



Development	Construction of a house and proprietary effluent treatment system.		
Location	Farnaght, Westport, Co. Mayo.		
Planning Authority Ref.	2332.		
Applicant(s)	Dervla Rose.		
Type of Application	Permission.	PA Decision	Refuse Permission.
Type of Appeal	First Party.	Appellant	Dervla Rose.
Observer(s)	None.		
Date of Site Inspection	7 December 2023.	Inspector	Stephen Rhys Thomas.

1.0 Introduction

1. Site Location/ and Description.

The appeal site is located to the south of Westport on a local road off the N59. The site comprises rough semi natural scrubland with large amounts of rocky outcrops, ferns, bracken and gorse. The character of the area is hilly with a steep river valley to the west of the site. The wider landscape is unimproved land, very poor grazing if any at all and with large areas of woodland, scrubland and rocky outcrops. There are very few houses in the vicinity of the appeal site. Though two prominently

located dwellings of relatively recent construction to the north east can be seen from the roadside in the vicinity of the site.

2. Proposed development.

A bungalow style dwelling house, waste water treatment system and percolation area, on a site of 0.68 ha.

Details concerning external finishes and materials, alternate site, together with information about criteria RHO 4 (design and impact on landscape) of the development plan were requested as further information.

3. PA's Decision:

The planning authority refused permission for a single reason, and can be summarised as follows:

Development at this location would contravene Objective RHO 4 of the development plan regarding adverse impacts on the character of a landscape in terms of location, design and visual prominence, the dwelling (and garage) would be an obtrusive feature in the landscape and with interfere with its character that it is necessary to preserve.

Planning report 1 states that the site would impact upon the landscape, there are more suitable locations elsewhere along the L-587310, further information required in this regard.

Report 2 – Other more suitable sites on family land should be explored as a site for a new dwelling, refuse permission.

Internal Reports:

National Roads Office (Mayo) – no objections.

Area Engineer – no objections subject to conditions.

Flood Risk Section – no objections.

Statutory Consultees:

TII - No objections.

4. Planning History.

Subject site

None.

5.1. Local Planning Policy

Mayo County Development Plan 2022-2028

Section 1.3.1 The National Planning Framework (NPF)

The NPF is a high-level strategy that provides the sustainable framework to guide where development and investment occurs in Ireland up until 2040. The NPF is centred around ten national policy objectives called National Strategic Outcomes (NSOs). The preparation of the County Development Plan has been informed by these NSOs and related NPOs.

Section 1.10 Statement Outlining Compliance with Section 28 Guidelines

Sustainable Rural Housing Guidelines (2005) Chapter 3 (Housing) sets out the rural housing policies and objectives for County Mayo. These policies and objectives incorporate the recommendations of the guidelines.

Core Strategy Objectives - CSO 1 To secure the implementation of the population and housing growth household allocation set out in the Core Strategy and Settlement Strategy, in so far as practicable, by facilitating rural housing, while allowing for the accommodation of further residential growth in our designated settlements, subject to the availability of infrastructure and services.

Chapter 3: Housing Section 3.4.8 Rural Single Housing.

Rural Housing Policies RHP 4 To ensure that future housing in rural areas have regard to the Sustainable Rural Housing Guidelines for Planning Authorities 2005 (DOEHLG) or any amended or superseding guidelines

RHP 5 To ensure that rural housing applications employ site specific design solutions to provide for proposals that integrate into and reflect and enhance local landscape character, in terms of siting, design, materials, finishes and landscaping.

RHP 8 To require that new houses in the rural areas ensure the protection of water quality in the arrangements for on-site wastewater disposal, ensure provision of a safe means of access in relation to road and public safety, avoid flood risk and ensure the conservation of sensitive areas such as natural habitats, ecological connectivity, the enjoyment of protected structures and other aspects of heritage.

RHO 2 In rural areas not classified as in Rural Areas under Strong Urban Influence, there is a presumption in favour of facilitating the provision of single housing in the countryside, based on siting and design criteria for rural housing in statutory guidelines and plans, except in the case of single houses seeking to locate along Mayo's Scenic Routes/ Scenic Routes with Scenic Views or Coastal Areas/Lakeshores (See RHO 3 below).

RHO 3 Housing applications along Mayo's Scenic routes, will be considered where applicants can demonstrate a clear need to locate in the area concerned, whilst ensuring that it:

- Does not impinge in any significant way on the character, integrity and distinctiveness of the area,
- Meets high standards in siting and design,
- Satisfies all other criteria with regard to, inter alia, servicing, public safety, and environmental considerations,
- Demonstrates enhancement to local landscape character and ecological connectivity.
- Note: An occupancy clause will be attached to any grant of planning permission.

RHO 4 Housing applications, within Mayo's Coastal Areas and Lakeshores and within areas along scenic routes with designated scenic views, will be considered where the applicants can demonstrate a long-standing social link to the area concerned, whilst ensuring that it:

- Does not impinge in any significant way on the character, integrity and distinctiveness of the area,
- Cannot be considered at an alternative location
- Meets high standards in siting and design,
- Satisfies all other criteria with regard to, inter alia, servicing, public safety, and environmental considerations,
- Demonstrates enhancement to local landscape character and ecological connectivity.

Note: An occupancy clause will be attached to any grant of planning permission.

INO 3 - To ensure that any new development connects to a public water supply or Group Water Scheme, where available.

Volume 2

Chapter 2 Residential (Rural)

Volume 4

Mayo Rural Housing Design Guidelines

5.2 Natural Heritage Designations

The closest designated European Site is Brackloon Woods SAC (site code 000471), located 1.5 kilometres south of the site.

6. The Appeal

6.1 First Party Appeal.

- The first schedule of the decision to refuse permission, states that the proposed development would be in keeping with the proper planning and sustainable development of the area, how was permission refused.
- The second schedule refers to a 'house and garage', no garage is proposed, the accuracy of the decision is questioned.
- The second schedule refers to RHO 4 scenic routes and designated scenic views. The site is located in Policy Area 3, not Policy Areas 1, 2, 3A and 4A outlined in RHO 4. The site is not located near a scenic route or designated view, Map 10.2 refers.

The basis for the decision is questioned by the applicant, in light of the facts above.

Reference is made to two pre-planning meetings, the design and siting of the house was discussed.

6.2 P.A. Response

None.

6.3 Observers

None.

6.4 Statutory Consultees

None.

7. EIA - 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 PDR's, 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. Note Appendix 1.

8. AA Screening - The closest designated European Site is Brackloon Woods SAC (site code 000471), located 1.5 kilometres south of the site. Having regard to the scale and nature of the proposed rural house development and to the location removed from any European Sites no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

2.0 **Assessment**

2.1. **Introduction**

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

- Landscape Policy
- Other Matters

2.2. **Landscape Policy**

2.2.1. The planning authority refused permission for the applicant's house in a sensitive landscape identified in the development plan and that it is necessary to preserve. According to the planning authority the location, design and visual prominence of the proposed house would be an obtrusive feature and interfere with the character of the landscape and this would contravene Objective RHO 4 of the Development Plan. Initially, the planning authority sought further information with respect to external materials and finishes of the proposed house, an alternate location on family lands and compliance with rural housing need criteria in terms of social or economic links with the area. This information was mostly submitted and the planning authority

refused permission for a single reason related to landscape concerns. The applicant has appealed the decision to refuse permission because it is their understanding that RHO 4 refers to scenic routes and designated scenic views, the site is not located in or nearby either.

2.2.2. According to chapter 10 of the current development plan and Volume 4 (Landscape Appraisal for County Mayo) of the same plan, the site is located in an area designated as Policy Area 3 – uplands, moors, heath and bogs, Map 10.1 Landscape Policy Areas refers. The site is also located in the upland landscape between a scenic route to the south and a scenic route with scenic views to the north. According to the Landscape Sensitivity Matrix, figure 10.1 of the plan refers, rural dwellings are considered to have a medium to low potential for impact on a policy area 3 landscape. The matrix points out that rural house development is likely to be discernible and distinctive but with good siting and design can be a normal part of the landscape.

2.2.3. The planning authority refused permission with reference to Rural Housing Objective RHO 4 of the development plan and the applicant points out that this is incorrect, the site is not located in any of the landscapes highlighted in RHO 4. I see that there are 12 rural housing objectives set out in the statutory plan and four refer directly to landscape and the importance of siting, layout and design, RHO 2, 3, 4 and 10 all refer. RHO 10 relates to any proposal to extend/refurbish an existing rural dwelling house, and so is not relevant to this appeal. RHO 2 refers to rural areas not classified as in Rural Areas under Strong Urban Influence; this is not such a case the site is located in an area under strong urban influence. RHO 3 refers to housing applications along all of Mayo's Scenic Routes, requires an actual need to live at the location, good siting and design, and enhancement of local landscape character and ecological connectivity. RHO 4 references housing applications, within Mayo's Coastal Areas and Lakeshores and within areas along scenic routes with designated scenic views. Like RHO 3, RHO 4 requires links to the area, good siting and design, and enhancement of local landscape character and ecological connectivity. In addition, RHO 4 states that such development should not impinge in any significant way on the character, integrity and distinctiveness of the area, and development should be considered at an alternative location if the opportunity exists.

- 2.2.4. The applicant's reading of the development plan and landscape objectives is centred on the location of the site and the terminology of the plan that refers to 'Mayo's Coastal Areas and Lakeshores and within areas along scenic routes with designated scenic views'. The applicant points out that the site is located within Policy Area 3, not policy areas 1, 2, 3A and 4A outlined in RHO 4, on this point I agree. However, in relative terms, I note that the site is located close to a scenic route with designated views and closer again to a scenic route. In fact, the landscape between the R335 to the north and N59 to the south is a combination of lowland coastal zone (Policy area 2) and Policy Area 3 – uplands, moors, heath and bogs. In this regard, it is not correct to take such a narrow view in terms of a site's location simply along a route. This is because it is not the scenic route alone and in isolation but the wider area along such a route that provides views towards a noted landscape and perhaps RHO 3 is more relevant to the appeal site in question.
- 2.2.5. Volume 4 (Landscape Appraisal for County Mayo) of the development plan states that scenic routes indicate public roads from which views and prospects of areas of natural beauty and interest can be enjoyed. Sightseeing visitors are more likely to be concentrated along these routes. The onus should be on the applicant when applying for permission to develop in the environs of a scenic route, to demonstrate that there will be no obstruction or degradation of the views towards visually vulnerable features nor significant alterations to the appearance or character of sensitive areas, section 3.6(b) refers. The applicant has not directly addressed scenic routes and the impact of the proposal. My understanding is that cumulative impacts upon the wider landscape along such routes would ultimately lead to visual degradation and loss of amenity.
- 2.2.6. I find that RHO 3 is a more suitable rural housing objective to assess the appeal site. RHO 4 includes many of the requirements of RHO 3 but restricts its scope to Mayo's Coastal Areas and Lakeshores and within areas along scenic routes with designated scenic views. The appeal site is more widely viewed from the N59 (a scenic route) to the south and without careful design considerations as highlighted by the Mayo Rural Housing Design Guidelines would likely appear visible from various vantage points. The applicant has not demonstrated that the proposed house would not impact the wider landscape with the use of photomontage images taken from a wide range of viewpoints along the N59 or by some other method. The siting and layout design are

not site specific, do not take account of the topography and the layout plan lacks detail with respect to any landscaping proposals other than a reference to silver birch planting in the grounds of appeal. The principles of the Mayo Rural Housing Design Guidelines have been followed up to a point, the house design appears to comply, but it is the entire site, its prominent and elevated location, layout and extensive driveway that have not been addressed at all. Hence, there has been no demonstration by the proposed applicant that they have carefully selected an appropriate site or positioned the house within the landscape in order to protect, enhance and conserve the natural environment and local landscape character.

2.2.7. I agree with the planning's interpretation of the development plan, and its policies and objectives with regard to landscape sensitivity. The site is located in a landscape of value and its protection from inappropriately positioned development is articulated by the plan. The wider area comprises the cumulative expression of landscape along the N59, a designated scenic route and should be protected and I am satisfied that permission should be refused in accordance with Rural Housing Objective 3. The site is prominent, elevated and little or no consideration has been given by the applicant to either slope or landscaping proposals as required by the Mayo Rural Housing Design Guidelines as set out in Volume 4 of the plan.

2.3. Other Matters

2.3.1. Public Health – The planning authority have not raised any issues to do with public health. However, my observations of the appeal site and the findings of the applicant's site characterisation form should raise concerns. The site is characterised by numerous rocky outcrops, ponding, extreme groundwater vulnerability (groundwater response R2) and threats to both groundwater and surface water have been identified. The trial hole was excavated to 2.2 metres and the report records topsoil, silt, subsoil/silty gravel and water table at 1.5 metres. My observations of the trial hole differ, with subsoil texture comprising numerous large and smaller boulders between a depth 0.5 and 1.5 metres. The site characterisation form records a subsurface percolation test average T value of 86.67 and surface percolation test average T value of 26.07 (not suitable for discharge to ground). Overall site conditions dictate that septic tank, percolation area, secondary treatment with polishing filter and tertiary treatment are all required to ensure safe discharge to groundwater. This is a significant amount of engineering infrastructure to facilitate a

single dwelling on a challenging site. Given the difficult ground conditions of the site, the need for a heavily engineered design solution to treat domestic waste in an environmentally sensitive area and the possible availability of other more suitable sites on the overall land holding, I am not satisfied that the appeal site is suited to residential development served by a domestic wastewater treatment system. However, the Board may consider this to be a new issue.

2.3.2. Rural Housing Policy – The site is located in an area identified in the development plan as Rural Areas under Strong Urban Influence, Rural Housing Objective 1 refers and so amongst other things a social or economic link to the area in which they wish to build is required. The planning authority accepted the applicant's bona fides in this respect, the applicant is a daughter of the landowner and sometimes helps out on the family farm. According to the development plan, this is enough of a genuine housing need to comply with the requirements of RHO 1 and consequently protect an area under strong urban influence. Permission was not granted because of landscape concerns, however, if the Board are minded to grant permission, an occupancy condition under section 47 of the Planning and Development Act 2000 as amended, should be considered in line with the current development plan.

2.3.3. Roads – I note that the National Roads Office (Mayo County Council) raised no issues with regard to traffic safety concerns and the national road network. In addition, Transport Infrastructure Ireland (TII) highlighted the planning authority's responsibility with implementing national roads policy, but did not expressly make any other recommendations. The applicant prepared a drawing entitled site visibility map that shows 40 metre sightlines in both directions. From my observations of the site, the site is significantly lower than the public road at the proposed entrance point. The public wide is narrow, steep and the alignment is tightly curved, a waymarked cycle route is also indicated along the site's northern frontage. To the south, the visibility triangle extends beyond the site boundaries, and this would require third party agreement to maintain the area free from obstructions. I have concerns about a house entrance along this narrow and poorly aligned road and I anticipate the possibility of a traffic hazard if an entrance is permitted. Traffic hazard is a serious matter and though not raised in the grounds of appeal or the reason for refusal issued by the planning authority, I consider that permission should be refused for traffic safety reasons.

- 2.3.4. Wording of Decision - The applicant has queried the validity of the decision based upon the premise that the wording used is inaccurate and false. Firstly, I note that the first schedule states that having regard to the County Development Plan, the proposed development would be in keeping with the proper planning and sustainable development of the area; the word 'not' has been omitted. The second schedule refers to a house and garage, a garage does not form part of the proposal.
- 2.3.5. I agree with the applicant that errors are present in the Council's Order. Namely, contrary to the second schedule, the first schedule implies the development is appropriate, and the second schedule adds a garage when none was proposed. These are clerical errors and if permission had been granted by the planning authority, corrections of such a minor nature could be made by way of section 146A *Amendments of permissions, etc. of clerical or technical nature*, of the Planning and Development Act 2000 (as amended). However, this is a notification to refuse permission and no such avenue is open to the planning authority to make corrections. Furthermore, an appeal has been made to the Board and in due course a correctly and accurately worded decision will issue in accordance with Article 74 of Chapter 2 *Appeals and Referrals and Other Functions of the Board* of the Planning and Development Regulations 2001 (as amended). No further consideration is required in relation to the applicant's grounds of appeal in relation to the wording contained in the planning authority's decision notification.

3.0 Recommendation

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

4.0 Reasons & Considerations

1. The site of the proposed development is located within an area close to a designated Scenic Route and where development should not impinge in any significant way on the character, integrity and distinctiveness of the area and where high standards in siting and design are demanded, Rural Housing Objective 3 and the Mayo Rural Housing Design Guidelines as set out in Volume 4 of the Mayo County Development Plan 2022-2028 refer, which

Objectives and Guidelines are considered to be reasonable. Having regard to the topography of the site, the elevated positioning of the proposed development, together with its depth and scale, the resulting extensive driveway and the imposition in an otherwise sparsely populated landscape, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Adequate sightlines have not been satisfactorily demonstrated for the proposed entrance of the site on to the public road, and the proposed development if granted would interfere with the flow of traffic on this narrow and poorly aligned public road, and would 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.

Stephen Rhys Thomas
Senior Planning Inspector
09 January 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-317160-23		
Proposed Development Summary	Construction of a house and proprietary effluent treatment system.		
Development Address	Farnaght, Westport, Co. Mayo		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes	Y	
	No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No		No	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment (if relevant)	Conclusion
No	10. Infrastructure projects, (b) (i) Construction of more than 500 dwelling units	Single Dwelling House Scale of development is less than 500 dwelling units.	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	N/A	Preliminary Examination required
Yes	N/A	Screening Determination required

Inspector: _____ **Date:** _____