



An
Coimisiún
Pleanála

Inspector's Report

ACP-323773-25

Development	Permission to construct a dwelling with services and domestic garage, and all associated site and ancillary works.		
Location	Clonganny, Cahore, County Wexford.		
Planning Authority Ref.	2024/427		
Applicant(s)	Philip Doyle.		
Type of Application	Permission.	PA Decision	Grant Permission.
Type of Appeal	Third Party	Appellant	Kevin & Karina Humphrey
Observer(s)	None		
Date of Site Inspection	15/12/25	Inspector	Fergal Ó Bric

1.0 Site Location and Description.

The site is located on the eastern side of a local county, the L-51121-1, a road which in turn is accessed off the R742, a regional route linking the village settlements of Kilmuckridge with Ballygarrett in east County Wexford. The site is located approximately six kilometres north-west of the settlement of Kilmuckridge. Site levels within the appeal site fall within the western (roadside) part of the subject site and rise gradually further east and north-east within the subject site. No spot levels have been provided as part of the information submitted as part of

the planning documentation. Ground levels are at their most elevated within the subject site (north-east) at the location of the proposed dwelling and domestic garage. The dwelling would be located on an elevated and exposed part of the site. There are a number of single rural dwellings located further south along the L51121-1, one recently constructed on the opposite side of the road and another period dwelling, Clonganny House located further north-east of the subject site. There are low voltage electricity cables traversing the site in a north-east to south-west direction. The subject lands are currently in pasture. The landscape rises gently from the Kilmuckridge (south-eastern) direction, albeit with some gentle undulations. Field boundaries comprise a ditch, trees and hedgerow to the west along the county road and open to the field along the remaining eastern, north-western, south-eastern and southern site boundaries. The subject site also traverses two grazing paddocks which are presently separated by an electric fence. There is no public footpath nor streetlighting located along this local roadway.

2.0 Proposed development.

Planning permission is sought for the construction a two-storey dwelling house with a stated gross floor area of 220 square metres (sq. m.), with a stated maximum ridge height of 8 metres, a domestic garage/store with a floor area of 43.9 sq. m., a wastewater treatment system and percolation area all within a site that is stated to comprise 0.4 hectares.

The applicant sought an extension of time of two months to respond to the further information request issued by the Planning Authority (PA) and this request was acceded to by the PA. Further information was submitted by the applicant in relation to a revised landscaping scheme for the subject site, a detailed design and cross section of the roadside culvert and drainage system, details of the drain and stream along the roadside boundary and a revised Site Characterisation Report (rSCR) was submitted including details of revised trial hole excavations and testing and revised wastewater treatment proposals.

A letter of consent was submitted from the applicants' father consenting to the making of a planning application on family lands and to the trimming back and maintenance of the roadside boundary in order to achieve the necessary sightlines.

3.0 Planning Authority's Decision:

Planning permission was granted by the Planning Authority subject to eleven planning conditions. The relevant planning conditions are considered to include the following:

Condition number 2: Works to achieve sightlines shall be carried out prior to commencing works on proposed dwelling house.

Condition number 3: Occupancy clause.

Condition numbers 5 and 6: Development Contributions.

Condition number 7: Surface Water Management.

Condition number 8: Watermains connection agreement with Uisce Eireann

Condition number 9: Wastewater.

Condition number 10: Revised landscaping to be submitted for the written agreement of the Planning Authority prior to commencing development.

Condition number 11: Use of the domestic garage to be ancillary to the dwelling house on site and not be used for habitable or commercial purposes.

4.0 Planning History:

On site:

I am not aware of any planning history associated with the appeal site.

On adjacent lands

Planning Authority reference numbers 20211623. In 2021, Wexford County Council granted planning permission for the construction of a two-storey dwelling

house, domestic garage, septic tank, and percolation area. This permission has been implemented.

5.0: Local Planning Policy

5.1 Wexford County Development Plan 2022 -2028

The Wexford County Development Plan 2022 -2028 was adopted by the Planning Authority on 12th day of June 2022 and came into effect on the 28th day of July 2022. It has regard to national and regional policies in respect of rural housing. Chapters 4, 8, 9 and 15 with Volume 1 of the Plan refer and chapters 3, 6, 7 and 8 of Volume 2 refer as does Volume 7, Section 3 in relation to landscape character.

Chapter 4: Sustainable Housing

Section 4.6: Locations for Future Housing

Section 4.9: Housing in the Open Countryside

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)

The applicant must comply with the criteria for that category and the applicable rural area criteria as set out in Table 4.6 and the accompanying definition and notes.

Table 4.6 Criteria for One-Off Rural Housing

Rural Area Type Area	Category A	Cate
	Housing for persons who have a demonstrable social functional rural housing need to live in a particular rural area and who are building a permanent home for their use.	own
Strong Urban Influence	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 a 7km radius of where the applicant has lived or is living and who has never owned a rural house.	

Table 4-6 Definition and Notes:

1. A person with a social functional rural housing need is defined as a person who is an intrinsic member of a local rural community having lived for the specified period of time in their 'local rural area' and who has never owned a rural house. It includes persons who were reared in the local rural area, but that local rural area is now within a settlement boundary/zoned land. It also includes a person who has links by virtue of being a long-term rural landowner or the son or daughter or successor of such a person. A long-term rural landowner is defined as a landholding owned by that person before the 30th April 2007.

Section 4.9.3-Ribbon Development

Relevant objectives include:

Objective SH39

To consider individual rural housing in the open countryside in accordance with the categories and associated criteria set out in Table 4.6 and subject to compliance with normal planning and environmental criteria and the relevant development management standards.

Objective SH40

To strictly control individual rural housing in the open countryside in areas that are reaching their carrying capacity in terms of effluent treatment capacity, visual amenity and/or roads carrying capacity in accordance with the requirements set out in Table 4.6 and the associated definitions and notes and subject to compliance with normal planning and environmental criteria and the relevant development management standards.

Objective SH43

To adopt a presumption against ribbon development in the open countryside and on the approach roads to towns and villages in the interests of the proper planning and sustainable development of the area save for the exceptions outlined in Section 4.9.3 of this chapter.

Objective SH45

To require the design of new single houses to be of high quality and in keeping with the rural character of the site and the area, protect the visual amenities of the area and that of the landscape character unit in which it is located.

Volume 2:

Table 3-1 Principles for Siting

- Buildings should be set into the landscape.
- Avoid exposed, elevated and prominent locations where potential for visual impact is greatest.

- Take advantage of shelter and existing landscaping / trees / hedgerows.
- Avoid altering the natural levels of the site.
- Avoid excessive cut and fill and locating dwellings on platforms.
- Orientate the house to maximise sunlight and reduce exposure to the wind.

Table 3-2 Principles for Rural Architecture

- Restraint - A modest selection of materials and finishes reflecting the simple colour structure of vernacular architecture.
- Simple palette of quality materials.
- Composition of the buildings.

Section 3.1.2 Standards for Single Dwellings in Rural Areas

- The applicant must satisfy the rural housing criteria for that location as set out in Volume 1 Chapter 4 Sustainable Housing. Compliance with the rural housing criteria alone does not infer that planning permission will be granted.
- The site must be capable of accommodating a suitably designed private wastewater treatment system which meets required current regulations and a satisfactory and safe supply of drinking water. Both the on-site wastewater system and the water supply must be located within the site edged red (save unless provided by public infrastructure).
- The site must be capable of being safely accessed in perpetuity with the necessary sightlines for the category of road being achievable within the site edged red and with a minimal removal of existing hedgerow and natural boundaries. Where the hedgerows are required to be removed this will be assessed in accordance with Section 2.9.1 and Section 6.2. Where vehicular access is proposed from a private lane, the necessary legal consents should be in place, and the lane should be in satisfactory condition to accommodate the development.
- The development should not result in ribbon development as defined in Volume 1 Chapter 4 Sustainable Housing.

- The development of the site should not have adverse impacts on protected structures, archaeological sites or designated sites of nature conservation value (SACs, cSACs, SPAs and pNHAs).
- The site must be capable of accommodating the dwelling which has regard to and avoids potential adverse impacts on existing properties adjoining the site.
- The development must not be vulnerable to flood risk (See Volume 1 Chapter 9 Infrastructure Strategy) or coastal erosion (See Chapter 12 Coastal Zone Management and Marine Spatial Planning).
- The site should be capable of accommodating a dwelling house which blends into and is not visually intrusive in the landscape.
- The site must be capable of accommodating proposals to manage surface water drainage within its boundaries and without significant discharges affecting public road drainage. In terms of siting, scale and design, the proposal should have regard to the principles of rural house design as set out in Section 3.1.1.

The Planning Authority will require the following to be demonstrated and complied with:

- New dwellings in rural areas should be appropriately sited, in accordance with Table 3-1 Principles for Siting, to take advantage of shelter, topography and existing landscape features, which will help assimilate the development into its surroundings and minimise its impact on the visual amenities of the area.
- New rural dwellings must be well-designed, simple, unobtrusive, respond to the site's characteristics and be informed by the principles for rural architecture. All new rural dwelling houses should demonstrate good integration within the wider landscape. The external materials should enable the development to blend into the landscape. The visual suitability of pre-fabricated timber homes (e.g. log cabins) on rural sites will also be considered in accordance with the criteria set out in Section 4.9.6 in Chapter 4 Sustainable Housing.

- New rural dwellings must be given adequate consideration to existing neighbouring development in terms of siting, setting and design and affords adequate protection to existing residential amenity.
- New vehicular entrances in rural areas should be designed to be discreet and attractive and easily assimilated in their rural setting in accordance with Section 2.8.1.
- Landscaping and boundary treatments must be appropriate for a rural setting and should not erode the rural character of the area. The siting, scale and design should minimise adverse impacts on existing site-specific landscaping, e.g. trees and hedges with medium and long term landscaping/screening value and demonstrate that Objective GI01 in Volume 1 Chapter 11 Landscape and Green Infrastructure is complied with, where relevant. The Planning Authority may request that a planning application be accompanied by a detailed landscaping plan, prepared by a suitably qualified landscape professional, which specifies all proposed landscaping of the site.
- Provisions must be made within the site for biodiversity, and in this regard, the following standards will be applied (see Table 3-3): Development Management Manual Residential Developments 41 - For rural dwellings with a floor area of 100m² to 300m² a minimum of 20% of the site must be set aside for additional tree planting and measures to promote biodiversity. - For dwellings over 300m² 50% of the site area must be set aside for additional tree planting and measures to promote biodiversity - Plans for these areas must be included with any planning application for a single rural dwelling.
- The set back of the dwelling from the roadside boundary will be assessed on a case by-case basis.
- The size of the dwelling house must comply with the site size/floor area ratios set out in Table 3-3.

Table 3-3 Site Size, Dwelling Floor Area Ratio and Biodiversity Requirements

Dwelling Floor Area	Site Size Hectares	Biodiversity
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>200m2 -300m2

0.4

20% of site

Section 3.2 Domestic Garages/Stores

Section 6.2.6 Siting and Design of Access/Egress Points.

Volume 7: Landscape Character Assessment

The appeal site is located within the Lowlands. 'The Lowlands LCU generally has characteristics which have a higher capacity to absorb development without it causing significant visual intrusion although, care still needs to be taken on a site-by-site basis, particularly to minimise the risks of developments being visually intrusive'.

5.2 Natural Heritage Designations

The closest designated European Site is the Cahore Marshes SPA (004143) which is located approximately 2.11 kilometres south-east of the appeal site. The Cahore Polders and Dunes SAC (site code 000700) is located approximately 2.61 kilometres south-east of the subject site.

6.0 The Appeal

6.1 Third Party Appeal.

The issues raised within the third-party appeal submission relate to the following matters:

- The adjacent dwelling, Clonganny House is identified as a heritage building
- The proposals fail to provide adequate protection to Clonganny House.
- The proposed development contradicts the protection of Clonganny House as provided by its inclusion within the National Built Heritage Service register (NBHS reference number 15701711).
- The proposals would adversely impact the rural setting of Clonganny House which has been preserved for over two hundred years.

- Irreversible visual harm would be caused to a building of national heritage significance.
- The Planning Authority have failed to adequately consider the cumulative impact of the proposed development upon Clonganny House.
- The proposals would be contrary to the Planning Guidelines for Architectural Heritage Protection.
- The Planning Authority have not visited their property to view the potential impact of the proposed development.
- The Planning Authority's own initial assessment correctly identified that the development would constitute ribbon development.
- The proposed development would be the sixth property on this side of the local road, including a dwelling presently under construction.
- This linear pattern of development contradicts proper planning principles and County Development Plan policies.
- The property permitted under planning reference number 20211623 would not be in the direct line of sight of or overlooking neighbouring residential properties unlike the current proposals.
- The planners have applied an incorrect application and used an incorrect definition of 'ribbon development'.
- Public notices and the Local Authority website failed to include timelines for making observations on the further information response, compromising public participation rights.
- A justification for the two-month extension for a response to the further information request was not provided.
- The revised site suitability assessment was conducted during that additional two-month window and during a period of atypically dry weather conditions.
- The initial site assessment had raised concerns regarding the suitability of the ground to cater for the wastewater outfall from the proposed development.
- The landscaping proposals lack professional credentials or a realistic implementation plan.

- The revised plans moved the domestic garage ten metres closer to the appellants' property boundary.
- The atypical alignment of the proposed dwelling is unjustified and exacerbates their exposure to its windows and grounds.
- Clonganny House operates as a registered guesthouse, and the proposed development would adversely impact their guest house business.
- The eight-metre-tall dwelling would be visible from the front entrance and the front windows within Clonganny House.
- The development would introduce an urban style dwelling that would be wholly inappropriate in this sensitive rural heritage location.
- The revised site suitability report seems highly contradictory when compared to the initial Site Characterisation Report (SCR) submitted. The revised SCR acknowledges that the site overlies Macamore Mud and is prone to waterlogging.
- An observation by the appellants to the further information (fi) response was not accepted by the PA as it was made outside of the two week period of the receipt of the fi response by the PA. Nowhere was it stated that the observation period upon receipt of fi is two weeks, We can find no reference to the two week observation time limit in any Council publications or correspondence.
- They request that the Coimisiún reverse the decision of the PA and refuse planning permission on heritage, visual amenity and ribbon development grounds and to ensure the proper protection of Clonganny House and its curtilage for future generations.

6.2 Planning Authority Response

- The PA issued a response to the Coimisiún where the Senior Planner stated the following 'The Planning Authority's views are outlined within the Planners Report'.

6.3 First Party response to issues raised within third party appeal submission.

- The subject site comprises 0.4 hectares and forms part of lands owned by the applicants' family.
- The proposed dwelling is located approximately 180 metres south of Clonganny House, included within the National Heritage Building Service register but is not identified as a protected structure within the current Development Plan.
- The surrounding development pattern is of dispersed one-off rural housing, set in a low-lying mature landscape with mature boundaries.
- An initial planning assessment was conducted by an Assistant Planner who recommended that planning permission be refused on the basis that the proposed development would contribute to and exacerbate linear/ribbon development.
- The Assistant Planners report stated that the proposed development would result in the creation of a sixth house along a 250-metre stretch of road.
- A supplementary planning report prepared by the Senior Planner states that the proposed development would be the 5th dwelling within 250 metres when measured from the proposed location of the dwelling therefore, complying with the Development Plan standard.
- Following a request for further information (fi) to clarify drainage and environmental issues and additional landscaping proposals, planning permission was recommended to be granted by the Senior Planner.
- The appellants wrongly refer to Clonganny House as a 'Protected Structure'. Clonganny House is not identified as a Protected Structure within the current Wexford County Development Plan (WCDP) 2022-2028. It is included within the National Built Heritage service register, a non-statutory designation and does not give rise to any statutory protections.
- The proposed dwelling would be located approximately 180 metres south of Clonganny House and would not encroach upon its curtilage in any way and is separated by intervening fields and associated hedgerow planting.
- The proposed boundary planting would further reduce visibility from the appellants' property.

- No designated views associated with Clonganny House are identified in any statutory document, including the current WCDP.
- A number of two storey houses have been permitted in the area previously, for example under planning reference 20211623.
- The loss of a private view is not a material planning consideration in this instance and should be dismissed accordingly.
- The proposals will not materially impact the character or setting of Clonganny House, nor any protected view or structure.
- The pattern of development in the area is loose and dispersed and is not continuous. The proposed dwelling does not extend a continuous linear strip. Therefore, the development does not constitute ribbon development and is in full compliance with national guidance and local policy.
- In terms of procedural issues, the Planners' Report acknowledges that the site notice was observed by them on the site and found to be in full compliance with the Planning and Development Regulations 2001 (as amended) and that the notice was located at the site entrance and clearly legible and there is no evidence that the notice was obscured, removed prematurely or placed at a location which would prohibit public inspection.
- The appellants have not provided photographic or dated evidence to support their claims and, therefore, the point is unsubstantiated.
- The applicants submitted a comprehensive response to the further information request within the statutory timeframe addressing environmental, design and drainage matters.
- The further information was advertised in public notices, and a site notice was erected on site in accordance with the Planning Regulations.
- The Planners' assessment of the fi response confirms that it did not materially alter the nature or scale of the development. The site boundary extension was modest and the nature of the proposal in terms of a dwelling, domestic garage and on-site treatment system remained unchanged.
- It is a matter for the PA to determine if the fi response constitutes 'significant additional information'.

7.0 EIA Screening – Please see Appendix 1 at the back of this report. Having regard to the nature of the proposed rural house development and its location removed from any sensitive locations or features, there is no real likelihood of significant adverse effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 AA Screening - The subject site is located approximately 2.11 kilometres north-west of the Cahore Marshes SPA (site code 004143) and approximately 2.61 kilometres north-west of the Cahore Polders and Dunes SAC (site code 000700). Having regard to the scale and nature of the proposed rural house development and to the location removed from any European Sites, it is considered that 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 this or any other European site, their qualifying interest species, or conservation objectives. Appropriate Assessment will be addressed in greater detail later within my assessment.

9.0 WFD Screening: The nearest water body to the appeal site are the Cahore Marshes which are located approximately 2.11 kilometres south-east of the appeal site.

The development would comprise the construction of a dwelling, domestic garage, proprietary wastewater treatment system and percolation area and all associated site works. The detailed development description is set out within Section 2.0 of my report above.

Surface water would be managed on site through the use of soakpits, as per the details submitted as part of the planning documentation. Surface water management was not raised as an issue within the third-party appeal.

I have assessed the planning documentation and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water bodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent

deterioration. Having considered the relatively minor 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 surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Having regard to the relatively minor scale and nature of the development
- The separation distance between the appeal site and the Cahore Marshes,
- The on-site surface water management proposals.

Conclusion

I conclude that on the basis of objective information, the proposed development will not result in a risk of deterioration on any water body (groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment

2.0 **Assessment**

2.1 **Introduction**

2.1.1 The key issues in this appeal are those raised in the third-party grounds of appeal, and I note that the proposals in relation to design and layout, access and wastewater treatment were considered acceptable by the Planning Authority and that no other substantive issues arise. The issues can be dealt with under the following headings:

- Rural Housing Policy
- Other Matters

2.2 **Rural Housing Policy**

2.2.1 Policy Objective SH39 of the current Wexford County Development Plan 2022-2028 makes specific reference to Table 4.6 sets out specific circumstances where applicants may be considered eligible to construct a new dwelling in a rural area. Depending upon which criteria within Table 4.6, where an application for a dwelling is being made, an applicant is required to demonstrate their 'Rural Links' and/or 'Substantiated Rural Housing Need' to the area. Within Table 4.6 'Category A' which relates to one's social and familial ties to an area and applies to rural areas under strong urban influence and sets out the following 'Housing for persons who have a demonstrable social functional rural housing need to live in a particular rural area and who are building a permanent home for their own use. Table 4.6 specifically sets out the following for applicants within area under Strong Urban Influence '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. (See Point 4 in Definitions and Notes regarding owning

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'.

2.2.2 The applicant has submitted correspondence to support his need to reside at this location and this includes the fact that he was born and reared in the Clonganny area, the family home is stated to be located approximately three hundred and twenty metres north of the appeal site, that he attended primary school in Ballygarrett national school which is located approximately 2.8 kilometres north-east of the appeal site. It is apparent from the information submitted that the applicant is socially linked to the Clonganny area by virtue of his place of residence at Clonganny and he has submitted a number of financial/tax statements (dated between the years 2018-2024) which confirms his address at Clonganny as does the documentation from his former primary school and his birth certificate which confirms his family address as being ibn Clionganny.

2.2.3 The appellant states that the appeal site forms part of the family holding. On the basis of the information (mapping) submitted, it is the subject site and the site across the road from the appeal site which comprises a dwelling permitted under 20211263 which form part of the overall Doyle family land holding. The family dwelling is located approximately 320 metres north of the subject site with farm buildings to its rear (east). However, it is unclear if the family holding comprises any additional lands and if there is any planning history associated with same. The current proposal would represent at least a third dwelling on the family holding. The Planning Authority set out that the site is located within the lowlands landscape (with a low sensitivity rating) and is required to demonstrate compliance with the Rural Housing objectives as set out within the current Wexford County Development Plan 2022-2028, which include objectives SH39, SH40, SH43 and SH45. An applicant is required to meet the criteria for a genuine rural generated housing need when seeking to develop a dwelling house. The Planning Authority were satisfied that the applicant had adequately demonstrated compliance with Objective SH39 and the criteria within Table 4.6 as set out within Section 4.9 of the Wexford County Development Plan 2022-2028. Consequently, permission was granted on this basis.

- 2.2.4 Based on the information submitted, I consider that the applicant has demonstrated familial and social links to the area in general and the applicant is considered to have substantiated his rural links and a rural housing need to reside at this location in accordance with the SH39 objective as set out within the current Wexford County Development Plan (GCDP) 2022-2028. His family home is located in this area as per the details submitted as part of the planning documentation. The applicant attended national school locally in the local village of Ballygarrett.
- 2.2.5 Given that the applicant has demonstrated that he was schooled in this area, is a son of a resident within the area, the appeal site is located within a short distance (0.32 kilometres) south of his family home, where he states he presently resides. He has demonstrated that he has resided in this area for a continuous period of at least 7 years since at least 2018, the applicant is considered to have demonstrated strong familial and social links to the area in general in accordance with objective SH39. This is acknowledged within both of the planning reports prepared by the Planning Authority. The Planning Authority considered that the applicant had satisfactorily demonstrated a site-specific requirement to reside at this location.
- 2.2.6 Objective SH43 also sets that the Planning Authority should 'adopt a presumption against ribbon development in the open countryside and on the approach roads to towns and villages in the interests of the proper planning and sustainable development of the area save for the exceptions outlined in Section 4.9.3 of this chapter'. The exceptions set out within Section 4.9.3 provide for the following 'Where there are four or five existing houses in a row and there is an infill site between two of the houses, the Council will consider the development of an infill site for a dwelling house where it is to accommodate a specific housing need such as that of a son or daughter. The infill site must be adjacent to the family home or in very close proximity (250 m of the family home). Only one infill site in that row will be permitted to be developed in order to limit the impact of ribbon development/suburban density in rural areas'. The Clonganny area is identified as an area under 'Strong Urban Influence' as per the current Wexford Development Plan. The appellants raised the issue of ribbon/linear development within their appeal submission. I also note that it was raised as an issue within the initial planning assessment carried out by the Assistant Planner within the Planning Authority and subsequently endorsed by the

Senior Executive Planner which had recommended a refusal of planning permission on the basis that the proposed development 'would give rise to sprawl, excessive suburbanisation and exacerbation of ribbon development and would be contrary to Objective SH43 of the Wexford CDP 2022-2028 and the Sustainable Rural Housing Guidelines 2005'. . The Senior Planner subsequently recommended that further information be sought on a number of matters in relation to landscaping, surface water drainage and wastewater. The definition of ribbon development was clearly set out within the Sustainable Rural Housing Guidelines (SRHG's) in 2005 and defined it as 'Where 5 or more houses exist on any one side of a given 250 metres of road frontage'. I note that the appellants response to the issues raised within the third-party appeal sets out that there are six dwellings located along the eastern side of the local county road, the L51121-1.

2.2.7 The Senior Planner within his supplementary planning report acknowledges that the development would result in the creation of a 5th dwelling within a distance of 250 metres along one side of a road. From the mapping submitted as part of the planning documentation and from my site inspection, I would largely concur with the Senior Planner that the proposed dwelling would result in the creation of a 5th dwelling within a distance of approximately 235 metres along the eastern site of the L50121-1. Therefore, I am satisfied that the proposed dwelling would contribute towards the establishment and exacerbation of linear/ribbon development, which would explain why the Clonganny area is identified as an area under 'Strong Urban Influence' as designated within the current Wexford County Development Plan 2022-2028. I would also concur with the original assessment as prepared by the Assistant Planner and counter signed by the Senior Executive Planner within the Planning Department of Wexford County Council, that the proposals would exacerbate a pattern of linear development at this location and would, therefore, be contrary to the provisions of objective SH43. From the junction within the R742, south-east of the subject site, there are nine dwellings on the eastern side of the road and seven dwellings on the western side of the road over a distance of approximately seven hundred metres as far as the subject site. Therefore, there has been a considerable

level of residential development of rural dwellings with individual septic tanks and wastewater treatment systems developed in Clonganny,

- 2.2.8 I do not consider that the current proposals would comply with the 'exceptions' as set out within Section 4.9.3 within the current WCDP in relation to development on an infill site. There are three grazing paddocks between Clonganny House and the next dwelling south of the subject site. The subject site incorporates much of the western side of the middle grazing paddock, and some of the southern paddock to provide for the site entrance and soil polishing filter. Therefore, I do not consider that the subject lands would constitute an infill site as technically there would be sufficient space to develop at least one other dwelling within these grazing paddocks, if the landowner so desired.
- 2.2.9 In the absence of details of the full extent of the family land holding, whereby there may be other sites available which may not exacerbate or contribute to the undesirable pattern of linear development or possibly identify where an infill site may be available. I consider that the current proposals would be contrary to the provisions of objective SH43 and would contribute and exacerbate the pattern of linear residential development in this rural area under strong urban influence
- 2.2.10 In conclusion, I consider the current proposals would accord with the provisions of objective SH39 within the current Development Plan. I note the location of the appeal site in a rural area under strong urban pressure. I would concur with the initial assessment of the Planning Authority dated 16th January 2025, and I consider that notwithstanding that the applicant has established demonstrable social and familial links to this area, that this area under strong urban influence as designated within the current Wexford County Development Plan has experienced significant development pressure and that the current proposal would contribute and exacerbate the pattern of unsustainable linear development in this area and would be contrary to Objective SH43 within the current Wexford County Development Plan 2022-28 in relation to adopting a presumption against ribbon development in the open countryside.

2.3 Other Matters

Access and Traffic

2.3.1 Access to the appeal site is proposed via a proposed new domestic entrance which is to be developed on the eastern side of a local county road at a point where the sixty kilometre per hour speed control zone applies. The Site layout Plan submitted to the Planning Authority as part of the further information response on the 9th day of October 2025 includes details of sightlines, whereby unobstructed visibility of 65 metres in each direction would be achieved at the proposed splayed entrance point from a setback distance of 2.4 metres back from the edge of the carriageway. Technically, the minimum sightline requirement for this category of local road is 65 metres, as per Section 6.2.6 Volume 2 within the current WCDP 2022-28. The applicant has demonstrated sightlines where the speed control limit of the road is 60 kilometres per hour, which I consider is reasonable for this particular local road. I am satisfied that the sightlines achievable are adequate for safe access/egress onto this local road.

2.3.2 A report was received from the Roads Department within Wexford County Council who raised no objections to the access proposals subject to the inclusion of a number of conditions which included that sightlines be maintained permanently, that surface water be managed within the subject site, the adjoining carriageway be in no way be altered, maintenance of the roadside drainage and that the entrance way be piped with pipes of adequate diameter. Some of these matters were specifically addressed within the further information response, specifically in relation to drainage within the roadside ditch, the culverting of the entrance and the entrance splay. The other matters raised by the Roads Department are matters that could be addressed by means of suitable planning conditions.

Water Supply/Surface water management and wastewater treatment.

2.3.3 The appeal site is stated to be 0.40 Hectares in area, and I note that a significant amount of the site will be built over with hard surfacing, such as driveway, house, and domestic garage footprint. The applicant has submitted surface water (SuDS) calculations for the extent of surface water that would be generated within the

subject site The Site plan submitted (dated 9th day of October 2025) illustrates the location of two surface water soakpits within the appeal site which would manage the surface water run-off from the hard surfaced areas. The response to the third-party appeal sets out that all surface water run off would be managed within the appeal site boundary and would not outfall to the adjoining public road.

- 2.3.4 The applicant is proposing to tap into the public watermains in order to serve the proposed dwelling.
- 2.3.5 In terms of wastewater, the applicant is proposing to install a proprietary wastewater treatment system and soil polishing filter to serve the proposed dwelling. The applicant' submitted an initial Site Characterisation Report which the Environment Section within Wexford County Council raised a number of issues. As part of the further information response, the applicant submitted a revised Site Characterisation Report (rSCR). The rSCR identified that the appeal site overlies a poorly productive Aquifer where the bedrock vulnerability is classified as being 'low.' A Ground Protection Response of R1 is noted by the applicant. Accordingly, I note the suitability of the site for a treatment system (subject to normal good practice) and subject to condition: (1) That there is a minimum depth of 2 metres of unsaturated soil/subsoil beneath the invert of the percolation trench of a septic tank or (2) A secondary treatment system is installed within a minimum depth of 0.3 metres of unsaturated soil/subsoil with a P/T value from 3-75 (in addition to the polishing filter which should have a minimum depth of 0.9 metres beneath the invert of the polishing filter (i.e. 1.2 metres in total for a soil polishing filter).
- 2.3.6 The trial hole depth referenced in the rSCR was dug to a depth of 3.3 metres. It is stated within the rSCR that bedrock was not encountered at the 3.3 metre depth but that the watertable was encountered within the trial hole at a depth of 2.8 metres. The soil conditions found in the trial hole were stated as comprising a silt/clay granular uncompacted dark brown material to a depth of 0.3 metres with a blocky compacted brown/grey/blue clay subsoil beneath that to a depth of 1.8 metres and a single grain uncompacted yellowish brown clay between depths of 1.8 metres and 3.3 metres. Percolation test holes were dug and pre-soaked. An average sub surface P-value of 18.92 was recorded and the average surface T-value of 45 was recorded. The EPA CoP 2021 (Table 6.4) confirms that the site is suitable for a

secondary treatment system and soil polishing filter discharging to groundwater. The applicant has submitted photographic images of the trial holes, and the soil conditions are consistent with those as described within the rSCR.

2.3.7 The rSCR concludes that the site is suitable for the treatment of wastewater. It is proposed to install a packaged wastewater treatment system and polishing filter.

2.3.8 The applicant submitted a layout of the soil polishing filter area and wastewater treatment system and details of separation distances from site boundaries. The ed line appeal site boundary was extended in a south-westerly direction to provide for an increased soil polishing filter area (45 sq. m.) from the original proposal submitted. The PA outlined no objections to the revised wastewater proposals. I am satisfied that the proposed wastewater treatment system as submitted would accord with the EPA Code of Practice (2021) in relation to wastewater treatment systems serving single houses in the Countryside.

Design and Layout

2.3.9 The applicant has submitted details of a four-bedroom dwelling which provides for a two-storey gable ended dwelling with a floor area of 220 square metres and a maximum ridge height of 8.07 metres. The front elevation of the dwelling incorporates two protruding two storey apex projections within the roof. The dwelling would be set back twenty-four metres from the public road, and the front elevation is oriented in a southerly direction, and the side (western) elevation would face towards the adjoining public road. The dwelling and domestic garage would be located on a more elevated part of the site. The subject site traverses two grazing paddocks, which are presently split by an electric fence. The westerly (roadside) boundary comprises as hedgerow and trees, and the remaining site boundaries are open to the field. The orientation of the dwelling would not be consistent with the dwellings located further south and south-west of the appeal site. I note that Clonganny House is also oriented in a southerly direction, albeit that dwelling is set back from the public road by approximately 125 metres.

2.3.10 The dwelling would have an overall length of approximately 17.4 metres and a depth of approximately 9.5 metres. The elevations comprise a mixture of vertical fenestration detailing and door opes with a strong vertical emphasis. Precise details

of the external finishes have not been provided within the planning documentation submitted. The main part of the dwelling itself would comprise a traditional narrow plan form, albeit that the two-storey front elevation projection features provide for an over-complicated design, not typical within a rural dwelling design. I note that Section 3.1.2, Volume 2 within the current WCDP in relation to Standards for Rural dwellings sets out 'New dwellings must be well designed and simple, unobtrusive, respond to the site characteristics and be informed by the principles for Rural architecture'. I consider that in this instance the over-complicated design is not simple nor informed by the principles for rural architecture as required within the Guidance set out within the current WCDP.

2.3.11 I note that the Local Authority Planner in his supplementary report did not raise any specific issues in relation to the proposed dwelling design. They noted that the dwelling would be located 'in the middle of an exposed site' but that it would be screened from the roadside with mature planting. I consider that the current proposal in its current form would result in land wastage, as it would traverse two grazing paddocks, presently divided by an electric fence. I am also of the opinion that the dwelling design is over complicated with the two protruding front elevation projections providing for an overcomplicated design that would benefit from some architectural relief and/or intervention. Although much of the fenestration detailing displays a vertical emphasis, there are many different window/door forms and shapes which again contributes to the over-complicated design and form of the dwelling. On balance, I consider that the proposed dwelling design and in particular, the front elevation is over-complicated and that a simplified design that is more consistent with the core design principles as set out in the current WCDP, Volume 2, Section 3.1.2, and Tables 3-1 and 3-2 would be more appropriate. I am of the opinion that the proposed design modifications as suggested above would provide for a more integrated design more consistent with the core rural dwelling design principles referenced above.

2.3.12 Objective SH45 seeks to 'require the design of new single houses to be of high quality and in keeping with the rural character of the site and the area, protect the visual amenities of the area and that of the landscape character unit in which it is located'. The subject site is exposed (as acknowledged within the supplementary

planning report) and in the middle of two grazing paddocks and open to the grazing paddocks on three sides, albeit the existing hedgerow and trees along the roadside (western) boundary would be largely retained except for the creation of the domestic entrance. A landscaping plan has been submitted whereby the western boundary would benefit from comprehensive planting proposals as well as planting along the eastern, northern and southern boundaries which are presently open to the grazing paddocks.

2.3.13 I note that there are low voltage electricity cables traversing the site in a south-east to north-west direction at the location of the proposed dwelling. The Site Layout Plan submitted to the Planning Authority as part of the further information response on the 12th day of August 2025 does not reference the existence of these wires. This is a matter that would be subject to agreement between the applicant and the Electricity Supply Board and is not considered to be a matter that would preclude the Coimisiún from granting planning permission for the development.

2.3.14 In conclusion, I consider that the dwelling design as presented to be overly complicated however, with some design modifications in terms of the front elevation projection features and the simplification of fenestration detailing, the massing and scale could be broken down and would then conform with the core guiding principles as set out within the current Wexford Development Plan, Volume 2, Section 3.1.2 in relation standards for Single Dwellings in Rural Areas.

Residential Amenity & Heritage Protection

2.3.15 The appellants raise the issue of the proximity of the proposed development to Clonganny House which is a period residence which is included within the National Built Heritage Register Service records. I acknowledge that Clonganny House and its attendant grounds represent a fine example of a period dwelling within its attendant grounds and mature woodland setting. However, I also acknowledge that Clonganny house is not identified as a protected structure within the Record of Protected Structures within the current Wexford County Development plan 2022-2028. Neither am I aware that Clonganny house is subject to any statutory built heritage protection. However, I accept that Clonganny House and any neighbouring residential properties are worthy of being protected from any inappropriate form of

development. I consider that in this instance, given the separation distance of approximately 165 metres from the proposed dwelling to the nearest part of Clonganny House and approximately 78 metres from the nearest northern boundary of the appeal site to the nearest part of the Clonganny House property curtilage and given the mature landscaping that exists around Clonganny House, that the proposed development would not adversely impact the character or setting of Clonganny House nor adversely impact the residential amenities of the residents of Clonganny House or its guests. The separation distance between the proposed development is sufficiently adequate and would not warrant a refusal of planning permission on these grounds.

2.3.16 I also note that there are no protected views to or from Clonganny House as specifically designated within the current Wexford County Development Plan 2022-2028. Therefore, on balance, I consider that the proposed development would not adversely impact the character or setting of Clonganny House nor the visual nor residential amenities of neighbouring properties.

Procedural Matters

2.3.17 The appellants raised the issue of public participation and the ability to make observations in relation to the further information response. I note that the further information response was deemed to be 'significant' by the Planning Authority and the applicant subsequently submitted revised public notices which were deemed adequate by the Planning Authority. Therefore, I consider that no third party has been disenfranchised in this instance and the neighbouring residents have taken the opportunity to avail of their right to appeal the PA decision to the Coimisiún in this instance. In terms of procedural matters and the alleged irregularities in terms of the nature and timing of making observations, I note that both matters were considered acceptable by the Planning Authority. I am satisfied that this did not prevent the concerned party from making representations. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

Appropriate Assessment

2.3.18 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 2.11 kilometres north-east of the Cahore Marshes Special Protection Area (SPA-site code 004143) and approximately 2.61 kilometres north -west of the Cahore Polders and Dunes Special Area of Conservation (SAC-site code 000700) The development description was set out within Section 2 of the report above. The appellant did not specifically mention the issue of Appropriate Assessment nor the existence of a pathway between the subject site and the SPA or SAC. The applicant did not submit an Appropriate Assessment (AA) Screening Report as part of their planning documentation. The PA conducted an AA screening exercise and concluded that 'having regard to the limited extent of the proposed works and the substantial distance to the nearest Natura 2000 sites, no element of the proposed project alone or in combination is likely to give rise to any impacts on the Natura 2000 sites and....and Stage 2 AA is not required'.

2.3.19 There are no watercourses nor drainage ditches located within the confines of the appeal site. There is a drainage ditch located along the roadside boundary, which is partially culverted. There was surface water lying within the drainage ditch at the time of my site inspection. I am satisfied that the appeal site is not hydrologically connected to the adjacent field drain and that surface water generated within the subject site would be managed through the use of surface water soakpits.

2.3.20 One European site was identified within a two-and-a-half-kilometre radius of the appeal site, as referenced in Section 2.3.17 above. I consider that this site can be screened out due to the absence of surface water hydrological or ecological pathways from the appeal site to this European site. Therefore, I am satisfied that the appeal site does not contain any habitat that would be of particular interest in terms of resting, feeding, or roosting for the qualifying interest species associated with the Cahore Marshes SPA or SAC European sites.

2.3.21 I am satisfied that once the proposed wastewater treatment system would be installed, commissioned, operated and maintained in accordance with best practice standards as set out within the EPA Code of Practice for domestic wastewater Treatment Systems, 2021, that no adverse impacts on water quality, or the qualifying interest(s) or conservation objective(s) of European sites would arise.

2.3.22 I am satisfied that the implementation of the standard control construction measures including those of surface water management, referenced within Section 2.3.5 of my report above will not result in the development of the dwelling adversely impacting upon surface nor ground water quality within the area. I consider that even in the unlikely event that the standard construction control measures should fail, an indirect hydrological link to the Cahore Marshes/Polders and Dunes SPA and SAC represents a weak ecological connection, given the separation distance to the nearest European sites. As such any pollutants from the site that should enter groundwater during the construction stage, via spillages onto the overlying soils, or via spillages into the surrounding drains, will be subject to dilution and dispersion within the groundwater body, rendering any significant impacts on water quality within the Cahore Marshes/Polders and Dunes SPA and SAC unlikely. This conclusion is supported within the Planning Authority's AA screening Report conclusion, specifically referenced in paragraph 2.3.17 above.

2.3.23 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 these two or any other European Site. The reason for this conclusion is as follows:

- The modest scale of the development, which relates to the construction of a rural dwelling, domestic garage, and wastewater treatment system.
- The separation distance from the nearest European sites and the absence of hydrological or ecological connectivity to any Natura 2000 site.
- The AA screening exercise conducted by the Planning Authority which concluded that either alone or in combination with other plans or projects, there would be no likely significant effects on any European sites.

2.3.24 I conclude, that on the basis of objective information, that the proposed development would not have a 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 (as amended) is not required.

3.0 Recommendation

3.1 I recommend that planning permission be refused for the following reasons.

4.0 Reasons

- 1 It is an objective of the Planning Authority as set out within objective SH43 of the current Wexford County Development Plan to limit over development on rural land holdings and manage urban sprawl and ribbon development. The proposed development would be in conflict with this objective because, when taken in conjunction with existing and permitted development in the vicinity of the site, it would consolidate and contribute to the build-up of rural residential development in this area designated as being under strong urban influence within the current Wexford County Development Plan 2022-2028. This would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 2 It is considered that the proposed dwelling design, by way of its over complicated front elevation design whereby 2 two storey projections are proposed each side of a two storey glazed entrance feature on an exposed and elevated site and the inconsistent fenestration detailing would adversely impact on the visual and rural amenities of the receiving environment and would fail to accord with the core design principles as set out within Section 3.1.2 and Tables 3-1 and 3-2 within Volume 2 of the current Wexford County Development Plan 2022-2028. The proposed development 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.

Fergal Ó Bric

Planning Inspectorate

7th day of January 2026

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	323773-25		
Proposed Development Summary	Permission for construction of a dwelling, domestic garage, proprietary wastewater treatment system, and all associated site works.		
Development Address	Clonganny, Cahore, Co. Wexford		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	x	
	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)?			
Yes	Tick/or leave blank		
No	Tick or leave blank	The construction of a rural dwelling does not fall within a class of development as per the current Planning & Development Regulations.	x
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank		

No	Tick/or leave blank		X
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	Proposals relate to the construction of a rural dwelling, domestic garage, wastewater treatment system, and percolation area.	X

5. Has Schedule 7A information been submitted?			
No	Tick/or leave blank		X
Yes			

Inspector: _____

Date: _____