



An  
Coimisiún  
Pleanála

## Inspector's Report

**PL-500333-WX**

<b>Development</b>	Permission to construct a dwelling house, domestic garage and all associated site works.		
<b>Location</b>	Ballytarsna, Ballybeg, Gorey, County Wexford.		
<b>Planning Authority Ref.</b>	20251131W		
<b>Applicant(s)</b>	Daniel Rahman and Jade Murphy.		
<b>Type of Application</b>	Permission.	<b>PA Decision</b>	Refuse Permission.
<b>Type of Appeal</b>	First Party	<b>Appellant</b>	Daniel Rahman and Jade Murphy
<b>Observer(s)</b>	One-Will Butler		
<b>Date of Site Inspection</b>	02/03/26	<b>Inspector</b>	Fergal Ó Bric

### 1.0 Site Location and Description.

The site is located on the southern side of a local county road in north County Wexford, approximately sixteen kilometres west of the settlement of Gorey and approximately five kilometre south of the settlement of Carnew. The local road in turn is accessed off the R725 further north-east of the subject site, a regional route linking the settlements of Gorey in north County Wexford with Carnew in south County Wicklow.

Ground levels within the appeal site rise in a southerly direction from the adjoining public road towards the rear of the site and towards a forested area further south and behind the appeal site. Ground levels are stated to be 195.488 mOD near the roadside boundary and at 199 mOD to the rear of the site, a rise of approximately 3.5 metres from the front (north) to the rear (south) of the site. The dwelling would be located on an elevated and exposed part of the site. There are a number of single rural dwellings located further along the county road, three dwellings to the east of the subject site and four dwellings further west of the subject site. There are no dwellings located on the opposite side of the local road from the subject site. There are low voltage electricity cables traversing the rear (southern) part of the subject site in an east to west direction. The subject lands are currently in pasture. Field boundaries comprise a grassed bank to the north along the roadside boundary, a post and wire fence back planted with a hedgerow along the eastern site boundary and open to the field along the remaining western and southern site boundaries. The subject site has a direct aspect towards the Backstairs Mountain range. There is no public footpath nor streetlighting located along this local roadway.

## **2.0 Proposed development.**

Planning permission is sought for the construction a single-storey dwelling house with a stated gross floor area of 190 square metres (sq. m.), with a stated maximum ridge height of 5.1 metres, a domestic garage with a floor area of 30.5 sq. m., a wastewater treatment system and percolation area all within a site that is stated to comprise 0.41 hectares.

The applicants state within their application form (Q 10) that they are the owners of the subject site. I noted on the day of my site inspection that an auctioneer's sign was erected along the roadside frontage of the site, stating that the site was 'for sale subject to planning permission'.

### **3.0 Planning Authority's Decision:**

Planning permission was refused by the Planning Authority for one reason as follows:

1-It is the policy of the Council as set out within Volume 1, Chapter 4.9.3 of the Wexford County Development Plan 2022-2028, to ensure that a proposed development would not result in or extend an existing pattern of one-off linear development and to strictly control individual rural housing in the open countryside in areas that are reaching their carrying capacity. The proposed development would create infill sites to the east and west and would constitute ribbon development being the fifth dwelling within 250 metres, thereby exacerbating a suburban form of linear development within a rural area. The proposed development, taken in conjunction with existing and permitted development, would constitute an undesirable exacerbation of ribbon development in a rural area, which would further detract from the amenities and further erode the rural character of the area. The proposed development is, therefore, considered contrary to Volume 1, Section 4.9.3 and objectives SH40 and SH43 of the Wexford County Development Plan 2022-2028 and to the proper planning and sustainable development of the area.

### **4.0 Planning History:**

#### On site:

Planning reference 20060235-In 2006 Planning permission was refused on this site. The reason for refusal set out that a dwelling at this location would exacerbate a pattern of linear development. .

### **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 12<sup>th</sup> day of June 2022 and came into effect on the 28<sup>th</sup> 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

<b>Rural Area Type Area</b>	<b>Category A</b>
Structurally Weak Area	A person building a dwelling house as their permanent place of residence and who has never owned a rural house. Point 4 in Definitions and Notes regarding owning a rural house). The person can work from home or commute to work daily.

Landscape and Heritage Areas

b) Upland, River Valley or Coastal landscape units or Distinctive Landscapes

A person who has lived full-time in a principal residence within that particular landscape or heritage area for a minimum period of 10 years (not necessarily concurrently and at any time in their life) and the subject site is within 3km radius of where the applicant has lived or is living and who has never owned a rural house.

Such persons shall be defined as persons who by the nature of their work has an overriding economic functional need to reside permanently in the specific Coastal Zone or Landscape and Heritage Area and do not have access to appropriate land outside that area. Such circumstances will normally apply to land or business owners involved in full-time farming, horticulture, marine or tourism (not including B&Bs) related activities and where the business requires them to be located on the premises/holding. The applicant must be able to provide documentary evidence that the employment is full-time. The applicant must be able to demonstrate that the landholding is such to support a viable enterprise

Table 4-6 Definition and Notes:

1. In the event of two or more rural policy areas overlapping, the more restrictive policy will apply.

#### 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 100m<sup>2</sup> to 300m<sup>2</sup> a minimum of 20% of the site must be set aside for additional tree planting and measures to promote biodiversity. - For dwellings over 300m<sup>2</sup> 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
>200m <sup>2</sup> -300m <sup>2</sup>	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 Uplands. 'The Uplands have a High Sensitivity to change and a limited ability to absorb new development. Development proposed within these areas must be shown not to impinge in any significant way upon their character, integrity or uniformity when viewed from the surroundings. Particular attention should be given to the preservation of the character and distinctiveness of these areas as viewed from scenic routes and the environs of archaeological and historic sites'.

Objective L04 To require all developments to be appropriately sited, designed and landscaped having regard to their setting in the landscape, ensure that any potential adverse visual impacts are minimised and that natural features and characteristics of the site are retained.

Objective L05 To ensure that developments are not unduly visually obtrusive in the landscape, in particular, in or adjacent to the Upland, River Valley, Coastal or Distinctive Landscape Character Units.

Objective L06 To ensure that, where a development will have a negative impact in the Upland, River Valley, Coastal, or Distinctive Landscape Character Unit, an overriding need is demonstrated for that particular development and ensure that careful consideration is given to site selection. The development should be

appropriate in scale and be sited, designed and landscaped in a manner which minimises potential adverse impacts on the subject landscape.

Objective L07 To encourage appropriate development which would enhance an existing degraded landscape and/or which would enhance views to or from an Upland, River Valley, Coastal or Distinctive Landscape Character Unit from public viewpoints.

Objective L14 To require Landscape and Visual Impact Assessment Reports to be submitted for developments which may have a significant negative impact on the landscape.

**5.2 Natural Heritage Designations** The closest designated European Site to the appeal site boundary is the Slaney River Valley SAC (site code 000781) located approximately 7.56 kilometres west of the nearest part of the appeal site boundary.

## **6.0 The Appeal**

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

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

- The female applicant has resided in the area since December 2023, she attended the local primary school and has remained active within this local community.
- Her mother and siblings reside in the family home which is located four kilometres from the subject site.
- Her son attends the local national school.
- She is seeking to build a permanent home in close proximity to her support network, remaining in the area where she was reared and where her family continue to reside.
- The appeal site is the only one that the applicant could find to meet the needs of their family.

- The subject site is appropriately located, is accessible and would allow them to maintain family support for assistance with childcare and education.
- The development is a genuine effort to create a sustainable family home within their community and is not speculative or developer-led.
- The proposals have been carefully and sensitively designed to respect the rural character of this area.
- The building line respects that established by neighbouring dwellings.
- The scale, external finishes and layout have been chosen to harmonise with neighbouring dwellings while maintaining individual character.
- The proposed dwelling would be set back from the adjoining public roadway and screened by existing hedgerows and mature vegetation ensuring that the development integrates naturally into the local landscape.
- The proposed development would not extend a ribbon of development and represents a suitable and appropriate infill proposal within an established rural setting.
- The proposals would not detract from the amenities or rural character of the area.
- The proposal aligns with local and national planning policy which seeks to support sustainable rural housing for those with strong local ties and a proven housing need.
- The proposal represents a modest, sustainable and local justified home for a long-term resident of the area with lifelong roots within the area.
- The site was purchased with the intention of creating a modest family home in keeping with the surrounding area.
- There is significant undeveloped road frontage to the west of the proposed site (56 metres) which provides a break between the subject site and the dwellings further west.
- There is one dwelling immediately east of the subject site, and then there is a gap of 14.7 metres of undeveloped road frontage before the site boundary of the next dwelling further east again is encountered.
- The substantial areas of undeveloped road frontage between the sites provide adequate breaks in the sites developed along the southern side of

this local road. The proposed development is in compliance with the recommendations of the current Wexford County Development Plan and would not result in the creation of more than five dwellings within a 250-metre stretch of road frontage along one side of the road.

- The applicants urge the Coimisiún to grant planning permission for the proposals recognising the planning merits of the proposals and the genuine housing need that it represents.

### **6.2 Planning Authority Response**

- None received.

### **6.3 Third Party observation response to issues raised within third party appeal submission.**

- Wexford County Council previously refused planning permission for a single rural dwelling on this site.
- The proposals would result in overdevelopment of this rural area. There is already planning approved for an additional single rural dwelling in this vicinity. The current proposals if permitted, would result in the development of 6 houses in a row on one side of this local road.
- The construction of this dwelling would obstruct scenic views and have an adverse impact upon the local landscape.
- The development is located in proximity to a bend along the local road and would exacerbate safety concerns for pedestrians and drivers. The proposal would result in the generation of increased traffic in the area.
- The potential negative consequences of permitting the development would outweigh any benefits the development may bring to the area.
- The development would alter the character of the area and not be in keeping with the rural nature of this area.

**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 7.56 kilometres east of the Slaney River Valley SAC (site code 000781). 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 Section 2.3 of this report..

**9.0 WFD Screening:** The nearest water body to the appeal site is the River Slaney watercourse which are located approximately 7.56 kilometres west 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 observation.

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 Slaney watercourse,
- 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 first-party grounds of appeal, the Planning Authority Report and the issues raised within the third-party observation. 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

2.2.2 2.2.1 Policy Objective SH39 of the current Wexford County Development Plan (WCDP) 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. The appeal site is located within a 'Structurally Weak Area' as defined within Table 4.6 where the following requirements are set out 'A person building a dwelling house as their permanent place of residence and who has never owned a rural house. (See Point 4 in Definitions and Notes regarding owning a rural house). The person can work from home or commute to work daily.' As per Volume 7-Landscape and Character Assessment, the subject site is located within an 'Upland 'area where the landscape sensitivity is classified as being 'High'. The 'Uplands have a High Sensitivity to change and a limited ability to absorb new development'. Therefore, in this instance, the policies that apply to the 'Upland landscape and heritage Areas' will apply (as per definition and note number 1-table 4.6) where the rural housing policy is more restrictive having regard to the 'high sensitivity' classification that applies to the area in which the subject site is located.

2.2.3 The proposals are to be considered under the landscape and Heritage Areas (b) 'Upland landscape' as set out within Table 4.6 of the Rural housing Policy which relates to one's social and familial ties to the upland area and sets out the following 'A person who has lived full-time in a principal residence within that particular landscape or heritage area for a minimum period of 10 years (not necessarily concurrently and at any time in their life) and the subject site is within 3km radius of where the applicant has lived or is living and who has never owned a rural house'. This Rural housing provision also sets out the following requirements 'Such persons shall be defined as persons who by the nature of their work have an overriding economic functional need to reside permanently in the specific Coastal Zone or Landscape and Heritage Area and do not have access to appropriate land outside that area. Such circumstances will normally apply to land or business owners involved in full-time farming, horticulture, marine or tourism (not including B&Bs) related activities and where the business requires them to be located on the premises/holding. The applicant must be able to provide documentary evidence that the employment is full-time. The applicant must be able to demonstrate that the landholding is such to support a viable enterprise'.

2.2.4 Based on the information submitted to the Planning Authority and the information submitted as part of their appeal submission, the applicants have submitted a sparse level of documentation to substantiate their need to reside at this location. However, I acknowledge that they have submitted written information as part of their planning appeal submission, and this states that the female applicant has resided in the general area since December 2003 with her mother and siblings. The location of her family home is stated to be within four kilometres of the appeal site. However, the criteria set out within the Rural housing Policy for upland landscapes requires that the applicant has resided in the area for a minimum period of ten years, which she states she has, never owned a dwelling, they do not own another property/dwelling which they confirm within Q10 of the application form. However, the final Rural Housing Policy stipulation for upland areas in Table 4.6 is that the subject site be located within three kilometres of where the applicants have resided. The applicants state within their planning documentation that the family home where she has resided since December 2023 is located four kilometres from the subject site. This

correspondence also states that the female applicant attended the local national school and that their child currently attends that same local national school. The applicants state that their place of work is a forty-minute commute away from this area. Notwithstanding the applicants statements of their social and familial ties to the general Ballytarsna area, based on the sparse amount of supporting documentation submitted, I am not satisfied that the applicants have demonstrated compliance with the Rural Housing policy requirements as set out within Section 4.9 and Table 4.6 of the current Wexford CDP 2022-2028 as required for rural dwelling proposals within upland areas within the County.

2.2.5 The appellants state they own the appeal site. I noted on the day of my site inspection that there was an auctioneer sign along the roadside frontage which states that the subject site was 'for sale subject to planning permission'. No details of when the site was purchased have been submitted nor details of the land holding from which the subject site has been taken. The current proposals could be considered to represent speculative development. However no details of whom the site was purchased from have been submitted and whether the applicants are related in any way to the land owner from whom they purchased the site. It is also unclear if the family holding comprises any additional lands, apart from the family home or if there is any planning history associated with same.

2.2.6 From the Site Location map submitted as part of the planning documentation, it would appear that the current proposal could represent at least a fourth dwelling on this particular land holding. The Planning Authority set out that the site is located within the uplands landscape (with a high sensitivity classification) 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. Within an upland landscape, 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.

2.2.7 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 Ballytarsna area is identified as a 'Structurally Weak Area' as per the current Wexford Development Plan. The Planning Authority within its refusal reason specifically raised the issue of 'exacerbating a pattern of ribbon/linear development in this area'. I also note that this specific issue was also raised by the third-party observer within their observation to the Coimisiún.

2.2.8 The refusal reason as set out by the PA specifically references two specific objectives, namely Objective SH40 and Objective SH43 of the current WCDP 2022-2028. These objectives relate to the '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 'to adopt a presumption against ribbon development in the open countryside.....in the interests of the proper planning and sustainable development of the area'. 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 first-party appeal sets out that the proposals do not result in the creation of five dwellings on one side of the road over a distance of 250 metres in either an easterly or westerly direction of the subject site. The applicants reference the existence of a number of parcels of undeveloped road frontage further east and west of the subject site. I note that the current proposal would represent the development

of an eighth dwelling with a distance of approximately 450 metres along the southern side of this local road. Although, technically the proposal would not constitute ribbon development however, I consider that the proposal would be in conflict with objectives SH40 and SH43 within the current WCDP 2022-2028 as when taken in conjunction with existing and permitted development in the vicinity of the site. I consider that the current proposal would consolidate and contribute to the build-up of rural residential development in an area classified as being a highly sensitive upland area within Volume 7 of 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 and would be contrary to the proper planning and sustainable development of the area.

2.2.9 I consider that the proposed dwelling would contribute towards the establishment and exacerbation of linear/ribbon development in a rural area classified as being as being 'A highly sensitive upland area' as designated within the current Wexford County Development Plan 2022-2028. I would also concur with the 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 objectives SH40 and SH43. There has been a considerable level of residential development of rural dwellings with individual septic tanks and wastewater treatment systems and served by private bored wells developed in Ballytarsna as is evident from the site Location map submitted as part of the planning documentation.

2.2.10 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. If permitted, the current proposal would leave another site available to potentially develop another unserved rural dwelling immediately west of the subject site. 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 the remainder of the agricultural field immediately west of the subject site, which incidentally forms part of the one agricultural field as there is no physical

boundary separating the subject site from the site immediately to its west, if the landowner so desired.

2.2.11 In conclusion, I note the location of the appeal site in a rural area classified as being 'a highly sensitive upland area'. I would concur with the assessment of the Planning Authority, and I consider that notwithstanding that the applicant may have established social and familial links to this area (although not substantiated within the planning documentation submitted), that this highly sensitive upland area 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. The proposals would, therefore, be contrary to specific Objectives SH40 and SH43 within the current Wexford County Development Plan 2022-28 in relation to strictly controlling individual rural housing in the open countryside in areas that are reaching their carrying capacity in terms of effluent treatment capacity and visual amenity and 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 southern 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 on the 9th day of September 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 applicants have 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.

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. I am satisfied that the sightlines achievable are adequate for safe access/egress onto this local road.

Water Supply/Surface water management and wastewater treatment.

- 2.3.3 The appeal site is stated to be 0.41 Hectares in area, and I note that a significant amount of the site will be built over with hard surfacing, such as driveway, patio area, dwelling and domestic garage footprint. The Site plan submitted (dated 9<sup>th</sup> day of September 2025) illustrates the location of three surface water soakpits within the appeal site which would manage the surface water run-off from the hard surfaced areas.
- 2.3.4 The applicant is proposing to drill a bored well on site in order to serve the water supply needs of 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 a Site Characterisation Report (SCR). The SCR identified that the appeal site overlies a poorly productive aquifer where the bedrock vulnerability is classified as being 'extreme.' A Ground Protection Response of R3(1) 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 SCR was dug to a depth of 2.1 metres. It is stated within the SCR that neither bedrock nor the water table were encountered at the 2.1 metre depth. The soil conditions found in the trial hole were stated as comprising a brown crumbly topsoil material to a depth of 0.4 metres with a non-compacted granular gravelly clay material with shale content between depths of 0.4

metres and 2.1 metres. Percolation test holes were dug and pre-soaked. An average sub surface P-value of 6.44 was recorded and the average surface T-value of 9.11 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 SCR.

2.3.7 The SCR 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 PA outlined no objections to the 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 single-storey gable ended dwelling with a stated floor area of 190 square metres and a maximum ridge height of 5.11 metres. The front elevation of the dwelling incorporates three protruding apex projections within the roof area. The dwelling would be set back thirty-five metres from the public road, and the front elevation is oriented in a northerly direction. The dwelling and domestic garage would be located on an elevated part of the appeal site. The subject site currently forms part of one large agricultural field and incorporates the lands to the west of the subject site. The westerly (roadside) boundary comprises a one metre tall grassed bank feature, the eastern boundary with the neighbouring dwelling comprises a post and rail fence and hedgerow and the remaining site boundaries (south and west) are open to the field. The orientation of the dwelling would be consistent with the dwellings located further east and west of the appeal site.

2.3.10 The dwelling would have an overall length of approximately 23.95 metres and a maximum depth of approximately 11.9 metres. The elevations comprise a mixture of vertical fenestration detailing and door opes with a strong vertical emphasis. External

finishes are stated to include a napp plaster and selected stone finish within the three front elevation projections. The front and side elevations 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 with the three front elevation projections and over-complicated roof form 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 report did not raise any specific issues in relation to the proposed dwelling design. I am of the opinion that the dwelling design is over complicated with the three protruding front elevation projections provide for an overcomplicated roof profile that would benefit from 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 and 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 planning report) by virtue of the absence of mature landscaping along three of the four site boundaries, including the roadside boundary, and given the context of the high landscape sensitivity of the area as referenced in Section 2.2 of this report above.
- 2.3.13 I note that there are low voltage electricity cables traversing the site in an east to west direction to the rear of the proposed dwelling. The Site Layout Plan submitted to the Planning Authority on the 9<sup>th</sup> day of September 2025 references the existence

of an ESB pole within the rear garden area but not the electricity cables nor their voltages. However, I consider that this 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. In particular, the roof overcomplicated profile comprising three front elevation apex projections, 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.

#### Appropriate Assessment

2.3.15 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 7.56 kilometres east of the Slaney River Valley SAC (site code 000781). The development description was set out within Section 2 of the report above. The observer did not specifically mention the issue of Appropriate Assessment nor the existence of a pathway between the subject site and any European site. 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....that significant impacts can be ruled out and Stage 2 AA is not required'.

2.3.16 There are no watercourses nor drainage ditches located within the confines of the appeal site. I am satisfied that hat surface water generated within the subject site would be managed through the use of surface water soakpits.

2.3.17 One European site was identified within a seven-and-a-half-kilometre radius of the appeal site, as referenced in Section 2.3.18 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 Slaney Valley SAC or other European sites.

2.3.18 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.

2.3.19 I am satisfied that the implementation of the standard control construction measures including those of surface water management, referenced within Section 2.3.3 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 Slaney River Valley 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 Slaney River Valley SAC unlikely. This conclusion is supported within the Planning Authority's AA screening Report conclusion, specifically referenced in paragraph 2.3.18 above.

2.3.20 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- Having regard to the documentation submitted with the application and appeal, the Coimisiún is not satisfied that the applicants have demonstrated a rural housing need to live in this rural area as required under policy objective SH39 of the Development Plan. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Wexford County Development Plan, 2022 for a house at this rural location. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
  
- 2- It is an objective of the Planning Authority as set out within objectives SH40 and SH43 of the current Wexford County Development Plan to strictly control individual rural housing in the open countryside in areas that are reaching their carrying capacity in terms of effluent treatment capacity and visual amenity and 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 an area classified as being a highly sensitive upland area within Volume 7 of 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.

- 3- It is considered that the proposed dwelling design, by way of its over complicated front elevation design whereby three by two storey projections are proposed on an exposed and elevated site and would adversely impact on the visual and rural amenities of the receiving environment within a rural area which is classified as being a 'highly sensitive upland area' and would fail to accord with objectives LO 4 and LO5 regarding appropriately designed and sited proposals and that proposals are not visually obtrusive within upland areas in the absence of a landscape and visual impact assessment. It is considered and that the proposals within this highly sensitive upland area would adversely impact upon the local sensitive landscape and the core design principles as set out within Section 3.1.2 and Tables 3-1an 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.

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Fergal Ó Bric

Planning Inspectorate

11th day of March 2026

## Appendix 1 - Form 1

### EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	PL-500333-WX		
<b>Proposed Development Summary</b>	Permission for construction of a dwelling, domestic garage, proprietary wastewater treatment system, and all associated site works.		
<b>Development Address</b>	Ballytarsna, Ballybeg, Gorey, Co. Wexford		
<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>	x	
	<b>No</b>		
<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)?</b>			
<b>Yes</b>	Tick/or leave blank		
<b>No</b>	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
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>	Tick/or leave blank		

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

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

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

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