



An
Bord
Pleanála

Inspector's Report ABP-315556-23

Development	Construction of two-storey dwelling house, a domestic garage, WWTS, and all associated site works.
Location	Gregcorragh, Ballymoneen, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	22/397
Applicant(s)	Seamus Walsh
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Seamus Walsh
Observer(s)	None
Date of Site Inspection	10 th May 2023
Inspector	Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located 9 km to the east north-east of the eastern outskirts of Galway City, i.e., the junction between the N6 and the R339. This site lies in the countryside between Claregalway and the M17. It occupies a position on the western side of the L3102, which runs between the N83 and the R339. The local road network in the surrounding area is the subject of extensive ribbon development.
- 1.2. The site itself is of rectangular shape and it extends over an area of 0.4 hectares. This site is relatively flat, and it presently forms part of a field that is used for grazing. The site is bound to the north-east by the L3102, and to the north-west by the grounds of the applicant's parents' bungalow. The former boundary is denoted by a stone wall and the latter boundary is denoted by a post and wire fence and a line of trees. On the opposite side of the local road is the applicant's workplace, i.e., his family of origin's agricultural contracting business, and his brother's recently constructed bungalow. To the south-west of the site lies Cregmore Park Golf Club.

2.0 Proposed Development

- 2.1. Under the proposal, the applicant would construct a dwelling house for his own use. This dwelling house would be sited centrally within the site. It would afford four-bed/eight-person accommodation over a floorspace of 288 sqm. The main body of the dwelling house would be of two-storey form with projecting front and rear gabled elements. There would also be a recessed single storey element on its north-western side elevation. The main body of the dwelling house would be finished in knap plaster save for a stone surround to the double height glazed opening around the front door. The single storey element would be finished in stone. Roofs would be slated.
- 2.2. Under the proposal, too, a freestanding garage (42 sqm) would be sited between the rear elevation of the dwelling house and the westernmost corner of the site. A new site access from the L3102 would be formed and a driveway would link this access to the dwelling house and the garage. The stone boundary wall would be set back in conjunction with the formation of the new access. The new boundaries would be enclosed by means of post and wire fencing and screen planting of native species. The proposed dwelling house would be connected to the public mains water supply,

and it would be served by a new waste water treatment plant and filter treatment system, which would be installed in the rear garden. Surface water from impermeable surfaces would be directed to soakaways.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was refused on the following grounds:

Notwithstanding the applicant's claim to have a housing need under RH 2 of the CDP, as other housing options exist within his family's landholding and as other development sites appear to have been annexed from this landholding, the proposal would materially contravene Policy Objectives RH 2 & RH 13, and DM Standard 7 of the CDP and it would be contrary to the Sustainable Rural Housing Guidelines.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Under further information and clarification of further information, the Planning Authority enquired about two dwelling houses, in addition to the applicant's parents' dwelling house, which are shown in their landholding (Folio GY24323F). The applicant was asked to advise on the status of these dwelling houses and to explain why one or other could not meet his housing need.

3.2.2. Other Technical Reports

None

4.0 Planning History

Site

- 21/1570: Similar proposal to the current one: Withdrawn.

Site virtually opposite the current application site

- 14/1302: Dwelling house, garage, and WWTS for Gary Walsh: Permitted and built.

5.0 Policy and Context

5.1. National Planning Framework and National Planning Guidelines

National Policy Objective 19 of the NPF states the following:

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.

The Sustainable Rural Housing Guidelines advise on rural housing.

5.2. Development Plan

Under the Galway County Development Plan 2022 – 2028 (CDP), the site is shown as lying within a rural area, which is the subject of the Galway County Transport and Planning Study (GCTPS). Policy Objective RH 2 is relevant to housing proposals in this rural area (Zone 2).

It is policy objective to facilitate rural housing in this rural area under strong urban pressure subject to the following criteria:

1(a) Those applicants with long standing demonstrable economic and/or social Rural Links or Need to the area through existing and immediate family ties seeking to develop their first home on the existing family farm holding. Consideration shall be given to special circumstances where a landowner has no immediate family and wishes to accommodate a niece or nephew on family lands. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.*

OR

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.

OR

1(c) Those applicants who can satisfy to the Planning Authority that they are functionally dependent in relation to demonstrable economic need on the immediate rural areas in which they are seeking to develop a single house as their principal family Residence in the countryside. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.

OR

1(d) Those applicants who lived for substantial periods of their lives in the rural area, then moved away and who now wish to return and build their first house as their permanent residence, in this local area. Documentary evidence shall be submitted to the Planning Authority to illustrate their links to the area in order to justify the proposed development and it will be assessed on a case by case basis.

OR

1(e) Where applicants can supply, legal witness or land registry or folio details that demonstrate that the lands on which they are seeking to build their first home, as their permanent residence, in the area have been in family ownership for a period of 20 years or more, their eligibility will be considered. Where this has been established to the satisfaction of the Planning Authority, additional intrinsic links will not have to be demonstrated.

OR

1(f) In cases where all sites on the family lands are in a designated area, family members will be considered subject to the requirements of the Habitat's Directive and normal planning considerations.

OR

1(g) Rural families who have long standing ties with the area but who now find themselves subsumed into Rural Villages. They have no possibility of finding a site within the particular Rural Villages. Rural Villages dwellers who satisfy the requirements for Rural Housing Need as outlined in RH2 will not be considered as Urban Generated and will have their Housing Need upheld.

2. An Enurement condition shall apply for a period of 7 years, after the date that the house is first occupied by the person or persons to whom the enurement clause applies.

Definitions applied above:

** Rural Links*

For the purpose of the above is defined as a person who has strong demonstrable economic or social links to the rural area and wishes to build a dwelling generally within an 8km radius of where the applicant has lived for a substantial continuous part of their life. 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.

** Substantiated Rural Housing Need:*

Is defined as supportive evidence for a person to live in this particular area and who does not or has not ever owned a house/received planning permission for a single rural house or built a house (except in exceptional circumstances) in the area concerned and has a strong demonstrable economic or social need for a dwelling for their own permanent occupation. In addition, the applicants will also have to demonstrate their rural links as outlined above.

** Urban generated housing demand Rural Village Dwellers:*

Urban generated housing is defined as housing in rural locations sought by people living and working in urban areas, including second homes. There are many rural families who have long standing ties with the area but who now find themselves subsumed into Rural Villages.

They have no possibility of finding a site within the particular Rural Villages. Rural Villages dwellers who satisfy the requirements for Rural Housing Need as outlined in RH2 will not be considered as Urban Generated and will have their Housing Need upheld.

** Urban Fringe:*

Urban Fringe of Gort, Loughrea, Athenry and Tuam. Applicants who wish to build within this area must generally be from within an 8km radius of the proposed site and will be requested to establish a Substantiated Rural Housing Need as per RH2.

The Planning Authority's reason for refusal also cites Policy Objective 13, which states the following:

Residential Development on landholdings in Zones 1, 2, 4 and 5, will be limited where there is a history of development through the sale or development of sites, notwithstanding an applicant's compliance with the local need criteria.

DM Standard 7 addresses rural housing as follows:

In order to substantiate a rural housing need the following documentation will be required:

Justification for location as proposed;

- *Land registry maps and associated documentation;*
- *Proof of local connection to an area;*
- *Any other details that may be deemed necessary at time of application by the Planning Authority.*

5.3. Natural Heritage Designations

Lough Corrib SAC (000297)

5.4. EIA Screening

Under Item 10(b)(i) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2023, where more than 500 dwelling units would be constructed, the need for a mandatory EIA arises. The proposal is for the development of 1 dwelling on a 0.36-hectare site. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall well below the relevant threshold, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The applicant begins by describing the location of the site, setting out its planning history, interacting with advice in the Sustainable Rural Housing Guidelines, and summarising, and identifying relevant provisions of the Galway County Development Plan 2022 – 2028 (CDP). He then responds to the PA's reason for refusal as follows:

- Compliance with Policy Objective RH 2

The site lies in rural housing zone 2, i.e., a rural area under strong urban pressure. Applicants for rural housing need to comply with one or more of the criteria listed under this Policy Objective.

- Criterion 1(a) refers to long standing demonstrable economic and/or social rural links. The applicant complies with this criterion. Thus, he proposes to build his first home on the existing family farm holding. He runs the farm, along with his father and brother, and it accounts for 25% of his income. He also runs a local agri-business, which is located across the road from the site, and which accounts for 75% of his income. Furthermore, the applicant presently resides in his parents' home, which adjoins, the site, he went to school locally, and he is a member of the local hurling club.
 - Criterion 1(c) refers to functional dependence in relation to demonstrable economic need on the immediate rural area of the site. The applicant complies with this criterion as is evident from the above cited employment and income information.
 - Criterion 1(e) refers to documentary proof that the subject site has been in the family's ownership for 20 years or more. The applicant complies with this criterion as his father has owned the site since 1998 (cf. Folio GY24323F).
- Not demonstrated...that housing need exists

The applicant has not previously owned a house, nor has he received planning permission to build a house in a rural area. Given these

circumstances and given, too, his compliance with Policy Objective RH 2, he has demonstrated he has a rural housing need.

- Irrelevance of Policy Objective RH 13

The two dwelling houses identified by the PA under Folio GY24323F are in the ownership of the applicant's parents. They are shown in Figure 2 of the applicant's appeal statement.

- The first of these dwelling houses was permitted under 01/1179, when the need to establish a rural housing need at this location did not apply. This dwelling house has been rented to the Housing Authority under a Rental Accommodation Scheme lease. It has been occupied by the same family since 2010, which is well integrated into the local community.
- The second of these dwelling houses is an c. 100-year old farmhouse. This dwelling house is rented out under a Housing Assistance Payment Scheme. It has been occupied by the same family since 2008, which is well integrated into the local community.

The existence of these two dwelling houses within the ownership of the applicant's parents prompted the PA's refusal under Policy Objective RH 13. The applicant contests this refusal on the following grounds:

- Attention is drawn to the ownership of the two dwelling houses in question. The applicant's parents have made it clear that they consider that it would be inequitable for one of these dwelling houses to be set aside for the applicant, as they have other children to provide for too.
- Attention is drawn to the social housing need that is being met by the two dwelling houses in question. For one of these dwelling houses to be allocated to the applicant would lead to the displacement of an existing family with a social housing need and so it would be contrary to Policy Objective HS 5 of the CDP "to increase and effectively manage the stock of social housing with the county in order to meet the long-term housing needs of those households on the local authority housing list."

Additionally, the two families concerned have by virtue of their periods of residency established rural housing needs of their own, and so as the applicant has such a need, too, the situation is not an “either/or one”.

- Policy Objective RH 13 refers to a situation wherein “there is a history of development through the sale or development of sites, notwithstanding an applicant’s compliance with local need criteria.” And yet both the dwelling houses in question pre-date the application of any local need criteria to their occupants. Consequently, Policy Objective RH 13 is not applicable.
- The applicant expresses the view that there is an inherent contradiction between Policy Objective RH 13, as cited above, and Policy Objective RH 2(e), which sets aside the need for intrinsic links to be demonstrated, where the site has been in family ownership for 20 years or more. The applicant complies with Policy Objective RH 2(e), and so the Board is invited to exercise its discretion under Section 37(2)(b)(ii) of the Planning and Development Act 2000 (as amended).
- The applicant also expresses the view that Policy Objective RH 13 is in conflict with the key objective cited in Section 4.6.1 of the CDP, i.e., “To facilitate the genuine housing requirements of the local rural community (rural generated housing), subject to satisfactory site suitability and technical considerations.”
- The applicant further expresses the view that his proposal would comply with NPO 19 of the NPF and the advice of the Sustainable Rural Housing Guidelines. Accordingly, the Board is invited to exercise its discretion under Section 37(2)(b)(iii) of the Planning and Development Act 2000 (as amended).
- Compliance with DM Standard 7

The applicant has complied with DM Standard 7, i.e., the information requirements set out therein were met by his original submission and subsequent submissions by way of response to further information and clarification of further information requests from the PA.

- Relevant precedents

Attention is drawn to the Board's decision on ABP-303366-19 and the similarities between the applicant's circumstances under that appeal and the current one.

- Other issues – site suitability
 - Attention is drawn to the PA's acceptance of the applicant's site characterisation exercise and proposed waste water treatment system. Nevertheless, at the appeal stage, the applicant has carried out a further exercise based on 2.9m deep trial hole.
 - Attention is drawn to the surrounding area. Thus, the site lies within a field, which is not the subject of any other permissions for rural housing. Further to the west lies Cregmore Golf Club, and to the east there is a site for a solar farm. Accordingly, notwithstanding existing housing along the L-3102, the proposal would not risk an overconcentration of WWTSs. In this respect, Board decisions on ABP-303730 and ABP-312660-22 are comparable.

6.2. Planning Authority Response

None

6.3. Observations

None

6.4. Further Responses

None

6.5. Consultees

Department of Housing, Local Government and Heritage: Defers to the Board with respect to the proposal and any significant effect that it might have on nearby European Sites.

7.0 Assessment

7.1. I have reviewed the proposal in the light of the National Planning Framework (NPF), the Sustainable Rural Housing (SRH) Guidelines, the Galway County Development Plan 2022 – 2028 (CDP), relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Rural settlement policy,
- (ii) Ribbon development,
- (iii) Siting, access, and design,
- (iv) Water, and
- (v) Appropriate Assessment.

(i) Rural settlement policy

7.2. Under the SRH Guidelines a distinction is made between urban and rural generated housing need. Under Objective NPO 19 of the NPF, this distinction is encapsulated in the need for applicants for dwelling houses in rural areas under urban influence to be able to demonstrate an economic or social need to reside therein. Under the CDP, the site lies in such a rural area, i.e., Rural Housing Zone 2 (rural area under strong urban pressure – Galway County Transport and Planning Study – outside Rural Metropolitan Area Zone 1). The applicant has, accordingly, sought to demonstrate the requisite need. He also confirms that he has neither owned a dwelling house nor obtained planning permission to build a dwelling house in the past.

7.3. Policy Objective RH 2 is applicable to applicants for sites within Rural Housing Zone 2. Seven criteria are set out under this Policy Objective: the applicant has selected three of these to demonstrate his rural generated housing need. The presentation of his case can be summarised as follows:

- Criterion 1(a) refers to long standing demonstrable economic and/or social rural links. The applicant runs the family farm, along with his father and brother, and it accounts for 25% of his income. He also runs a local agri-business, which is located across the road from the site, and which accounts

for 75% of his income. Furthermore, the applicant presently resides in his parents' home, which adjoins, the site, he went to school locally, and he is a member of the local hurling club.

- Criterion 1(c) refers to functional dependence in relation to demonstrable economic need on the immediate rural area of the site. The above cited employment and income information is relevant again here.
- Criterion 1(e) refers to documentary proof that the subject site has been in the family's ownership for 20 years or more. The applicant's father has owned the site since 1998 (cf. Folio GY24323F).

7.4. In the light of the above case, the applicant states that he complies with the selected criteria and so he has a rural generated housing need. I have reviewed the documentation submitted by him at the application stage and I consider that he does comply with Criterion 1(a).

7.5. In relation to Criterion 1(c), I have considered the "functional dependence" test. The applicant has indicated that his father and his brother work on the family farm, too, and that they reside in the immediate vicinity of the site. Accordingly, they effectively reside on this farm already and so the functional need for the applicant to do so too has not been addressed. The applicant has also indicated that he runs an agri-business, which is based across the road from the site. Again, he has not addressed why he needs to reside so close to this business.

7.6. In relation to Criterion 1(e), while the applicant would comply with this Criterion, I find it difficult to reconcile it with NPO 19 of the NPF and the advice of the SRH Guidelines.

7.7. The PA accepted that the applicant has a rural generated housing need. However, it refused permission on the basis of Policy Objective RH 13 of the CDP. This Policy Objective states that

Residential Development on landholdings in Zones 1, 2, 4 and 5, will be limited where there is a history of development through the sale or development of sites, notwithstanding an applicant's compliance with the local need criteria.

Prompted by this Policy Objective, under further information and clarification of further information, the applicant was asked to address two other dwelling houses

that lie within his parents' landholding (Folio GY24323F). Notwithstanding the information submitted concerning these dwelling houses, the PA considered that refusal was warranted, due to "the existence of alternative housing options on the applicant's family landholding and there being a history of development sites from which the subject site appears to have been annexed from."

7.8. The applicant has responded to the PA's refusal by making the following points:

- The two dwelling houses in question are not the subject of Policy Objective RH 13, as they both pre-date the need to demonstrate a local rural housing need, i.e., one is an c. 100-year old farmhouse and the other was permitted under 01/1179 when the then current CDP did not require that a rural generated housing need be demonstrated for new dwelling houses in this locality.
- The two dwelling houses are being let out long-term to families with a social housing need. The length of their tenure means that they have, in their own right, a rural generated housing need, and so for one to be allocated to the applicant may lead to pressure for a new rural dwelling house. Beyond these considerations, the applicant's parents have made clear that, for reasons of equity between their children, they are not prepared to allocate one of these dwelling houses to the applicant.

7.9. Policy Objective RH 13 seeks to limit residential development in Rural Housing Zone 2, where there is a history of sites being sold for development or actually developed. It is applicable even if the applicant has a rural generated housing need. In the present case, the landholding (Folio GY24323F) includes three dwelling houses, i.e., the applicant's parents' dwelling house and the two dwelling houses described above. The history of the applicant's parents' dwelling house was not explored by the PA at the application stage. The history of the two dwelling houses was. Clearly, while the development of the historic farmhouse pre-dates the planning system, its existence within the landholding is of relevance in considering potential housing options available to the applicant. That said it is not directly relevant to the application of Policy Objective RH 13. The other dwelling house was developed by the applicant's father, under the permission granted to 01/1179, a permission which was not the subject of any occupancy condition. Accordingly, as an instance of a

developed site, this dwelling house would be relevant to the considerations prompted by Policy Objective RH 13.

- 7.10. The applicant seeks to discount the application of Policy Objective RH 13 on the basis that the aforementioned dwelling house was granted permission when the question of rural generated housing need did not apply. However, this Policy Objective is silent on whether dwelling houses were developed on the basis of an occupancy condition or not, i.e., it only refers to rural generated housing need with respect to current applicants.
- 7.11. The applicant identifies what he considers to be an inherent contradiction between Policy Objective RH 13 and Policy Objective RH 2 Criterion (e), which sets aside the need for a rural generated housing need where a site has been in the ownership of the applicant's family for 20 years or more. As noted above, the applicant complies with Criterion (e), and so he appears to be insisting on the primacy of Policy Objective RH 2 over Policy Objective RH 13. However, such primacy is specifically disavowed by Policy Objective RH 13 in its insistence that it applies even where an applicant has a rural generated housing need.
- 7.12. Similarly, the applicant considers that Policy Objective RH 13 contradicts NPO 19 of the NPF, the advice of the SRH Guidelines, and the key objective cited in Section 4.6.1 of the CDP, i.e., "To facilitate the genuine housing requirements of the local rural community (rural generated housing) ..." Again, his position is that having a local rural housing need takes primacy over Policy Objective RH 13.
- 7.13. I note that the PA accepts that the applicant has a rural generated housing need, but it takes the view that this need can be met by one of the existing dwelling houses in his parents' landholding. It also refers enigmatically to other sites that may have been annexed from this landholding. In this respect, I note that the applicant's brother has constructed a dwelling house, under permission granted to 14/1302, on a site virtually opposite the current application site. Beyond this dwelling house, I am unable to account for the reference to "other sites".
- 7.14. The applicant contends that the PA's position is unreasonable as the two dwelling houses are currently occupied by tenants and his parents are not prepared to allocate one of them to him. He considers that, by virtue of their long tenancies, the

families concerned have a rural generated housing need, and so the displacement of one of them may lead to pressure for a new dwelling house.

- 7.15. Essentially, national and local rural planning policies seek to ensure that new rural dwelling houses are provided for those with a rural generated housing need. Insufficient information exists to be able to say with certainty if the tenants in question have such a need. The applicant does have such a need. However, it would *prima facie* be capable of being met by one of the two existing dwelling houses within his parents' ownership. In these circumstances, the need for a new dwelling house would not arise. Accordingly, by implication, national rural planning policies would not support a new dwelling house, and, explicitly, Policy Objective RH 13 does not support one.
- 7.16. I note the applicant's concerns over the existing social housing tenants and his citation of Policy Objective HS 5 of the CDP, which refers to the obligations of the Housing Authority. Clearly, these obligations would continue to apply, regardless of the availability or otherwise of both dwelling houses. I note, too, the views of the applicant's parents. However, these need to be weighed against the proposal, which is for a permanent additional dwelling house in Rural Housing Zone 2, which *prima facie* is not needed to meet the applicant's rural generated housing need.
- 7.17. I conclude that, whereas the applicant has a rural generated housing need, as two dwelling houses exist in his parents' landholding, the need for the proposed new rural dwelling house *prima facie* does not arise and so, under Policy Objective RH 13 of the CDP, the PA's refusal is warranted.

(ii) Ribbon development

- 7.18. During my site visit, I observed that the public roads which serve the locality of the site are the subject of considerable stretches of ribbon development. Thus, for example, to the south of this site on either side of the L3102, there are continuous and intermittent frontages of residential development.
- 7.19. The application site lies within the northern corner of a field, the eastern corner of which appears to have been developed in the past to provide a residential property. This site adjoins the applicant's parents' residential property to the north-west. If it were to be developed as proposed, then the existing field frontage of 88m with the L3102 would be reduced to 45m, and a potential infill site would be created.

7.20. Appendix 4 of the SRH Guidelines addresses ribbon development. It cites as an example of such development “where five or more houses exist on any one side of a given 250 metres of road frontage.” It also sets out the following three considerations to assist in assessing whether a proposal would constitute ribbon development:

- *The type of rural area and circumstances of the applicant,*
- *The degree to which the proposal might be considered infill development, and*
- *The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.*

7.21. With respect to the 250m test, I note that there are 6 no. houses to the south of the site over a distance of 250m. If the site’s frontage is included within the 250m dimension, then there are 5 no. houses and so the proposal would constitute a sixth. Accordingly, under the 250m test, the proposed dwelling house would constitute ribbon development.

7.22. Turning to the three considerations, I would make the following comments:

- In relation to the first, the site lies within Rural Housing Zone 2, and, while the applicant has a rural generated housing need, under Policy Objective RH 13 it would *prima facie* be capable of being met by an existing dwelling house in his parents’ landholding.
- In relation to the second, while the site is not an infill one, its development would create a potential infill site to the south-east.
- In relation to the third, given my second comment above, the proposed development could be a precursor to the entire field frontage being lost to residential development and the creation of a continuous frontage of 5 no. houses followed by a single plot and then a further 9 no. houses further to the south-east.

7.23. In the light of these comments, I consider that my provisional classification of the proposed dwelling house as ribbon development is confirmed.

7.24. I conclude that the proposal would constitute ribbon development.

(iii) Siting, access, and design

- 7.25. The proposed dwelling house would be sited centrally within the site some 37m back from its road frontage. This dwelling house would be essentially of two-storey form, and it would be sited in a position whereby its front elevation would align with the rear elevation of the applicant's parents' bungalow to the north. The need for this deep set back in the siting of the proposed dwelling house, and with it a marginally greater encroachment into open countryside, is unclear. As it is, the adjacent bungalow to the north-west is set back a greater distance than the other dwelling houses further to the south-east, although its heavily screened side boundaries do not invite a comparison in this respect.
- 7.26. Unusually, the L3102 is the subject of a 60 kmph speed limit. This local road is level and of straight horizontal alignment as it passes the site. Under the proposal, the access point would be towards the northern corner of the site. A set back entrance would be formed with an accompanying set back dry wall along the site's frontage. The requisite sightlines of 2.4m by 70m in either direction would be available.
- 7.27. Under Appendix 5 of the CDP, design guidelines for the single rural house are presented. Whereas these guidelines promote "narrow" plan dwelling houses in keeping with the vernacular, they do accept that "deep" plan ones will be proposed, although a maximum depth of 9m is cited. The proposed dwelling house would have a deep plan, which, at a depth of 10.4m, would exceed this maximum. Consequently, the side gables would be overly elongated. In other respects, this dwelling house would reflect the guidelines in the adoption of straight gables, with the exception of the front bay window, simple design forms, and a variety of finishing materials. Proposed fenestration would align well and display a good solid to void ratio on the front elevation. It would give way to more contemporary expressions on the side and rear elevations, where there would be more latitude to do so.
- 7.28. I conclude that the siting of the proposed dwelling house would be unduly recessed, the access arrangements would be satisfactory, and the design of this dwelling house would, apart from its depth, accord with the relevant design guidelines.

(iv) Water

- 7.29. The proposed dwelling house would be served by the public mains water supply. Stormwater water run-off from impermeable surfaces would be directed to on-site

soakaways. Wastewater would be treated initially by means of a Tridel IR16 WWTS and subsequently by “Ecoflo” modules, which would discharge to the ground via a gravel distribution area, all of which would be installed in the rear garden.

7.30. Under the OPW’s flood maps, the site is not the subject of any identified flood risk.

7.31. The proposed wastewater treatment arrangements are informed by a site characterisation exercise undertaken by the applicant, the main findings of which are summarised below.

- The aquifer is regionally important and of extreme vulnerability. The groundwater protection response is R22. Appendix E of the EPA’s CoP DWWTs states that this response is

Acceptable subject to normal good practice and the following additional condition:

1. There is a minimum thickness of 2m unsaturated soil/subsoil beneath the invert of the percolation trench of a septic tank system, or

2. A secondary treatment system as described in Chapters 8 and 9 is installed, with a minimum thickness of 0.3 m unsaturated soil/subsoil with percolation values from 3 to 75 (in addition to the polishing filter, which should be a minimum depth of 0.9 m), beneath the invert of the polishing filter (i.e. 1.2 m in total for a soil polishing filter).

- Local groundwater is assumed to flow “from west to east slightly”.
- The trial hole was dug to a depth of 2.7m. Top-soil consists of sandy silt clay with pebbles and sub-soil consists of loose rock with gravelly silt. Water was not encountered.
- The “T” (sub-surface/depth of 600mm) and “P” (surface/depth of 400mm) test results were 7.58 min/25mm and 6.03 min/25mm, respectively. Accordingly, both the sub-soil and the topsoil have suitable percolation properties.

7.32. In the light of the above findings, the applicant proposes to install a Tricel P6 WWTS, which would provide primary and secondary stage treatments, and “Ecoflo” modules, which would provide tertiary stage treatment. The applicant has submitted at the appeal stage drawing no. T-04 revision 1, which depicts the installation of these items in cross section. The “Ecoflo” modules would have a depth of 1.12m, and they

would be placed on a 0.3m deep stone bed. In accordance with Table 6.3 of the EPA's CoP, unsaturated sub-soil to a depth of at least 1.2m would be placed underneath the stone bed. These combined depths would come to 2.62m, i.e., within the 2.7m depth of the trial hole. The footprint of the stone bed and unsaturated soil would have an area of 22.5 sqm, i.e., under Table 10.1 of the EPA's CoP, 3.75 sqm per person and an assumed occupancy of 6 people. The three-stage WWTS would be sited in a manner that would adhere to the minimum separation distances cited in Table 6.2 of the EPA's CoP. Compliance with relevant EPA guidelines would thereby be achieved.

- 7.33. The applicant has addressed any concerns that might arise about the over concentration of WWTSs in the surrounding area. In this respect, he draws attention to the field within which the site lies and the absence of other proposals for the same. He also draws attention to the site of a proposed/permitted solar farm to the east, and the Cregmore Golf Club to the west, land uses that do not/would not contribute to any over concentration of WWTSs.
- 7.34. I conclude that the proposal would raise no water issues.

(v) Appropriate Assessment

- 7.35. The site does not lie in nor beside a European site, and it is not accompanied by any watercourses. Under the proposal, the new dwelling house would be served by a wastewater treatment system, which would discharge to groundwater. The nearest European site is Lough Corrib SAC (000297). I am not aware of any source/pathway/receptor route between the site and this or any other European site. Accordingly, no Appropriate Assessment issues would arise.
- 7.36. Having regard to the nature, scale and location of the proposed development, the nature of the receiving environment, and the proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as 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.

8.0 Recommendation

That permission be refused.

9.0 Reasons and Considerations

1. Having regard to Policy Objectives RH 2 and RH 13 of the Galway County Development Plan 2022 – 2028, it is considered that, while the applicant has, under Objective RH 2, a rural generated housing need, under Policy Objective RH 13, that need would *prima facie* be capable of being met by an existing nearby rural dwelling house within the landholding of his parents and developed by them. In these circumstances, under Policy Objective RH 13, the addition, as proposed, of a new dwelling house is unwarranted, and it would lead to the unnecessary proliferation of development in a rural area that is under strong urban pressure. To grant permission would thus be contrary to the rural settlement strategy of the Development Plan, and, as such, contrary to the proper planning and sustainable development of the area.
2. Having regard to Appendix 4 of the Sustainable Rural Housing Guidelines, the proposed dwelling house would constitute ribbon development in a rural area that is under strong urban pressure. As such it would contribute to the coalescence of residential development in a suburban manner to the serious injury of the visual amenities otherwise afforded by the open countryside. The proposed dwelling house would thus contravene the advice of the Guidelines, which recommend against the creation of ribbon development, and so it 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 D. Morrison
Planning Inspector

16th August 2023