



An
Bord
Pleanála

Inspector's Report ABP317557-23

Development	Retention of metal storage structure and concrete plinth.
Location	Ballyconnigar Upper, Blackwater, County Wexford.
Planning Authority	Wexford County Council.
Planning Authority Reg. Ref.	20230439.
Applicant	Barry Walsh.
Type of Application	Retention of planning permission.
Planning Authority Decision	Refusal of retention permission.
Type of Appeal	First Party
Appellant	.
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 a coastal rural area in the townland of Ballyconnigar Upper approximately two kilometres east of the village of Blackwater in County Wexford in close proximity to the coastline. The road network from the village to the appeal site is largely comprised of narrow roads with numerous bends. To the north of the site is a holiday accommodation facility.
- 1.2. An unsurfaced track/roadway running south from the holiday accommodation facility defines the site's western boundary and the remaining boundaries adjoin open lands. On the site is a metal storage container located in close proximity to the northern boundary and a concrete plinth located in close proximity to the southern boundary. The general area is characterised by a high level of single houses and holiday accommodation including mobile homes fronting onto the local road network.
- The site has a stated area of 0.158 hectares.

2.0 Proposed Development

The proposed development is for the retention of metal storage structure and concrete plinth. The metal storage container which has a stated area of 12.5m² is a flat roof structure 2.5 metres in height located in close proximity to the site's northern boundary. The concrete plinth is located towards the site's southern boundary.

3.0 Planning Authority Decision

3.1. Decision

The decision of the planning authority was to refuse planning permission. Three reasons are stated.

The first reason refers to the development as an inappropriate development in this coastal zone, is not proposed in relation to any other specific development or use in the immediate area and would set an undesirable precedent.

The second refers to traffic hazard and that the development fronts onto an unsurfaced laneway of inadequate width, alignment and structural condition.

The third refers to inadequate information submitted in relation to wastewater treatment.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 13th June 2023 refers to the planning history, referrals to other departments, provisions of the current County Development Plan. Reference is made to Objectives CZ M86 and CZ M83 and that the development is considered to be an inappropriate development, the access lane is inadequate and unsurfaced. Refusal recommended.

3.2.2. Other Reports

Roads report refers to the site accessed via a private lane from a public road, sightlines are achieved in both directions and further information is requested in relation to management and disposal of surface water drainage.

Environment Report 8th June 2023 requests further information in relation to the existence or otherwise of a wastewater treatment system.

4.0 Planning History

P.A. Ref. No. 20211846. Permission refused for retention of mobile home, a replacement septic tank, WC and three concrete plinths for six reasons. The reasons referred to county development plan policy in relation to the location of mobile homes, rural housing policy, traffic and absence of an agreement with Irish Water details of which are on file.

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. Volume 1 chapter 7 refers to Tourist Accommodation and section 7.7.5 refers to Camping, Motorhome Parks, Glamping and Caravan Parks *and the Council recognises the importance of this type of accommodation in developing the tourism*

industry in the county. The development of these facilities should generally be located within or nearby existing settlements with pedestrian and cycle linkages provided. Consideration will be given to camping/glamping and motor home parks in the rural area where it can be demonstrated that the development would not significantly impact on the rural character of the area and have no significant impact on the surrounding environment.

Objective TM55 in this regard refers *to facilitate the development of sites for camping and glamping and campervans/ touring caravans/motor homes subject to site suitability and normal planning and environmental considerations.*

Objective TM59 also in this regard refers *to strictly control the replacement and extension of existing holiday chalet structures. The Council will only consider such proposals where criteria are complied with which include:*

- (a) It is demonstrated that the structure which it is proposed to replace has been on the subject site previous to 1st October 1964 when the Local Government (Planning and Development) Act, 1963 came into effect or has the benefit of planning permission and is in accordance with the planning conditions pertaining to same. ((c) The replacement structure is for use as holiday home accommodation.
- (f) The structure can be connected to the public waste water system, or effluent from the structure can be treated on-site in accordance with the EPA's Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (EPA, 2009).
- (g) Suitable water conservation measures form part of the development proposal.
- (h) Satisfactory access arrangements are in place, and
- (i) All other normal planning and environmental criteria are complied with.

5.1.3. Volume 1 chapter 12 refers to Coastal Zone Management and Marine Spatial Planning and that there is a presumption against new development outside of settlements.

5.1.4. Section 12.8 refers to development outside of existing settlements in the coastal zone and that the Council recognises the importance of retaining the character of the coastal zone so as to protect the quality of the tourism product, the environment and to ensure the overall proper planning and sustainable development of the coastal zone which is further stated in Objective CZM83 *To restrict development outside the*

boundaries of existing coastal settlements to that which is required to be located in that particular location such as:

- *Development to support the operation of existing ports, harbours, marinas, fisheries and aquaculture.*
- *Agricultural development.*
- *Tourism development appropriate to the particular coastal location (other than new build holiday home accommodation) where there is a demonstration of a location or resource based need in accordance with the objectives set out in Chapter 7 Tourism Development.*
- *Other developments where an overriding need is demonstrated.*

Objective CZM86 of the plan indicates *to ensure that developments in the coastal zone are sensitively sited, designed and landscaped and do not detract from the visual amenity of the area, the seascape or coastal landscape character unit.*

Volume 2 of the plan relates to Development Management and outlines standards for the assessment of development proposals.

Volume 7 refers to Landscape Character and the site is located within the Coastal Zone.

5.2. Natural Heritage Designations

None relevant.

5.3. EIA Screening

- 5.4. 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 use of the metal storage structure use as a storage facility for recreational beach equipment ancillary to the temporary use of the site for camping (as it is permitted via exempted development).
- The structure is located at a lower level than the access lane cut into the landscape and is not visually prominent with minimal visual impact outside of the site boundaries.
- The site has been used by the appellant's family as a private holiday site with mobile home and camping since 1994. Upgrades to the site have occurred over the years including a septic tank and installation of concrete plinths.
- A WC and sink was installed in the container but these have been removed and the septic tank decommissioned and the container is now used only for storage and the application currently made is arising from a requirement of apply for the metal storage container.
- Reference is made to the planning history and that the previous refusal was overly harsh.
- Reference is made to the provisions of the current CDP 2022-2028 in particular, Objective CZ M86, CZ M83 and the interpretation in the planning report to these provisions and it is contended that precedence for development of this nature is long established in the area and as indicated the development is not visually obtrusive.
- Reference is made to other provisions of the CDP which could have been considered including section 7.7.5, objectives TM55 and TM59. It is contended that although the development is not pre 1964 but the mobile home and treatment system have been removed and the current proposal is for a storage facility ancillary to the use of the site for temporary camping (parking of a campervan).
- Specifically in relation to the stated reasons for refusal. In relation to the first reason reference is made to the historic use of the site for the past thirty years and it is the intention of the appellant to use the site within the terms of the exempted development regulations and the development to be retained are for storage purposes and the use of the site for a campervan.

- In relation to the second reason for refusal relating to traffic and it is noted in the previous application there was a roads recommendation to grant with conditions and the issue raised by roads in relation to the current proposal relates to surface water drainage. The site is below the level of the road and it is proposed to gather surface water and dispose of towards the centre of the site and details are submitted in relation to this.
- The third reason relates to wastewater treatment and as already indicated the septic tank will be removed as agreed with the enforcement section of the county council.
- It is indicated that the site can be connected to mains water.

6.3. **Planning Authority Response**

No response received.

7.0 **Assessment**

- 7.1. The main issues in this appeal are those raised in the planning authority's reasons for refusal. 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.
- The reasons for refusal.
- On-site considerations
- Appropriate Assessment

7.2. **Principle of the development.**

- 7.2.1. The site is located in a rural coastal area outside of a development boundary and there is a general presumption against holiday type accommodation in such areas. The grounds of appeal contend that the site has been in use by the family for a period of nearly 30 years and that the provisions of the use of the site will continue as provided for under the exempted development provisions of the Planning and Development Regulations 2001 as amended.

7.2.2. The issue is this appeal is not the use of the site for camping but the placement on the site of permanent type structures which facilitate or are ancillary to the use of the site when used for camping or when a campervan is parked on the site.

7.2.3. I note reference in the grounds of appeal to objectives TM55 and TM59 of the CDP to facilitate the development of sites for camping and glamping and campervans/ touring caravans/motor homes and the replacement and extension of existing holiday chalet structures but I do not consider that the site can reasonably be considered as a site purposely to be developed for camping or campervans or for replacement which as the grounds of appeal do acknowledge does meet the criteria of pre 1964 and also that the previous mobile home on the site was unauthorised. In this context permitting ancillary storage structures and concrete plinths for a single camping unit would not meet the provisions of the objectives.

I would also consider that the provisions of Part 3 Article 6 Exempted Development — Rural Limited use for camping Class 1 which permits the temporary use of any land for the placing of any tent, campervan or caravan or for the mooring of any boat, barge or other vessel used for the purpose of camping but sets out limitations which are quite restrictive in the use of the land stating in relation to tent, campervan, caravan or vessel shall remain on the land for a period greater than 10 days, outlines separation distances etc and makes no provision for permanent structures such as plinths or provision of storage structures.

7.2.4. The planning authority in stating that the development subject of this retention is not proposed to any other specific development or use is therefore I consider reasonable in the context of considering the principle and appropriateness of the development. By permitting the retention of the structures it provides for retaining permanent structures where the exempted development provisions provides for limited camping.

7.2.5. I would therefore consider that the principle of the development is not appropriate.

7.3. **Reasons for refusal**

7.3.1. The decision of the planning authority was to refuse planning permission and three reasons were stated. The first reason largely relates to the appropriateness of the development which I have addressed.

7.3.2. The second reason for refusal refers to the issue of traffic. The site has frontage onto an unsurfaced track/laneway which is narrow and of poor alignment. I do not

consider that there would be any issues in relation to providing an access with satisfactory sightlines onto the laneway but I do not consider that permitting development onto a substandard road is not in accordance with proper planning and sustainable development.

- 7.3.3. In relation to the issue of waste and surface water treatment the application as submitted does not provide for wastewater treatment on the site and that an existing septic tank which is unauthorised will be removed and this is in accordance with agreements between the planning enforcement section of the planning authority and the applicant. Given that a campervan is proposed to be on the site and the limited duration it can be on the site effluent treatment can be treated in such an arrangement.

In relation to the issue of surface water I am satisfied that arrangements to provide for surface water drainage which can be accommodated within the site and not discharge onto the laneway can be provided.

7.4. **On site considerations.**

- 7.4.1. In relation to visual impact given the nature of the development to be retained and the screening available the development proposed to be retained does not impact on visual amenity.

7.5. **Appropriate Assessment Screening**

- 7.6. Having regard to the nature and scale of the proposed development, to the absence of emissions therefrom, the nature of receiving environment 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 retention of permission be refused.

9.0 **Reasons and Considerations**

1. Having regard to the nature of the development to be retained it is considered that the development which is the subject of this application represents a

continuance of permanent type which are not related to a permanent permitted use on the site and which relates to a use of tourism related accommodation which the provisions of the current Wexford County Development Plan 2022-2028 as stated in Objective CZM83 is to restrict such development outside the boundaries of existing coastal settlements and which is considered to be reasonable. The proposed development would, therefore, would lead to demands for the uneconomic provision of further public services and facilities in an area where these are not proposed and would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the development which fronts onto a substandard unsurfaced laneway which is inadequate in width and overall condition would represents substandard and inappropriate development and would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Derek Daly
Planning Inspector

13th November 2023