



An
Bord
Pleanála

Inspector's Report ABP317156-23

Development	Erection of dwelling with services, domestic garage and stables with all associated site works.
Location	Ballysimon, Tinnacross, County Wexford.
Planning Authority	Wexford County Council.
Planning Authority Reg. Ref.	20221070.
Applicant	Laurence Murphy.
Type of Application	Planning permission.
Planning Authority Decision	Permission with conditions.
Type of Appeal	Third Party
Appellant	John Mc Cabe.
Observer(s)	None.
Date of Site Inspection	31st October 2023.
Inspector	Derek Daly.

1.0 Site Location and Description

- 1.1. The proposed site is located in the townland of Ballysimon in a rural area approximately 500 metres to the west of the centre of the village of Monagear and approximately 4 kilometres northeast of Enniscorthy in County Wexford.
- 1.2. The site fronts onto a public road which defines the sites eastern boundary with a mature hedgerow defining the boundary. There is an access into the field forming the appeal site. The site is below the level of the road and the remaining boundaries adjoining open lands. The village of Monagear has development which extends to within approximately 300 metres of the appeal site on the same road and there are dwellings on the opposite side of the road to the appeal site and further south on the same road.

The site which is roughly rectangular in configuration has a stated area of 1.44 hectares.

2.0 Proposed Development

The proposed development is for the erection of dwelling with services, domestic garage and stables with all associated site works. The site has an overall stated area of 1.44 hectares.

The proposed dwelling is primarily a two storey dwelling of modern design and construction with a single storey annexe to the rear with a maximum height to ridge level of 7992mm. The dwelling is stated as having a floor area of 270m² and is centrally located on the site with the front building line approximately 75 metres from the road.

The garage is located to the side (north) of the dwelling has a stated area of 29.16m² and has a pitched roof with a maximum height to ridge level of 4780mm.

The stables building which is a modern prefabricated structure with a stated area of 190.31m² and associated dungstead and located adjoining the southern boundary of the site and there is provision for an outfall from the dungstead to an effluent tank. Calculations in relation to generation of manure from the horses and the required level of storage needed for manure and soiled water was submitted.

The location of the access to the site on the drawings received on the 9th August 2022 indicated its location at the northeastern corner of the site.

It is proposed to install a private well as the means of water supply and to treat domestic effluent by a package secondary treatment system with a PE of 7 with tertiary treatment with a polishing filter based on the recommendations of the Site Characterisation Assessment submitted.

Documentation indicating a connection to the local rural area was submitted in support of the application.

Further information was submitted to the planning authority on the 31st March 2023 which included a relocation of the entrance further to the south of the original proposal and more centrally along the roadside frontage.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to grant planning permission subject to seventeen conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 26th September 2022 refers to the responses received and submissions from third party. Reference is made to provisions of the current County Development Plan and that the area is located in an area under Stronger Urban Influence and further information was required in relation to the provisions of the plan to demonstrate compliance with local linkage to the rural area. Further information was recommended.

The Planning Report dated the 24th April 2023 refers to the further information and based on the documentation submitted recommends planning permission.

3.2.2. Other Reports

Environment Report 7th September 2022 recommended further information.

Roads report dated 22nd September 2022 recommended further information in relation visibility sightlines and if works are outside the control of the applicant the written permission should be submitted.

The Roads report dated the 11th April 2023 indicated the revised proposals were considered adequate.

Environment Report 18th April 2023 refers to the further information submitted and recommended permission subject to conditions.

4.0 Planning History

No relevant planning history.

5.0 Policy and Context

5.1. Development Plan

5.1.1. The relevant plan is the Wexford County Development Plan 2022-2028.

5.1.2. In the core strategy outlined in volume 1 Monagear is identified as Level 5 Small Villages Category 1 in the hierarchy. The development approach for these villages is to facilitate incremental growth in a sustainable manner. These villages will be consolidated by concentrating new growth in the village centre and the planning authority will apply the sequential approach to the development of land, focusing on the development of lands within the existing footprint and closest to the village centre first. No development boundary for the village is currently identified.

Volume 1 chapter 4 relates to sustainable housing and section 4.6 in relation to locations for future housing indicates that in line with the NPF the Planning Authority will direct new residential development to the county's towns, villages and rural settlements in accordance with the Core Strategy and the Settlement Strategy in Chapter 3 Core Strategy.

4.9 refers to Housing in the Open Countryside and 4.9.1 Single (One-Off) Rural Housing Policy Context indicates that the Council will continue to support sustainable rural settlement in accordance with the National Planning Framework, the RSES and

the Sustainable Rural Housing Guidelines for Planning Authorities (DEHLG, 2005) and any future updates of those guidelines.

The site is identified as within Rural Areas under Strong Urban Influence and single rural housing will be considered in the open countryside in accordance with Table 4-6 Criteria for One-Off Rural Housing and the demonstration of a local rural housing need will not outweigh the need to comply with all other relevant planning and environmental criteria and standards. In order to be considered for a single dwelling in the open countryside, an applicant must meet one of the following categories: A. A person who has a demonstrable social functional need to reside in a particular rural area (except for Structurally Weak Rural Areas) Or B. A person who has a demonstrable economic functional need to reside in a particular rural area (except for Structurally Weak Rural Areas).

In relation to table 4.6 in areas under Strong Urban Influence in Category A applies to a person who has lived full-time in a principal residence for a minimum of 7 years (not necessarily concurrently and at any time in their life) in that local rural area and the site is within 7km radius of where the applicant has lived or is living and who has never owned a rural house. The dwelling must be the person's permanent place of residence. The person can work from home or commute to work daily.

In relation to Category B it applies to persons who by the nature of their work have a functional need to reside permanently in the rural area close to their place of work. Functional economic need must be related to a rural resource based activity such as full time agriculture or horticulture and the nature of the activity or business must require the person to live at on or in close proximity to the business. Similar part-time occupations can also be considered where it can be demonstrated that it is the predominant occupation. The applicant must be able to provide documentary evidence that the employment is full-time or predominant employment when part-time. The applicant must be able to demonstrate that the landholding is such to support a viable enterprise.

There is a requirement to meet other development management standards outlined and stated in volume 2 of the CDP.

Volume 7 refers to Landscape Character and the site is located within the Lowlands designation.

5.2. National Guidance

5.2.1. Sustainable Rural Housing Guidelines 2005

The guidelines make clear distinction between urban and rural generated housing and to differentiate between development needed in rural areas to sustain rural communities and development tending to take place principally in urban areas.

Section refers to 3.2.3 Rural Generated Housing Persons who are an intrinsic part of the rural community and that such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community which would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes or wish to care for elderly family members. Having defined rural generated housing needs, the development plan should make very clear that subject to satisfying normal planning considerations relating to siting and design, such as those outlined in section 4 of the guidelines, the planning authority will look favourably upon an applicant's proposal for an individual house in a rural area where that applicant comes within the development plan definition of need.

Rural housing policies will normally be linked to other sections of the plan dealing with landscape character; protection of key natural assets such as surface and ground water resources; the efficient ongoing development and safe operation of key transport arteries such as roads, particularly National Primary and National Secondary routes and that the consideration of individual sites will be subject to normal siting and design considerations and these would normally include provisions to the effect that any proposed vehicular access would not endanger public safety by giving rise to a traffic hazard.

5.2.2. National Planning Framework 2040

In Section 5.3 National Policy Objective 19 provides for

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.

5.3. **Natural Heritage Designations**

None relevant.

5.4. **EIA Screening**

5.5. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.2. The main grounds of appeal can be summarised as follows:

- Reference is made to appellant as the owner of lands adjoining to the north.
- Reference is made a request from the applicant in advance of the application seeking consent for works involved in the provision of adequate sightlines.
- The entrance was relocated in the course of the application following a request of further information relating to provision of sightlines.
- It is contended that the revised sightlines cannot be provided without works being carried out to the appellant's boundary and outside of the area of visibility indicated and the development would constitute a traffic hazard.

6.3. **First Party Response**

The response of the applicant in summary refers to

- Revised entrance details were submitted following a request for further information and as a result do not require permission from the appellant to realign any of his boundary and the area engineer is satisfied in this regard.
- The appellant is from the area.

7.0 Assessment

7.1. The main issues in this appeal are those raised by the third party in the grounds of appeal. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Principle of the development / policy.
- Site specific considerations
- Appropriate Assessment

7.2. Principle of the development / policy.

7.2.1. The site is located in a rural area just outside of the village of Monagear located to the northeast of the appeal site. There is no development boundary for the village which has continuous development extending to within 300 metres of the appeal and there are dwellings opposite the site and to the south of the appeal site.

7.2.2. With no clear designation within a development boundary the site, I consider, can be defined as within a rural area outside of the built up area of the village and although in relatively close proximity to the village it is an area where the 80kph speed limit applies and there is no footpath in the vicinity of the site. The provisions of the county development plan relating to housing in the rural area apply and the site is within an area identified as within Rural Areas under Strong Urban Influence and the provisions as stated in table 4.6 apply.

7.2.3. In relation to table 4.6 in areas under Strong Urban Influence in Category A applies criteria for considering an establishment of a local link to the area and an establishment of housing need. The planning authority requested details in relation to the criteria and documentation was submitted which the planning authority considered comply with the provisions of the development plan. Having reviewed the submitted documentation I am satisfied that the applicant complies with the provisions as stated.

7.2.4. I am also satisfied that the applicant does meet the requirements as set out in section 3.2.3 of the national policy on rural housing for consideration of a dwelling subject to other criteria being considered.

7.2.5. Although there is general presumption in relation to the proliferation of single dwellings in the countryside and the consolidation and growth of small settlements and villages given the relative proximity to the village and satisfying local and national criteria in relation to need and local connection to the area consideration of this proposal can be made having regards to stated policy guidance.

7.3. **Site specific considerations**

7.3.1. In relation to the site the primary issue raised in the grounds of appeal is the issue of traffic safety and in particular the attainment of sightline visibility without the requirement to receive consent of the adjoining landowners to meet the sightline visibility. Other matters in relation to design and services will be considered as required under local and national policy guidance.

7.3.2. Traffic safety

In the course of assessing sightline visibility the planning authority requested clarification to demonstrate a minimum of 65 metres in both directions from a point 2 metres from the roadside.

Revised entrance details drawing no PP 210001 were submitted on the 31st March 2023 which relocated the entrance centrally along the site frontage and indicated sightlines. The Roads report dated the 11th April 2023 indicated the revised proposals were reviewed and were considered adequate. In the letter submitted with the further information that the revised entrance details were discussed with roads prior to submitting the revisions.

In relation to the grounds of appeal reference is made a request from the applicant in advance of the application seeking consent for works involved in the provision of adequate sightlines. It is contended that the revised sightlines cannot be provided without works being carried out to the appellant's boundary and outside of the area of visibility indicated and the development would constitute a traffic hazard.

Reference is made in the grounds of appeal to the planning report pages 4/5 which refers to the initial proposal but I note that page 13 of the planner report indicates the revised details including sightlines are considered acceptable.

In relation to the proposed access for the purpose of this assessment I will consider the revised location of the access submitted on the 31st March 2023. The formation of the entrance owing to the lands falling level away from the road will require raising

the ground level and based on the drawings and site inspection I consider that sightline visibility of 65 metres at a point 2 metres from the road edge at a point 1.05 metres above the level of the access at that point can be achieved in both directions without the requirement to gain consent of adjoining landowners.

The formation of the access and visibility will require relocation of poles currently on the site frontage but in particular vehicle travelling from the north on the opposite side of the road will be visible to provide for safe exit in accordance with standard safety requirements for a road with a 80kph speed limit and in a southerly direction from the site and other traffic from north and south will have adequate sight of traffic entering the site from the public road.

Given the fall in level away from the road drainage can be satisfactorily provided which would prevent discharge onto the public road.

7.3.3. Services

It is proposed to install a private well to the southeast of the proposed dwelling as the means of water supply and I have no objections in relation this proposal given separation distances from any potential source of pollution of the supply.

It is proposed to treat domestic effluent by a package secondary treatment system with a PE of 7 with tertiary treatment with a polishing filter based on the recommendations of the Site Characterisation Assessment submitted. Based on the information submitted which complies with current EPA Code of Practice the proposal will provide for a satisfactory treatment of effluent.

There is a system of effluent disposal indicated in relation the stables with the provision of a dungstead and a drainage channel from the individual stables to an underground effluent tank. I note that the environment report requires design and construction standards are to comply with Department of Agriculture, Fisheries and Marine specifications and I would have no objections to this element of the development.

7.3.4. Design and layout

The site has an overall stated area of 1.44 hectares with considerable depth from the road and is located in an area which is not visually prominent with mature and established natural screening. Three elements are proposed the first being a

dwelling which is primarily a two storey dwelling of modern design and construction with a single storey annexe to the rear with a maximum height to ridge level of 7992mm. The dwelling is stated as having a floor area of 270m² and is centrally located on the site. The dwelling will be set back approximately 75 metres from the road.

A detached garage is located to the side (north) of the dwelling has a stated area of 29.16m² and has a pitched roof with a maximum height to ridge level of 4780mm.

The third element is a stable building which is a modern prefabricated structure with a stated area of 190.31m² and associated dungstead and located adjoining the southern boundary of the site and there is provision for an outfall from the dungstead to an effluent tank. Calculations in relation to generation of manure from the horses and the required level of storage needed for manure and soiled water was submitted.

In relation to visual impact although the dwelling is relatively large in area with a maximum height to ridge level of 7992mm given the separation distance from the road, the level of natural screening in the area and the low elevation of the site in the area the proposed dwelling will not I consider present an issue of adverse visual impact. The garage and stables are similarly set cack from the road and I would have no objections to the proposal in relation to siting and design.

7.4. **Appropriate Assessment Screening**

7.5. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the nature of receiving environment as a built up urban area and the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

8.0 **Recommendation**

8.1. I recommend that permission be granted.

9.0 Reasons and Considerations

Having regard to the location of the site, the pattern of existing and permitted development in the vicinity, the provisions of the current Wexford County Development Plan and National Guidance as indicated in the Sustainable Rural Housing Guidelines 2005 and National Planning Framework 2040 it is considered that the proposed development would be in accordance with the stated provisions of the current Wexford County Development Plan 2022-2028. It is also considered that, subject to compliance with the following conditions, the proposed development would not adversely impact the character of the area or be seriously injurious to the visual or residential amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 9th August 2022 and 31st March 2023 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p>

	<p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p>Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>External finishes to the proposed development shall be in accordance with the details received by the planning authority on the on the 9th August 2022 and 31st March 2023.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>The proposed entrance to the site shall be located at the point on the roadside frontage indicated in the details submitted to the planning authority on the 31st March 2023.</p> <p>Any removal of the roadside boundary to facilitate the provision of sightline shall be reconstructed behind the sightline visibility line and the reconstructed boundary shall consist of a sod and stone boundary or native species hedgerows details of which are to be submitted to and agreed with the planning authority prior to the commencement of any development works on the site.</p> <p>Reason: In the interest of traffic safety and visual amenity</p>
6.	<p>The site shall be landscaped, using only indigenous deciduous trees and</p>

	<p>hedging species and shall include a timescale for implementation, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.</p>
7.	<p>The water supply to serve the proposed dwelling shall have sufficient yield to serve the proposed development, and the water quality shall be suitable for human consumption. Details, demonstrating compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure that adequate water is provided to serve the proposed dwelling, in the interest of public health.</p>
8.	<p>1 (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.</p> <p>(b) No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.</p> <p>(c) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.</p> <p>(d) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.</p> <p>(e) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.</p>

	<p>(f) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.</p> <p>2.Details to comply with the requirements of this condition shall be submitted in a permission consequent to this grant of outline planning permission.</p> <p>Reason: In the interest of public health.</p>
9	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.</p> <p>Reason: In the interest of public health and traffic safety.</p>
10	<p>The stable building and associate underground effluent tank and dungstead shall be constructed in accordance with Department of Agriculture Fisheries and Marine standards and specifications for such works and shall be used solely for the purposes outlined in the details submitted. All soiled water shall be discharged to the effluent tank and roof and surface water shall be collected separately and discharged to a surface water system and not discharged to the effluent tank.</p> <p>Reason: In the interest of public health</p>
11	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located</p>

	<p>underground. Ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
12	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the [residential] amenities of property in the vicinity</p>
13	<p>The applicant/developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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.

.Derek Daly
Planning Inspector

14th November 2023