



An
Bord
Pleanála

Inspector's Report

ABP-315815-23

Development	Construction of house, domestic garage/shed, connection to services, access onto the public road and associated site development.
Location	Cortober, Carrick-on-Shannon, Co. Roscommon
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	22643
Applicant	Aaron McPartlin
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Aaron McPartlin
Observer(s)	None
Date of Site Inspection	3 rd May 2023
Inspector	Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.83 ha., is located in the Townland of Cortober, c. 1km south-west of the centre of Carrick-on-Shannon. The appeal site is elevated and overlooks Carrick-on-Shannon, the River Shannon and the surrounding hinterland.
- 1.2. Access to the appeal site is through a farm complex which in turn connects with the L-5081. The access between the main body of the appeal site and the farm complex is via an unpaved sloping track cut into the hillside. There is a level difference of c. 10 metres between the bottom of this track and the upper part of the site at the field entrance. Topographical levels in the centre of the appeal site are indicated as c. 102 metres (OD Malin) and c. 90 metres (OD Malin) at the farm complex. Site boundaries comprise an earth embankment with trees.
- 1.3. The farm complex and surrounding lands are indicated as being within the applicant's ownership/control, as depicted by the blue line boundary.

2.0 Proposed Development

- 2.1. The proposed development consists of;
 - Construction of a single storey, 3 bedroom house;
 - stated floor area c. 202 sqm.
 - maximum ridge height c. 5.4 metres.
 - material finishes to the proposed house comprise painted nap plaster, with panels of natural stone. The roof covering comprises blue/black slate.
 - Domestic garage;
 - stated floor area c. 45 sqm.
 - maximum ridge height c. 5 metres.
 - material finishes to the proposed garage comprise render.
 - Retention of existing hedgerow and augmentation with native species. Landscaping and associated site works.
 - Realignment of access to reduce its gradient. Surfacing of track in bitumen macadam.

- Provision of cattle grid and sump (to prevent surface water discharging onto public road), with outlet to open drain.

2.2. The planning application was accompanied by;

- An Archaeological Assessment prepared by John Purcell. Test trenching was carried out at 3 no. locations on the site. No Archaeological finds, features or deposits were recorded. The site is within a zone of archaeological potential noting the proximity to a Ringfort to the east. The report concludes that the proposal will not impact nearby archaeology.
- Supplementary Planning Application Form 1.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a Notification of Decision to REFUSE permission on the 7th February 2023 for 2 no. reasons which can be summarised as follows;

1. The proposed development is within the constraints study area for the N4 Carrick-on-Shannon to Dromod Project, at the edge of the Preferred Transport Solution Corridor, has the potential to present further environmental constraints to the project, and permitting same would be premature.
2. The proposed development is located in Rural Policy Zone A – ‘Area under Urban Influence’. The Planning Authority is not satisfied based on the information submitted that the applicant has sufficiently demonstrated compliance with the criteria for rural generated housing in accordance with the Sustainable Rural Housing Guidelines, and Table 3.2 of the Roscommon County Development Plan 2022-2028. The proposed development fails to satisfy the requirements of Policy Objective PPH 3.13 of the Roscommon County Development Plan 2022-2028, which requires applicants to demonstrate a social or economic link (as per Table 3.2 of the Plan) to the rural area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer notes the following;

- The site is un-zoned and is located within 'Rural Policy Zone A' – Areas Under Urban Influence.
- The applicant has not demonstrated that he was born within the local rural area, is living, or has lived permanently in the local rural area for a substantial period of his life.
- The information submitted (i.e. folio numbers, herd number and a letter from a consultant) fails to demonstrate the extent to which the applicant is involved in farming the land in his family's ownership. It is not evident that the applicant is engaged in full time farming and it does not appear to be the applicant's predominant occupation. The applicant's stated place of work is not considered to be rural resource based. Insufficient information has been submitted to demonstrate that the applicant has a site specific economic housing need.
- Sightlines are considered acceptable, the proposal will not generate significant traffic volumes and there are no concerns from a road safety perspective.
- The proposed development is located at the edge of a Preferred Transport Solution Corridor with part of the site boundary abutting the corridor, and the development is therefore premature.
- The siting and design of the proposed house and garage are considered acceptable.
- The proposed development will not overlook adjoining properties.
- The site is in proximity to 3 no. Recorded Monuments.

3.2.2. Other Technical Reports

Roscommon National Roads Design Office – notes that the proposed development is located within the constraints study area for the N4 Carrick-on-Shannon to Dromod Project, at the edge of the Preferred Transport Solution Corridor with part of the site boundary abutting the corridor, and that development of this nature would present

further environmental constraints to the project and as such would be considered premature.

3.3. **Prescribed Bodies/Government Departments**

Department of Housing, Local Government and Heritage (Development Application Unit) - recommends that an archaeological mitigation condition is attached.

3.4. **Third Party Observations**

None received.

4.0 **Planning History**

Appeal Site:

PA Ref. 22/256 – Permission REFUSED for a house and domestic garage. Applicants – Colette and Eddie Gallagher.

Reasons for refusal concerned non-compliance with rural housing policy.

PA. Ref. 20/177 – Permission REFUSED for a house and domestic garage. Applicants – Colette and Eddie Gallagher.

Reasons for refusal cited the availability of residentially zoned lands in the applicants' ownership and the location of the proposal within the study area of the Carrick-on-Shannon to Dromod Road Project.

5.0 **Policy Context**

5.1.1. **National Planning Framework (NPF) – Project Ireland 2040 (2018)**

National Policy Objective 19 states -

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.

5.1.2. Ministerial Guidance

Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

The appeal site is within 'Rural Policy Zone A' - Area Under Urban Influence' (see Map 3.1, Chapter 3 Roscommon County Development Plan 2022 - 2028). The Guidelines state that these areas exhibit 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.

5.2. Development Plan

5.2.1. The relevant Development Plan is the Roscommon County Development Plan 2022 - 2028. A small area of the appeal site (i.e. the westernmost part of the proposed access road) is zoned 'Existing Residential' in the Roscommon County Development Plan 2022-2028, however the remaining area of the site, including the part of the site where the proposed dwelling is located is not subject to any specific land-use zoning under the Roscommon County Development Plan 2022-2028.

5.2.2 The provisions of the Roscommon County Development Plan 2022 – 2028 relevant to this assessment are as follows:

Chapter 3 People, Places & Housing

- Table 3.2 (Rural Housing Need Criteria)
- Policy Objective PPH 3.13

Chapter 7 – Infrastructure, Transport & Communications

- Table 7.2 (Planned Road Improvements)
- Policy Objective ICT 7.13
- Policy Objective ICT 7.19

There is a Recorded Monument (Ref. RO011-182 – Ringfort) to the east of the appeal site.

5.3. **Natural Heritage Designations**

The appeal site is not located within or close to any European Site.

5.4. **EIA Screening**

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental 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**

This is a first-party appeal by Aaron Mc Partlin against the decision to refuse permission. The grounds for appeal may be summarised as follows;

Re. Refusal Reason 1:

- There is no evidence to suggest that the proposed development will impact the proposed N4 Carrick-on-Shannon to Dromod Road Project.
- There is a lack of consistency in the planning decision making process between the current application and the previous planning applications on the site. Under PA. Ref. 22/256 the National Roads Design Office stated that the proposed development would have no impact on the N4 Carrick-on-Shannon to Dromod Road Project. The route of the proposed road has not changed in the period since PA. Ref. 22/256 and the current planning application.

Re. Refusal Reason 2:

- The Planning Authority did not seek Further Information in relation to the applicant's compliance with Table 3.2 (Rural Housing Needs Criteria).

- The proposal was not determined in the context of the final footnote on Table 3.2 (i.e. part-time farming), which the appellant considers he complies with.
- The appellant's employment as an agricultural mechanic should be considered rural based as the appellant's place of work is on his family farm at Cortober.
- The appellant's role in testing agricultural machinery is a family business, involving the supply, repair and fitting of agricultural parts to the local community. This business also provided 24 hour breakdown services during peak season. This business is located in the village of Cortober, 1 km from the family landholding.
- The appellant's occupation is also as a farmer which is rural resource based.
- The Board should have regard to the current housing crisis and lack of housing supply in the area.

6.2. **Planning Authority Response**

None received.

6.3. **Observations**

None.

7.0 **Assessment**

7.1. 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:

- Refusal Reason 1 (Impact on N4 Carrick-on-Shannon – Dromod Road Project)
- Refusal Reason 2 (Rural Housing Policy)
- Access (New Issue)
- Design & Visual Impact
- Other Issues

- Appropriate Assessment

7.2. Refusal Reason 1 (Impact on N4 Carrick-on-Shannon – Dromod Road Project)

- 7.2.1. The first reason for refusal cited by the Planning Authority relates to the location of the appeal site within the Constraints Study Area for the N4 Carrick-on-Shannon – Dromod Road Project, at the edge of the Preferred Transport Solution Corridor, and on this basis the Planning Authority consider that the proposal would be a constraint on the project and would be premature.
- 7.2.2. Based on the information available on the N4 Carrick-on-Shannon to Dromod Project website I note that the Project is currently at ‘Phase 3 Design and Environmental Evaluation’ stage, the purpose of which is to develop the design of the Preferred Transport Solution identified in Phase 2 and undertake an environmental evaluation of the design to a sufficient level of detail to establish land take requirements and to progress the project through the statutory process. *Map no. 274219-ARUP-02-OS-IM-YE-003003* indicates the ‘Preferred Road Based Option Corridor’ or ‘Preferred Transport Solution’ which was displayed during the most recent public consultation phase of the proposed project. Whilst *Map no. 274219-ARUP-02-OS-IM-YE-003003* includes an annotation stating that this corridor may subject to change, I note however that at this point in time the alignment of the corridor indicated on this map clearly includes the southern part of the appeal site within the ‘Preferred Road Based Option Corridor’.
- 7.2.3. Objective 7.13 of the Roscommon County Development Plan 2022-2028 states ‘support and provide for improvements to the national road network, including reserving corridors for proposed routes, free of development, so as not to compromise future road scheme¹. Furthermore, Objective 7.19 of the Development Plan states ‘seek to implement the Road Improvement Schemes indicated in Table 7.2’, which I note includes reference to the N4 Carrick-on-Shannon to Dromod Road Project. I concur with the position of the Planning Authority that at this point in time the development of a house within the Preferred Road Based Option Corridor of the N4

¹ My emphasis.

Carrick-on-Shannon to Dromod Road Project would represent a constraint on its delivery and would therefore be premature.

- 7.2.4. The appellant contends that the Planning Authorities approach to planning applications on the appeal site have been inconsistent, with the Planning Authority concluding that the dwelling proposed under PA. Ref. 22/256 posed no potential impact on the project, yet concluding that the dwelling proposed under the current application would potentially impact the project, despite both proposals being the same. Having reviewed the planning history on the appeal site I note that the issue of potential impact on the N4 Carrick-on-Shannon to Dromod Project was raised under PA. Ref. 20/177, being refused on this basis, and again under the current planning application. The issue was not however raised in the planning application which was made in the interim of these two planning applications, that being PA. Ref. 22/256. The reason for this is unclear, however in my opinion the anomaly in the previous application does not change the fact that the appeal site is located within the Preferred Road Based Option Corridor of the N4 Carrick-on-Shannon to Dromod Road Project. On the basis of the forgoing, I recommend that the first reason for refusal is upheld.

7.3. Refusal Reason 2 (Rural Housing Policy)

- 7.3.1. The appeal site is within 'Rural Policy Zone A' - Area Under Urban Influence' (see Map 3.1, Chapter 3 Roscommon County Development Plan 2022 - 2028). In accordance with Policy Objective PPH 3.13 of the Roscommon County Development Plan 2022 – 2028 applicants seeking a house within such areas are required to demonstrate compliance with the criteria contained in Table 3.2 'Rural Housing Need Criteria'. The eligibility criteria set out in Table 3.2 is divided into two categories, 'Economic Need' and 'Social Need'.
- 7.3.2. Under the heading of 'Economic Need' eligible applicants for consideration for a house in a rural area are '*persons engaged full-time in a rural-based activity, who can show a genuine need to live close to their workplace and have been engaged in this employment for over five years*', and also includes '*part-time occupations where the predominant occupation is farming or natural resource-related*'. Table 3.2 also provides that '*applicants relying on economic need criteria involving part-time occupations in farming or natural resource related activities will be required to submit*

sufficient evidence to demonstrate same, for example (but not limited to) a herd number or hours of activity as a farmer'. Provision is also made for 'a person whose business requires them to reside in the rural area', and the Development Plan provides that 'the nature of the operations of the business shall be specific to the rural area', and that 'any such application shall demonstrate the viability of the business and clearly set out the nature of activities associated with the business and why it requires the owner to reside in the vicinity'.

- 7.3.3. Under 'Social Need', eligible applicants are considered to be *'persons who were born within the local rural area, or who are living or have lived permanently in the local rural area for a substantial period of their life at any stage(s)',* and also *'persons with a significant link to the Roscommon rural community in which they wish to reside, by reason of having lived in this community for a minimum period of five years prior to applying for planning permission or by the existence in this community of long established ties with immediate family members'.*
- 7.3.4. The appellant notes that the Planning Authority should have considered the proposal with reference to the final footnote on Table 3.2 (i.e. part time farming), which the appellant considers he complies with. The appellant also contends that his employment as an agricultural mechanic should be considered a rural based activity.
- 7.3.5. The appellant's address as stated in the Supplementary Planning Application Form is within the urban area of Carrick-on-Shannon, and in response to question no. 8 he states that he has been a resident in the Carrick-on-Shannon town area all his life. Correspondence addressed to the applicant/appellant from a bank refers to this address. Correspondence (from the Department of Agriculture, Food and the Marine) refers to an address which appears to be within a rural part of Carrick-on-Shannon however no further correspondence has been submitted in respect of this address. On the basis of the information submitted I do not consider that the appellant has demonstrated that he complies with the 'Social Need' criteria contained in Table 3.2.
- 7.3.6. Regarding 'Economic Need' criteria as set out in Table 3.2, and the appellant's role in farming, I note that the information submitted is limited to a letter from an agricultural consultant, stating that that appellant has a herd number since 2015 which relates to

3 no. Folios which he actively farms, and correspondence from the Department of Agriculture, Food and the Marine confirming the appellant's herd number. Having regard to the information submitted with the planning application/appeal I note that the extent of the appellant's role in farming is unclear, for example the appellant has not provided any information in respect of the income he derives from farming, subsidies received, or correspondence for veterinary care etc. which would typically be submitted in cases where applicants are attempting to demonstrate their involvement in farming. In my opinion the appellant's has not clearly demonstrated his role in farming, as is required under Table 3.2.

7.3.7. The appellant also refers to his occupation is as an Agricultural Mechanic. The appellant also states that he uses land for the testing of local business customer's agricultural machinery. The eligibility criteria contained in Table 3.2 refers to the requirement for such occupations as being 'natural resource' related. In my opinion, the appellant has not clearly demonstrated that his role as an agricultural mechanic is natural resource related. Provision is also made under table 3.2 for applicant's who's business requires them to reside in a rural area, and under this criteria the nature of the operations of the business shall be specific to the rural area, with applicant's being required to demonstrate why it requires the owner to reside in the vicinity. I note that the appellant does not appear to own the business he refers to, which would appear to be a requirement under Table 3.2. (i.e. a person whose business² requires them to reside in the rural area). In any event it is unclear that employment of this nature would require the applicant to reside in a rural area.

7.3.8. On the basis of the information submitted with the planning application and the appeal I am not satisfied that the appellant has satisfactorily demonstrated compliance with the requirements of the Roscommon County Development Plan 2022-2028 as it relates to applicants seeking permission for a dwelling within the rural area of the county. On this basis I consider that the second refusal reason should be upheld.

² My emphasis.

7.4. Access (New Issue)

7.4.1. The access proposal entails the construction of a surfaced roadway connecting the proposed dwelling to a point at the existing farm complex where vehicles would then merge onto a local access road at the entrance to/north of the farm complex. *Drawing no. PL-AMcP-1122/202* indicates this arrangement, including sightlines of 70 metres to the west and 90 metres to the north. This access arrangement and visibility standard were considered acceptable to the Planning Authority, however the potential for vehicular conflicts at the point where the proposed roadway merges with the farm complex does not appear to have been examined in any detail. Based on my site inspection I note that there are a number of shed structures at this location and I also observed farm machinery in one of the sheds. In my opinion there is potential for conflict to arise between vehicles accessing the proposed dwelling and farm machinery using the existing farm complex at the bottom of the proposed access road. No details have been provided as to how this would be managed. In addition, I also note that vehicles traveling towards to the proposed access from the local access road would have to negotiate a blind corner as the structure located on the corner (indicated as a house on *Drawing no. PL-AMcP-1122/202*) directly opposite the proposed access road severely obscures visibility on approach. On the basis of the information submitted, and on my observations of the appeal site during my site inspection I consider that the proposed development would represent a traffic hazard and should be refused on this basis. This is a new issue and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal, it may not be considered necessary to pursue the matter.

7.5. Design & Visual Impact

7.5.1. Based on Figure 8 (Landscape Values Map) of the Landscape Character Assessment which accompanies the Roscommon County Development Plan 2022-2028 the appeal site appears to be located within Landscape Character Area 3 (Lough Corry Drumlin Base). This landscape typology is indicated as having a 'Very High Value'. Under 'key recommendation' it is noted that there would be greater tolerance of development generally with increasing distance from the wetland landscape, which I note corresponds with the area in the vicinity of the River Shannon.

7.5.2. The appeal site occupies an elevated position with panoramic views of the River Shannon and the wider area. Views of the appeal site and the proposed dwelling and garage would likely be possible from locations north of the appeal site. That being said noting the single storey nature of the proposal I am satisfied that the proposal would not represent an incongruous feature within the wider landscape, or result in any significant negative impacts on the visual amenity of the area. Additional planting along the northern boundary of the appeal site would further mitigate any potential impact from the proposal on the visual amenity of the area. Should the Board be minded to permit the proposed development I recommend that the northern boundary of the appeal site be supplemented with native planting, and that details, including species of planting be agreed with the Planning Authority prior to commencement of development.

7.6. **Other Issues**

Archaeology - there is a Recorded Monument (Ref. RO011-182 – Ringfort) to the east of the appeal site. A report was received by the Planning Authority from the Department of Housing, Local Government and Heritage recommending that an archaeological mitigation condition is attached in the event that permission is granted. The appellant has carried out test trenching on the appeal site which has not resulted in any archaeological features being identified, however should the Board be minded to permit the proposed development I recommend that an archaeological monitoring condition is attached so as to protect any undiscovered archaeological features.

7.7. **Appropriate Assessment**

7.7.1. Having regard to the nature and limited scale of the proposed development and the lack of a hydrological or other pathway between the site and European sites, it is considered 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 European site.

8.0 **Recommendation**

8.1. Having regard to the above it is recommended that permission is refused based on the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicant has demonstrated that he comes within the scope of the rural housing need criteria as set out in Table 3.2 of the Roscommon County Development Plan 2022-208. The proposed development would, therefore, be contrary to Policy Objective PPH 3.13 of the Roscommon County Development Plan 2022-2028, which requires that in Areas Under Urban Influence applicants demonstrate a social or economic link to the rural area in which they propose to build. The proposed development would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and would be contrary to the proper planning and sustainable development of the area.
2. Part of the site of the proposed development is located within the Preferred Road Based Option Corridor of the N4 Carrick-on-Shannon to Dromod Road Project. The N4 Carrick-on-Shannon to Dromod Road Project is specifically referred to in Table 7.2 'Planned Road Improvements' in the Roscommon County Development Plan 2022-2028 and Objective 7.13 of the Development Plan requires that corridors for proposed routes are kept free of development so as not to compromise future road schemes. It is therefore considered that the proposed development would be contrary to Policy Objective 7.13 of the Roscommon County Development Plan 2022-2028, and would be contrary to the proper planning and sustainable development of the area.
3. It is considered that the proposed roadway merging at the existing farm complex would result in potential conflicts between vehicles and farm machinery. Additionally, vehicles traveling towards to the proposed access from the local access road would have limited visibility noting the presence of structures within the farm complex. The proposed development would therefore endanger public safety by reason of traffic hazard.

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.

Ian Campbell
Planning Inspector

26th September 2023