



An  
Bord  
Pleanála

## Inspector's Report ABP-319177-24

|                                |  |                    |            |
|--------------------------------|--|--------------------|------------|
| <b>Development</b>             | Single storey dwellinghouse, garage, entrance, septic tank, percolation area and ancillary works |                    |            |
| <b>Location</b>                | Ballykeroge Big, Stradbally, Co Waterford.   |                    |            |
| <b>Planning Authority Ref.</b> | 2360438  |                    |            |
| <b>Applicant(s)</b>            | David Kett   |                    |            |
| <b>Type of Application</b>     | Permission.  | <b>PA Decision</b> | To refuse  |
| <b>Type of Appeal</b>          | First  | <b>Appellant</b>   | David Kett |
| <b>Observer(s)</b>             | None   |                    |            |
| <b>Date of Site Inspection</b> |  | <b>Inspector</b>   | Ann Bogan  |

### Context

#### 1. Site Location/ and Description

The 0.36ha site is in grassland with a gentle slope falling to the south. It is located approximately 5km west of Stradbally village, 7-8km east of the centre of Dungarvan and 3km from the coast. It is bounded by the L7018 road to the north and the L7017 to the east. There are existing mixed hedgerows along the road boundaries and the western boundary of the site. A dwelling in ruins is located on the site to the west and an existing house on a site to the west of this.

#### 2. Description of development

- Proposed development consists of a 4 bedroomed, 189sqm, single storey dwelling with separate garage to the west. Siting of dwelling was amended by further information to align with building line of a permitted dwelling and existing dwelling to the west.
- Vehicular access is proposed off the existing road to the east.
- A septic tank and percolation area are proposed to the west and south of the dwelling, with a bore well to be located near the north-eastern boundary.

### **3. Planning History**

#### **Subject site**

None

**2023/291** pre-planning enquiry (numerous other pre-planning enquiries on the subject site)

#### **Adjoining site**

**2360205:** Permission refused for renovation of existing walled remains of dwelling

**22921:** Permission granted for dormer dwelling to son of landowner, adjacent to family home subject to conditions, including a 7 year occupancy clause.

### **4. National/Regional/Local Planning Policy (see attached)**

#### **National Policy**

- National Planning Framework National Policy Objective PO19
- Sustainable Rural Housing Guidelines (2005)

#### **Waterford City and County Council Development Plan 2022-2028**

- The Waterford City and County Development Plan 2022-2028 was adopted by the Planning Authority on 7<sup>th</sup> June 2022. It has regard to national and regional policies in respect of rural housing policy.
- Zoning: Agriculture: To provide for the development of agriculture and to protect and improve rural amenity
- 7.11.1 Rural Villages policy

- H28: New Homes in the Open Countryside Policy Objectives. Site is within a 'Rural Area Under Strong Urban Influence'
- Chapter 10 Landscape and Seascape Character Assessment – site situated in a 'Low Sensitive' Scenic Classification

## **5. Natural Heritage Designations**

- Glendine Wood SAC (Site Code: 002324) – 3.69km
- Mid-Waterford Coast SPA (Site Code 004193) – 2.85km
- 11.62km from Licky Fresh Water Pearl Mussel Catchment Area

## **Development, Decision and Grounds of Appeal**

### **6. PA Decision.**

Further information was requested to provide: 1. further details and supporting documentation to demonstrate a genuine local housing need, and 2. a revised site layout, reorientating the proposed building to conform with the building line to the west.

Following receipt of further information the planning officer concluded 'the applicant has not demonstrated an economic or social need to live in the rural area'. Permission was refused for the following reason:

'It is the policy of the planning authority in accordance with Section 7.11.2 of the Waterford City and County Development Plan 2022-2028 to encourage development on serviced lands in towns and villages and "to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic, social or local need to live in a rural area". The proposed development is located within the open countryside in a Rural Area Under Strong Urban Influence as designated in the Waterford City & County Development Plan 2022-2028. From the information submitted the Planning Authority is not satisfied that the applicant has established a "demonstrable economic, social or local need" to live in the rural area and it is considered the proposal is contrary to Policy H28 of the current county development plan. In the absence of a substantiated rural housing need for a house at this location, the proposed development would conflict

with the stated policies of the planning authority, does not accord with National Policy Objective 19 of the National Planning Framework and would therefore be contrary to the proper planning and sustainable development of the area’.

### **7. First Party Appeal**

Grounds of appeal submitted by agent on behalf of applicant, in summary:

- Applicant has demonstrated that he has lived over 7 years at Uncle’s residence which is 3km from proposed site, therefore complies with Development Plan requirement to have lived in local area i.e. within 10km of site.
- Given that rural housing policy applies equally to those living in local area who require a dwelling to meet their needs and others returning to the area, submits that applicant has proven his housing need in compliance with Section H28 of Waterford City and County Development Plan
- No submissions were received to the application
- The remaining details of the application, house, garage, entrance, wastewater treatment, borewell etc were determined as being acceptable
- Application was referred to Inland Fisheries Ireland, County Heritage Office and Council services and none responded
- Proposed dwelling is in keeping with existing pattern of development in Ballykeroge and will not have any adverse impact on neighbouring properties.
- Applicant has demonstrated housing need in compliance with Section H28 and wishes to reside in the area in which he has spent substantial part of his life and in general area in which he works
- Board requested to overturn decision of Planning Authority and grant planning permission

### **8. PA Response**

- None

## **Environmental Screening**

### **9. EIA Screening**

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, 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.

### **10. AA Screening**

Having regard to the modest nature and scale of development and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as 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. Having examined the application and appeal details and all other documentation on file, after an inspection of the site and having regard to relevant local and national policies and guidance, I am satisfied that the issues to be considered are those raised in the appeal and that all other issues have been satisfactorily addressed by the planning authority. I consider the main issue of the appeal is as follows:

- Compliance with rural housing policy in areas of urban influence

### **2.2. Compliance with rural housing policy**

- 2.2.1. The site is located in an area which is designated as an area 'under strong urban influence' in the Waterford City and County Development Plan, being approximately 7-8km from the centre of Dungarvan and 2.2km from the N25, which connects Dungarvan and Waterford city. National Planning Framework NPO 19 states that the provision of housing in rural areas under urban influence should be based on the core consideration of demonstrable economic or social need to live in a rural area, taking into account siting and design criteria and having regard to the viability of smaller towns and rural settlements.
- 2.2.2. The Waterford City and County Development Plan incorporates objectives in keeping with NPO 19. Objective H24 aims to support sustainable development in rural area by encouraging growth in areas experiencing decline and managing the growth in areas under urban influence. The Plan aims to strengthen rural villages and towns through Objectives 25, 26, and 27, facilitate those with a rural housing need to live in

the countryside, and discourage urban generated housing in the countryside which would normally take place in rural settlements.

- 2.2.3. Objective H28 echoes NPO19 in aiming to facilitate housing in rural areas under urban influence based on the '*based on the core consideration of demonstrable economic, social or local need to live in a rural area*', while taking account of policies in the plan relating to siting and design and having regard to viability of smaller towns and rural settlements.
- 2.2.4. Based on the details and documents provided with the application, it is evident that the applicant was born and lives in his parental family home in the town of Stradbally, where he also attended national school, and played with local sports clubs. He works locally and in the wider area as a blocklayer. Stradbally is designated a rural town in the Waterford City and County Development Plan, with capacity for expansion of up to 20 dwellings under the core strategy of the plan, which as mentioned above, aims to support and strengthen rural villages.
- 2.2.5. While it is stated that the applicant resided with an uncle in Sheskin for a period of 8 years when he was younger, his primary social links and family home are clearly in the rural town of Stradbally and I am not convinced, based on the information provided, that he has satisfactorily demonstrated an economic or social need to live in a rural area. The proposed development would not therefore not be in accordance with the rural housing policy of the Development Plan or the National Planning Framework.

### 2.3. **Other issues**

- 2.3.1. I concur with the view of the planning authority that the siting and design of the proposed dwelling, as shown in drawings submitted with the application and by way of further information, is acceptable. The proposed new entrance and sightlines off the adjoining local road are also acceptable, with existing roadside boundary to be largely retained.
- 2.3.2. A wastewater treatment system for disposal of wastewater, in the form of a conventional septic tank and percolation area, is proposed to serve the development. Based on the results of the Site Assessment report I consider this acceptable.

### 3.0 Recommendation

3.1. I recommend that permission for the development be refused.

### 4.0 Reasons & Considerations

1. The policy of Waterford City and County Development Plan 2022-2028, Section 7.11, is to encourage development in towns and villages and '*to facilitate housing in the countryside based on the core consideration of demonstrable social, economic or local need*' (Policy H28). The proposed development is located in the open countryside in a Rural Area Under Strong Urban Influence, as designated in the County and City Development Plan. Based on the information supplied with the application and the appeal, the Board is not satisfied that the applicant has satisfactorily established a '*demonstrable economic, social or local need*' to live in the rural area. In the absence of a demonstrable rural housing need for a house in this location the proposed development would conflict with the stated policies of the Waterford City and County Development Plan 2022-2028 and would not be in keeping with the National Policy Objective 19 of the National Planning Framework, and is therefore 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.

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Ann Bogan

Planning Inspector

01/06/2024

## **Appendix 1 Relevant national and local policy**

### **Sustainable Rural Housing Guidelines 2005**

The Guidelines aim to ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated. The Guidelines state that areas under strong urban influence exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

### **National Planning Framework**

#### **National Policy Objective 19**

*‘Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere.*

*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.’*

### **7.11 Housing in Rural Villages and the open Countryside**

#### **H 24 Rural Housing Policy Objectives – General**

*We will support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.*



To strengthen the structure and resilience of rural communities, the Council will:

- Maintain a stable, secure and growing population base through a strong network of rural settlement nodes, villages and small towns;
- Support the achievement of critical mass in our rural towns, villages and settlement nodes, by ensuring that these are a focus for local housing, community support/ services, and employment growth.
- Sustain and renew established rural communities by facilitating those with a rural housing need to live within their community.
- Discourage urban generated housing the open countryside which should normally take place in our rural settlement nodes, towns and villages.

#### **7.11.1 Rural Villages**

It is the policy of the planning authority to sustain existing rural facilities and services (i.e. schools, shops, pubs, community centres etc.) and the vibrancy of established rural communities by encouraging the reuse of vacant properties and appropriately designed clustered housing in Rural Settlement Nodes, which are the lowest tier of the Settlement Hierarchy (Table 2.2).

#### **New Homes in Small Towns and Villages and Rural Cluster Policy Objectives**

**H 25** *We will target the reversal of rural decline in the core of small towns and villages through sustainable targeted measures that address vacant premises and deliver sustainable reuse and regeneration outcomes.*

**H 26** *We will support the proportionate growth of appropriately designed development in rural towns and villages that will contribute to their regeneration and renewal.*

**H 27** *We will develop a programme for ‘new homes in small towns and villages’ with property owners, public infrastructure agencies such as Irish Water and local communities to provide serviced sites with appropriate infrastructure to attract people to build their own homes and live in small towns and villages.*

#### **Rural Area under Strong Urban Influence**

The key Development Plan objectives in this area are, on the one hand, to facilitate the housing requirements of the local rural community, subject to satisfying site suitability and technical considerations, whilst on the other hand directing urban

generated development to areas zoned and designated for housing in the adjoining villages and settlement nodes.

### **7.11.2 Housing in the Open Countryside**

#### **H 28 New Homes in the Open Countryside Policy Objectives**

*We will facilitate the provision of single housing in the countryside, in rural areas under urban influence, based on the core consideration of demonstrable economic, social or local need to live in a rural area, as well as general siting and design criteria as set out in this plan and in relevant statutory planning guidelines, having regard to the viability of smaller towns and rural settlements.*

#### **Housing Need**

Persons with an economic need to live in the particular rural area would include those whose employment is intrinsically linked to the rural area in which they wish to build (e.g. farming, horticulture, forestry, bloodstock, fishing or other similar rural employment) and who require a dwelling to meet their own housing needs close to their place of work.

Persons with a demonstrable social need to live in a particular local rural area would include those that have lived a substantial period of their lives (7 years or more) in the local rural area and who require a dwelling to meet their own housing needs close to their families and to the communities of which they are part. A local area for the purpose of this policy is defined as an area generally within a 10km radius of the applicant's former place of residence. This rural housing policy will apply equally to those living in the local area, who require a new dwelling to meet their own housing need, as well as returning emigrants wishing to establish a permanent residence for themselves and their families in their local community.