area under Strong Urban Influence in the Sustainable Rural Housing Guidelines for Planning Authorities as published by the Department of Environment, Heritage and Local Government and is located within the Galway

County Transport Planning Strategy Area, a rural area that is undergoing significant development pressure for single rural housing. Based on the information submitted with the planning application the applicant has not satisfactorily demonstrated a rural generated housing need at this location in accordance with the Sustainable Rural Housing Guidelines and in accordance with the requirements of policy objective RH2 of the Galway County Development Plan 2022-28. Accordingly, to grant the proposed development would contravene materially policy objective RH2 contained in the Galway County Development Plan 2022-28, would be contrary to ministerial guidelines issued to Planning Authorities under Section 28 of the Planning and Development Act 2000 (as amended), and therefore, contrary to the proper planning and sustainable development of the area.

4.0 Planning History.

I am not aware of any planning history specifically pertaining to the appeal site.

5.0. Local Planning Policy

5.1 Galway County Development Plan 2022 -2028

The Galway County Development Plan 2022 -2028 was adopted by the Planning Authority on 9th May 2022 and came into effect on the 20th day of June 2022. It has regard to national and regional policies in respect of rural housing and access to national routes. Chapters 4, 6 and 15 of the plan refer.

Relevant policies and objectives include:

Policy Objective RC 2 Rural Housing in the Countryside

To manage the development of rural housing in the open countryside by requiring applicants to demonstrate compliance with the Rural Housing Policy Objectives as outlined in Section 4.6.3.

Policy Objective RH 2 Rural Housing Zone 2 (Rural Area Under Strong Urban Pressure-GCTPS-Outside Rural Metropolitan Area Zone 1), criteria 1(a) to 1(g) and 2.

1 (b) Those applicants who have no family lands, or access to family lands, but who wish to build their first home within the community in which they have long

standing demonstrable economic and or social Rural links* or Need and where they have spent a substantial, continuous part of their lives i.e. have grown up in the area, schooled in the area or have spent a substantial, continuous part of their lives in the area and have immediate family connections in the area e.g. son or daughter of longstanding residents of the area. Having established a Substantiated Rural Housing Need*, such persons making an application on a site within an 8km radius of their original family home will be accommodated, subject to normal development management.

To have lived in the area for a continuous seven years or more is to be recognised as a substantial, continuous part of life and also as the minimum period required to be deemed longstanding residents of the area.

Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.

Policy Objective RH 13 Rural Housing Capacity

Policy Objective WS4: Requirement to liaise with Irish Water regarding water supply.

Policy Objective WS8: Proliferation of individual wastewater treatment systems.

Policy Objective WW6: Private wastewater treatment systems.

Policy Objective WW 10 - Surface Water Drainage.

Chapter 15: Development Management Standards

DM Standard 6: Domestic Garages (Urban and Rural)

DM Standard 7: Rural Housing

DM Standard 8: Site Selection and Design

DM Standard 28: Sight distances

DM Standard 38: Effluent Treatment Plants

5.2 Natural Heritage Designations

The closest designated European Sites are the Galway Bay Complex SAC (site code 000268) and the Galway Bay SPA (site code 004031) both of which are located approximately 1.4 kilometres south-west of the appeal site.

6.0 The Appeal

6.1 First Party Appeal.

- The Planning Authority refused planning permission to the applicant on the basis that her parents own a second dwelling which they plan to renovate as their retirement home.
- Planning permission for the renovation of her parents' retirement home was granted by Galway County Council under planning reference 21/185, this permission will not expire until May 2026.
- The applicant considers that she complies with Section 1(b) of Policy objective RH2 as set out with the current Galway County Development Plan 2022-28.
- Section 1(b) provides for those that have no family lands or access to family lands and are seeking to build their first home within the community which they have long standing demonstrable, economic and/or social links or where they have spent a substantial continuous period of their lives or have grown up or were schooled in the area or have immediate family connections in the area, such persons making an application with 8 kilometres of their original family home will be accommodated, subject to the normal development management criteria.
- The applicant's family do not own any land, nor has she access to family lands, and she is seeking to build her first home.
- She attended primary and secondary schools in Oranmore and has returned to the area in 2019 following studying in Dublin.

- She is employed in the family pharmacy business based in Oranmore.
- The family home is located 3.46 (as the crow flies) and 6.7 kilometres (by road) from the appeal site. Her maternal grandmother resides within 6 kilometres of the appeal site.
- She is satisfied that she complies with criterion 1(b) as per policy objective RH2 of the current Development Plan.
- It is unreasonable of the Planning Authority to assume that a dwelling owned by her parents would be made available to the applicant.
- Land Registry details and folio documentation has been submitted of the current family home and the dwelling which will be used by her parents upon their retirement.
- The applicant is satisfied that a housing need in accordance with the Development Plan has been demonstrated.

6.2 P.A. Response

- None.

7.0 EIA Screening - Having regard to the nature of the proposed rural house development and its location removed from any sensitive locations or features, there is no real likelihood of significant adverse effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 AA Screening - The subject site is located approximately 1.4 kilometres north-east of the Galway Bay Complex SAC (site code 000296) and the Galway Bay SPA (site code 004031). Having regard to the scale and nature of the proposed rural house development and to the location removed from any European Sites and given that the European sites are located on the opposite side of the N67, it is considered that no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

2.0 Assessment

2.1. Introduction

2.1.1. The key issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following heading:

- Rural Housing Policy
- Other Matters

2.2. Rural Housing Policy

2.2.1. The reason for refusal as set out by the Planning Authority and the grounds of appeal are strongly based around and strongly reference the applicants' rural housing need. The applicant has submitted material to support her need to reside at this location and this includes the fact that she was born and reared in the area, at Rinn, Moneymore, Oranmore, which is located approximately 3.46 kilometres (as the crow flies) and 6.7 kilometres (by road), north west of the appeal site, that she attended the local primary school in Clarinbridge and is currently economically and socially linked to the Oranmore area by virtue of her employment in the family business in Oranmore and her involvement with Oranmore/Maree GAA club. The applicant is also involved in music locally and teaches the violin.

2.2.2. The applicant states that the site would be purchased from a third party, an unrelated land owner subject to a grant of planning permission being forthcoming. The Planning Authority set out that the site is located in Rural Housing Zone 2 (Rural Area Under Strong Urban Pressure – GCTPS - Outside Rural Metropolitan Area Zone 1) and Rural Housing Zone 4 (Landscape sensitivity Classification 2, 3 and 4) where an applicant must meet the criteria for a genuine rural generated housing need when seeking to develop a dwelling house. The Planning Authority were not satisfied that the applicant had adequately demonstrated compliance with Policy Objective RH 2 (criterion 1(b) specifically) as set out in the current Galway County Development Plan 2022-28. Consequently, permission was refused in relation to failure to demonstrate compliance with the Rural Housing Policy within the Development Plan.

- 2.2.3. Policy Objective RH2 of the Galway County Development Plan 2012-2028 (which applies to rural areas under strong urban pressure – GCTPS – outside rural metropolitan area zone 1) sets out specific circumstances where applicants may be considered eligible to construct a new dwelling in a rural area. Depending upon which criteria of Objective RH2, an application for a dwelling is being made, applicants are required to demonstrate their ‘Rural Links’ and/or ‘Substantiated Rural Housing Need’ to the area.
- 2.2.4. The applicant has submitted a variety of planning documentation including a birth certificate showing her place of birth at Rinn, Moneymore, Oranmore, land registry documentation and folio mapping of the family homes at Moneymore and another within the urban settlement of Oranmore, which will be used by her parents upon their retirement in the next few years, documentation from her former schools in Oranmore and letters of support from parents of young musicians that she teaches. It is stated that the family do not own any land, nor the applicants do not have access to any family lands. At present the applicant is stated to be employed within the family pharmacy business, which is located within the urban settlement of Oranmore. approximately six kilometres north-west of the appeal site.
- 2.2.5. The site would be acquired from an unrelated third party land owner, subject to the granting of planning permission. Thus, notwithstanding the applicant is considered to have familial and social links to the area in general, however the applicant is not considered to have demonstrated a site specific requirement to reside at this location. Her family home is closer to the settlement of Oranmore than the appeal site, her employment is located within the urban settlement of Oranmore and in closer proximity to the family dwelling than the appeal site. The applicant states that she is actively involved with the Oranmore/Maree GAA club, again an organisation based in Oranmore. The applicant attended both national and secondary schools in Oranmore. I consider that neither her economic nor social ties to the appeal site area have not been substantiated. No demonstrable economic need as per RH2 1(b) of the Development Plan has been established in this instance. No practical or sustainable economic or social reason to reside at this specific location has been established. Having regard to the forgoing, I consider that the applicant has not demonstrated that she meets the criteria of demonstrable economic or social need to

live in a rural area as set out by Objective RH 2 of the Galway County Development Plan 2022-2028.

- 2.2.6. Policy objective RH2 also sets out that assessment of housing need is subject to the usual development management criteria. These criteria would also include the extent of development already developed and permitted in an area. The Gortard area is identified as an area under strong urban influence as per the current Galway Development Plan. I note that the Planning Officers report sets out that ten dwellings have been permitted in the vicinity of the appeal site since 2015, eight of which have been constructed and two others permitted. I refer to policy objective RH13 which sets out that residential development will be limited in Zones 1,2,4 and 5 where there is a history of development through the sale or development of sites, notwithstanding an applicant's compliance with local need criteria.
- 2.2.7. I note that Gortard is an area that has experienced development pressure as a result of rural housing development, given there are approximately fourteen dwellings within a 160 metre radius of the appeal site, many of which have been permitted since 2016. There is a row of eight dwelling houses located on the opposite side of the local county road and east of the appeal site, and two dwellings recently constructed immediately south and adjoining the appeal site. The definition of ribbon development was clearly set out within the Sustainable Rural Housing Guidelines (SRHG's) in 2005 and defined it as: Where 5 or more houses exist on any one side of a given 250 metres of road frontage.
- 2.2.8. From the planning documentation submitted, specifically, the site location map, it is apparent that the current proposals would not strictly fall within the definition of ribbon development as set out in the Guidelines. However, I consider that the development would contribute to the provision of random rural housing in an area that has experienced significant development pressure, would be contrary to the RH13 policy objective of the Development Plan regarding Rural Housing capacity, and would exacerbate the pattern of ribbon development within this rural area outside of the settlement of Clarinbridge and, therefore be contrary to the provisions of the Sustainable Rural Housing Guidelines, specifically Appendix 4, in relation to ribbon development. I also note that a consolidation of development is encouraged as per specific policies CS2-compact growth, CS3 population growth and CS5 population within tiers within the current Galway Development Plan. Gortard is not

identified as either a Rural Village or Settlement within the current Development Plan and, therefore, its consolidation and development is not specified as an objective within the Plan.

- 2.2.9. The applicant is proposing to build a new dwelling house on a greenfield site which is not within her ownership, Therefore, the development would be considered to be speculative in nature, in that it is outside of the applicant's family ownership. The Development Plan facilitates people to reside in the designated Rural villages and Settlements specifically identified within the Core Strategy within the current Development Plan and would include the rural settlements of Kilcolgan and Clarinbridge. The appeal site is located approximately one kilometre removed from the settlement of Clarinbridge and, therefore, would not contribute towards the consolidation of this rural settlement. I would concur with the Planning Authority that the development would contribute to and exacerbate the pattern of ribbon development in the area. The development would, therefore, would not be in accordance with the proper planning and sustainable development of the area.
- 2.2.10. In conclusion, I consider the current proposals would be contrary to the provisions of both policy objectives RH2 and RH13 of the Development Plan. I note the location of the appeal site in the Galway County Transport and Planning Study (GCTPS) area, a rural area under strong urban pressure and it is considered that the applicant has failed to demonstrate a site specific rural housing need at this location, designated as being under strong urban influence within the current Development Plan.

2.3. **Other Matters**

Access and Traffic

- 2.3.1. Access to the appeal site is proposed via a proposed new domestic entrance which is to be developed on the northern side of the site road frontage of the L-81084 at a point where the eighty kilometre per hour speed control zone applies. The original Site layout Plan submitted to the Planning Authority on the 23rd day of August 2022 includes details of sightlines, whereby unobstructed visibility of 70 metres in each direction would be achieved at the entrance point. Technically, the minimum sightline requirement for this category of road is 160 metres, as per DM Standard 28 of the current County Development Plan 2022-28. The applicant has demonstrated

sightlines where the design speed of the road is taken to be 50 kilometres per hour, which I consider is reasonable for this category of local road.

- 2.3.2. The Planning Authority set out that the sightlines in a northerly direction have not been correctly demonstrated in accordance with best practice road safety standards, I would agree with this viewpoint as the sightlines are only demonstrated to the near roadside edge, and not both sides of the carriageway. However, the Planning Authority are satisfied that adequate sightlines are achievable from the access point, and I am satisfied that the sightlines achievable would accord with best practice road safety standards.
- 2.3.3. Water Supply – The applicant is proposing to connect into the public watermains. At present the public watermains does not extend as far north as the appeal site boundary. The applicant submitted correspondence from Uisce Éireann which sets out that the watermains would need to be extended approximately 35 metres further north along the L-81084 as far as the appeal site frontage, but that there is capacity available within the network and that in principle a connection to the watermains is feasible.
- 2.3.4. The appeal site is 0.28 Hectares in area, and I note that a significant amount of the site will be built over with hard surfacing, such as driveway, house and garage footprint. Following the response to the further information request, three soakaways are proposed on site in order to manage the surface water run-off from the hardstand areas. It is stated by the applicants' Engineers that the surface water proposals would be BRE Digest 365 compliance. I note that the Site Characterisation Form completed by the applicant did not encounter groundwater and so I am satisfied that the proposed development will not result in a risk of flooding within the site or on lands within the vicinity of the appeal site.

3.0 Recommendation

- 3.1. I recommend that planning permission be refused for the reasons set out below.

4.0 Reasons & Considerations

1 The subject site is located within an area designated “Under strong Urban Influence” as identified in the Galway County Development Plan 2022-2028. Furthermore, the site is located in an area that is designated as an Area under Strong Urban Influence in the Sustainable Rural Housing Guidelines for Planning Authorities as published by the Department of Environment, Heritage and Local Government and based on a rural generated economic or social need to reside in a specific rural area. Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicant has demonstrated a specific housing need to live in this rural area as required under the Development Plan and the Sustainable Rural housing Guidelines. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out within the current Galway County Development Plan, 2022, specifically policy objective RH2. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2 It is a policy objective of the Planning Authority as set out within RH13 the current Development Plan to limit over development n rural land holdings and manage urban sprawl and ribbon development. The proposed development would be in conflict with this policy because, when taken in conjunction with existing and permitted development in the vicinity of the site, it would consolidate and contribute to the build-up of ribbon development in this area under strong urban influence. This would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities. 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.

Fergal Ó Bric

Planning Inspectorate

28th day of December 2023