



An  
Bord  
Pleanála

## Inspector's Report ABP-318288-23

<b>Development</b>	Construction of a dwelling house, septic tank, percolation area and all associated site works.		
<b>Location</b>	Carrowmacbryan (Townland), Easkey, Co. Sligo.		
<b>Planning Authority Ref.</b>	2360198.		
<b>Applicant(s)</b>	Michael Finnerty and Marianne McNally.		
<b>Type of Application</b>	Permission.	<b>PA Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party.	<b>Appellant</b>	Michael Finnerty and Marianne McNally.
<b>Observer(s)</b>	None.		
<b>Date of Site Inspection</b>	3 July 2024.	<b>Inspector</b>	Stephen Rhys Thomas.

### 1.0 Introduction

#### 1.1 Site Location/ and Description.

The site is located on agricultural farmland, 2.4 kilometres north west of Rathlee, a small scattered settlement of houses with a national school and church. Easky, a larger village with schools, tourism enterprises, churches and shops, is located 7 kilometres to the east.

The site is positioned 360 metres along an unpaved farm track that provides access to fields laid out in a regimented, regular and rectangular pattern. There is

a substantially complete and solitary dwelling along this laneway, slightly closer to the public road. The character of the immediate area is that of grazing farmland with low banks, fences and an absence of hedges or trees on account of the exposed and maritime environment. There are single storey dwellings and clusters of housing in the immediate area and throughout the wider landscape. These houses tend to take the form of either modern bungalow and dormer bungalows, or vernacular farm buildings of one or two storeys.

The appeal site is positioned at the highest point of the landholding, and the overall field slopes gently downwards from the farm track to the public road to the north. The area is coastal in character with the Atlantic Ocean located close by to the north and west. The appeal site sits on a slightly elevated site when compared to surrounding areas that slope down to the shoreline. The public roads in the area are narrow and punctuated by occasional farmsteads and numerous one-off housing.

### **1.2 Proposed development.**

Dwelling house one and a half storeys in height, septic tank, and percolation area, all on a site of 0.35 hectares.

### **1.3 PA's Decision:**

The planning authority issued a decision to refuse permission for two reasons, as follows:

1. The proposed development contravenes the provisions contained in Section 5.3.2 Siting and Design of Rural Houses, Section 7.4.3 Landscape Character Assessment (policy P-LCAP-1) and Section 13.4.2 Site Selection – locating a house in the landscape of the Sligo County Development Plan 2017-2023.

Due to the nature and topography of the proposed site, located in an open, exposed area lacking in natural or built-up screening, the proposed development would not be able to successfully integrate into its setting or be absorbed in its surroundings, resulting in a significant visual impact on the landscape. This would be contrary to the proper planning and sustainable development of the area.

2. The proposed development is for the locating of a dwelling 200m from the public road to the rear of the existing pattern of development in the area. This

location would be out of character with the area and setting, would set an undesirable precedent for further such development. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

#### **1.4 Planning History.**

##### **Subject site**

None.

##### **Nearby Site**

PA ref: 04684 – dwelling house, plus amendments 11142 regarding boundary and percolation area.

#### **1.5 Local Planning Policy**

Sligo County Development Plan 2017-2023 – Extended to July 2024

Such extension will ensure that the zoning and development objectives of the CDP remain in force until the new Plan is adopted.

The Draft Sligo County Development Plan 2024-2030 proposed amendments consultation phase closed on the 5 July 2024.

The operative plan for this appeal is the Sligo County Development Plan 2017-2023 as extended. The Sligo County Development Plan 2017 – 2023 has been in effect since 28<sup>th</sup> August 2017. Variation No. 1 of the plan, made on the 12 October 2020, has regard to national and regional policies in respect of rural housing. Specifically, Amendment No. 25 and 26 takes into account the 2018 National Planning Framework with respect to National Policy Objective 15 and 19.

The subject site is located in a rural area in need of regeneration, figure 5.A refers and policy SP-S-4 refers, as follows - in rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

The site is located in a landscape classified as a normal rural landscape in the Landscape Characterisation Map of the county development plan.

Relevant policies and objectives include:

#### 13.4 Residential development in rural areas

Normal planning considerations include:

- How the proposal relates to the Core Strategy, general policies and specific objectives of the County Development Plan;
- Whether there are any archaeological or other heritage factors involved;
- Whether the site is in a sensitive area, e.g. adjoining a scenic road, located in a sensitive rural landscape, in a visually vulnerable area, in a coastal zone or in a known flood risk zone;
- Whether the site is in an exposed location where the proposed development would be visually obtrusive;
- The settlement pattern of the area and the potential for overdevelopment or ribbon development;
- Whether the siting, design and scale of the proposed structure are appropriate to the surrounding natural and built environment;
- Whether the proposed site entrance is on a dangerous or high-speed stretch of road;
- Whether a large number of mature trees or an excessive length of roadside hedgerow need to be removed to provide an entrance;
- Whether there are any sewage disposal, drainage or water supply concerns;
- Whether there are any pollution or other public safety concerns;
- Whether the proposed development would unduly affect other properties in the area (e.g. by overlooking or overshadowing).

##### 13.4.2 Site selection – locating a house in the landscape

##### 13.4.3 Rural house design

##### 13.4.4 Site boundaries

##### 13.4.5 Site landscaping

#### 7.4 Landscape character

## **1.6 Natural Heritage Designations**

- The subject site is located approximately 8.5 kilometres north east of the Killala Bay/Moy Estuary SPA and Killala Bay/Moy Estuary SAC.

## **6. The Appeal**

### **6.1 First Party Appeal.**

- The site is located in an area designated as normal rural landscape, section 7.4.3 of the plan refers. The house has been designed in accordance with development plan guidelines and will not adversely impact the visual or residential amenity of the area. There are a large number of similar houses in the rural area, and this defines its character. There are planning precedents for housing in the area – PA ref 04684, 20378, 1723 (barn conversion), now built, the assessment of which required no visual impact.

Section 5.3.2 Siting and Design of Rural Houses has been complied with, the proposed house fits into the rolling landscape and will not be a dominant feature and can be easily absorbed. The proposed house and others cannot be seen from any visually vulnerable area or scenic route and will not contravene objective P-LCAP-1 regarding the protection of landscapes or section 13.4.3 landscape character assessment.

The skyline that is already broken by other houses, and will not be broken by the proposed dwelling, the site is not elevated or exposed.

- Section 13.4.2 guides site selection and does not preclude development outside clusters. The proposed development will not set an undesirable precedent, there is already an existing dwelling on the lane, 100 metres away.

The appeal is accompanied by numerous photographs and maps illustratively explaining the grounds of appeal.

The appellant responds to the submissions made during the planning application stage – the lane access has multiple ownerships over which the applicant has rights.

## **6.2 P.A. Response**

No new matters raised in the appeal, uphold decision to refuse permission.

## **6.3 Observers**

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. Appendix 1 refers.

## **8. AA Screening – *Screening the need for Appropriate Assessment*** ***Screening Determination***

I have considered the rural house in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located approximately 8.5 kilometres north east of the Killala Bay/Moy Estuary SPA and Killala Bay/Moy Estuary SAC

The proposed development comprises the construction of a house.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The small scale and nature of the development
- Location-distance from nearest European site and lack of connections

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **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, Siting and Design
- Other Matters

### **2.2. Landscape, Siting and Design**

2.2.1. The planning authority refused permission for two reasons that both refer to impact on landscape and the character of the area. Specifically, that the dwelling will contravene section 5.3.2 Siting and Design of Rural Houses, section 7.4.3 Landscape Character Assessment (policy P-LCAP-1) and section 13.4.2 Site Selection – locating a house, all contained in the county development plan. The applicant sets out at length their reasons why the proposed development will not impact a landscape that can accommodate development and that the siting and design of the dwelling all accord with the guidance set out in the plan.

2.2.2. I have visited the site and section 1.1 of my report details the character of the area. The applicant notes that the landscape is designated as a normal rural landscape in the development plan and is not subject to any sensitivities, visual vulnerabilities, or scenic routes. In addition, the applicant notes other similar types of development in the area and explains how their proposal has complied with all relevant siting and design policies of the development plan. The planning authority disagree and state that the applicant was advised at pre-planning to locate the dwelling next to other houses and farm structures in the area to the north of and within the overall

landholding. Furthermore, the planning authority explain that the position of the storey and half (7.7 metres in height) dwelling at the highest and exposed point of the site would not comply with good rural housing siting and design criteria set out in the plan. According to my measurements of the digital drawings, the overall height of the house is 8.3 metres. For all of these reasons permission was refused.

2.2.3. From my examination of the development plan Landscape Characterisation Map, I can see that the site is not located in a landscape that is vulnerable or sensitive. The site is located in a rural area in need of regeneration, but that refers to the requirement to demonstrate housing need, that in this case does not apply. The appeal site is also located in a normal rural landscape and the development plan states that this predominant form of landscape has the capacity to absorb a wide range of new developments, subject to normal planning and development control procedures. Section 13.4.2 of the development plan describes the best approach for locating and siting a rural house in landscapes other than those specifically designated in the plan.

2.2.4. In terms of site location the advice in the plan is that an applicant should avoid elevated or exposed locations such as hill slopes, ridge lines or vast open landscapes where the new building would appear intrusive or break the skyline. From my observations, this is just such a site that would result in an intrusive feature and break the skyline. The applicant has elected not to locate their home within an existing cluster of dwellings to the north, as advised by the planning authority and the development plan. Consequently, their proposed dwelling will dominate the landscape and diminish the quality of scenic views of the surrounding countryside. I note that the coastline is located approximately 500 metres away and this area is both a sensitive rural landscape and a visually vulnerable area.

2.2.5. The planning authority's reason for refusal refers to policy P-LCAP-1 and this relates to a general wish to protect the physical landscape, visual and scenic character of the county and specifically in relation to Sensitive Rural Landscapes, Visually Vulnerable Areas and along Scenic routes, requires the need for visual impact assessment. The applicant has put together an analysis of the wider area, the types of buildings to be found, their design and relative height. The information is informative and I have observed the variety of built structures in the area and noted that any noticeable height tends to be related to vernacular buildings within cluster



groups. That is not to say that there are some locations where recently constructed and permitted houses appear. However, it is the specific open and elevated location of the appeal site, its lack of connection with any other form of structure and the likelihood that if built it would create an adverse visual impact to the landscape that leads me to conclude that permission should be refused.

- 2.2.6. In terms of house design, the applicant points out that they have followed the advice set out in the development plan and note that other similar dormer and storey and a half designs have been permitted and built in the area. The planning authority take a different view and note that the proposed house in terms of height, bulk and a scale will amplify its impact on the landscape when combined with its siting and location. The applicant's house design attempts to conform to the design principles set out in the development plan, section 13.4.3 refers. The proposed house is large at 338 sqm, but has been broken up by a single return to the rear. However, the overall appearance of the building and its overall height of 8.3 metres remains bulky and when combined with this exposed and open location in the landscape, its impact will not easily be absorbed or 'nestled' into its surroundings.
- 2.2.7. This is an open landscape, with little or no upstanding features in the immediate vicinity. The imposition of a building at this location, either at the scale proposed or even reduced, will be a new and discordant feature in the landscape. I am surprised by the construction of a bungalow (permitted 20 years ago) to the east of the site, and I note a total lack of any screening or shelter planting. Even though it is a single storey dwelling, it is still noticeable from the surrounding area, and this is an example of how the fragility of the landscape can be adversely impacted. In my view, the existing bungalow does not set a positive precedent, and only serves to act as an example of poor location, siting and design for a rural dwelling. The cumulative impact of permitting the applicant's proposed dwelling would significantly erode the landscape value of the area.
- 2.2.8. Finally, the second reason for refusal relates to the location of the dwelling 200 metres from the public. The applicant notes that it is not a requirement that all new rural housing should be located in clusters and that it is not unusual in the area for new housing to be located remote from other structures. The applicant references a recent permission that is also accessed from a laneway, PL21/335. I have visited the appeal site and walked the 360 metres from the public road along the farm track to

its easternmost boundary. The track is mostly covered with Clause 804 stone to a point just beyond the existing bungalow, from the site westwards the track becomes overgrown. From my observations of the immediate area it would be unusual for a dwelling to be permitted some distance from the public road. I note the applicant's recent planning permission example, it is located further away from the coast and in a flat landscape with some mature trees. The applicant's site is quite different, where the potential to cultivate and nurture any form of mature planting is rendered impractical as a consequence of the maritime influence, notably prevailing salt burdened winds. I have already explained that the existing bungalow along this laneway is a surprise, not in the best interests of landscape preservation, and an additional dwelling would simply make matters worse.

### **2.3. Other Matters**

- 2.3.1. Access – I note a submission on the planning application with regard to rights of way across the farm track. In terms of the legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal interest for the purposes of the planning application and decision. Any further consents that may have to be obtained are essentially a subsequent matter, and are outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

### **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. Taken in conjunction with existing development in the area, by reason of its height and bulk, the proposed storey and a half house would be visually obtrusive in this open and exposed rural area which is characterised by single storey houses and occasional two storey vernacular buildings set in farmyard

clusters. The proposed development would lead to an excessive density of suburban-type development in a rural area, which would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development is located 360 metres along an unsurfaced minor laneway which is inadequate in width, alignment and structural conditions and 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.

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Stephen Rhys Thomas  
Senior Planning Inspector  
11 July 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-318288-23		
<b>Proposed Development Summary</b>	House		
<b>Development Address</b>	Carrowmacbryan (Townland), Easkey, Co. Sligo.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	No further action required
<b>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?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	✓		Proceed to Q.3
<b>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]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
			<b>Conclusion</b>
<b>No</b>	✓	N/A	No EIAR or Preliminary Examination required
<b>Yes</b>			Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>	N/A	<b>Preliminary Examination required</b>
<b>Yes</b>	N/A	<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_