

RURAL HOUSING GUIDELINES

POLICY INTERPRETATION GUIDELINE RURAL HOUSING

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Other Currently Available Relevant Guidelines		Enurement Clause; Heritage Archaeology ;Settlement Centres; Urban Fringe	

Purpose The Planning & Development Act 2000 places a statutory obligation on Planning Authorities to provide for the proper planning and sustainable development of their urban and rural areas.

The general purpose of the Rural Housing Policy is to make provision for housing needs that arise for people who are an intrinsic part of the rural community by way of background or the fact that they work full-time or part-time in rural areas. Galway County Development Plan 2003 – 2009 provides for sustainable development in the countryside whilst having regard to the impact of this development on the towns and villages of the county.

This general purpose is modified by specific policies to control development in the 15 km zone around the City, in the urban fringes of the major towns, in the various landscape sensitivity classes, openings onto restricted roads and in the Gaeltacht.

This policy is expressed in general terms in Section 4 of the Plan and further refined in Policies 83 to 96, which are considered to be the main rural settlement policies. Reference should also be had to DC Standard 10.

There are a number of relevant National Policy Statements of which the National Spatial Strategy is one of the more important.

For further insight into the Planning Authority's interpretation reference should be made to the Policy paper prepared by the Planning Section

"Provisions in the National Spatial Strategy For Rural Housing"

Many different factors are taken into account in the processing of a planning application. These factors can be grouped under two broad headings

- Compliance with the principles of proper planning and sustainable development and
- Compliance with the provisions of the development plan and EU, National and Regional policies.

This guideline seeks to steer applicants to the sections of the Development Plan, which are most germane to rural housing proposals. They do not purport to be exhaustive as there are many inter related policies, which must be taken into account when determining a planning application.

While the policies, objectives, and standards of the Plan are guiding lights for development proposals, the main determinants in deciding on a planning application are the principles of proper planning and sustainable development.

Each application is assessed on its merits and applicants have the right to third party appeal to An Bord Pleanala. These guidelines do not seek to diminish this right or seek to determine Planning Applications; their primary purpose is to give insight into how the Planning Department operates.

PROPER PLANNING AND SUSTAINABLE DEVELOPMENT

General guidance on what proper planning and sustainable development means may be found in Sections 1.4 and 1.5 of the Development Plan. Specific issues for single houses include:

1. Protection of amenities including amenities of existing development and how these will be affected by the proposals.
2. Sustenance of human and environmental resources.
3. Public health.
4. Road and traffic safety.
5. Road capacity.
6. Visual impact of services required to serve the development such as overhead wires.

Other broader considerations include the need to:

1. Promote the sustainable development of rural areas.
2. Ensure that the environmental, natural and cultural heritage resources of the county are not compromised by incompatible development.
3. Promote the development and consolidation of communities in towns, villages, and identified rural settlement centres.
4. Prevent the sub-urbanization of rural areas

DEVELOPMENT PLAN PROVISIONS

These can be broadly divided into three areas for particular attention

1. Design and other requirements that all houses must comply with.
2. Location Constraints.
3. Eligibility criteria.

DESIGN AND OTHER REQUIREMENTS THAT ALL HOUSES MUST COMPLY WITH

DESIGN REQUIREMENTS

In considering applications for rural housing emphasis will be placed on the assimilation of the development into the landscape. Appropriate technical advice should be availed of to ensure that basic design principles are adhered to and that the development proposed maximises the potential of the site whilst reducing the negative impacts. For single houses regard should be had to "Design Guidelines for the Single Rural House" as published by Galway County Council. In the case of multiple housing needs within a qualifying family a housing layout, which is in accordance with the "Galway Clustered Housing Design Guidelines", will be desirable rather than a linear ribbon layout. These are indications of what is considered good practice and applicants may deviate from them by displaying good architectural design reasons for so doing.

OTHER CONSIDERATIONS

Requirements	Major Relevant Section in Plan
Building Lines:	D.C.2 refers
Sight Distance:	D.C.3 and D.C. 4
Parking:	D.C.6
Storm Water:	D.C.8
Assimilation into landscape:	D.C.12
Site Size:	D.C.15
Effluent Treatment:	D.C.16, D.C.17

The above are fundamental requirements and deviations will only be permitted in exceptional circumstances. (Please note that package\proprietary treatment systems must comply with the EPA Guidelines. The fact that a particular system has an Agreement Certificate does not mean that it complies with the EPA Guidelines)

Please note that DCStandard 29 should be read as follows:

For housing estates or clusters of houses the “Clustered Housing Design Guidelines” and the “National Residential Density Guidelines” should be used.

For single one-off houses:

1. outside Settlement Centres the distances set down in the “Design Guidelines for Single Rural Houses” apply namely a minimum of 5m for single storey houses and a minimum of 8m for two storey houses.
2. Inside Settlement Centres apply a minimum of 5m for single storey houses and a minimum of 5m for two storey houses.

For in-fill development and replacement of derelict sites each application will be dealt with on its merits.

In all cases innovative design solutions will be encouraged and assessed in accordance with the principles of proper planning and sustainable development.

LOCATION CONSTRAINTS

There are various location constraints within the Plan and whilst each is of equal priority; it would be more efficient, in preparing an application to consider them in the following order. It should be noted that some locations have a number of constraints applicable to them (e.g. the 15km zone, the Gaeltacht and Restricted Traffic Routes) and an application should satisfy each constraint.

1. **Restricted Traffic Routes**
Development Control Standards DC. 1 and DC. 5 refer.
2. **Inside 15km Rural Area Surrounding Galway City**
Urban generated housing, within 15km of Galway City will not be permitted outside settlement centres. The relevant settlement centres are indicated in Table 2.2. Policies 92 and 96 refer.
3. **Landscape Sensitivity Ratings (See figure no. 6)**
The Planning and Development Act requires the inclusion of a specific objective as follows

“The preservation of the character of the landscape where, and to the extent that, in the opinion of the Planning Authority, the proper planning and sustainable development of the area requires it, including the preservation of views and prospects and the amenities of places and features of natural beauty or interest” This objective is incorporated into the provisions of Section 5 of the Plan, Policies 105 to 111 and D.C.Standard 10. These outline general policy for the five different sensitivity Classes ranging from Class 1, Low Sensitivity to Class 5 Unique.

INTERPRETATION OF LANDSCAPE SENSITIVITY RATINGS FOR CLASS 1 AND CLASS 2

- i. House design to be appropriate to its rural location and setting.
- ii. Site boundary characteristics such as hedgerow, stonewalls ditches to be preserved if possible. Any alterations, which may be required, should make provision for restoration/replacement of similar character, consistent with traffic safety.
- iii. Significant distant views across the site to be protected.
- iv. External colourings to avoid garish hues, which are not appropriate to rural surroundings.
- v. Houses should not be perched on elevated contours but rather "fitted into" the site.
- vi. In general a substantiated housing need claim is not required outside the 15 km zone and the Gaeltacht. However, in areas of high development pressure or where substantial sub-urbanization has taken place essential housing need will be a consideration. In such cases a substantiated housing need claim would be of assistance to the planning authority in processing the application.
- vii. Refer to Enurement Clause Guideline for information on the applicability of an Enurement Clause.

INTERPRETATION OF LANDSCAPE SENSITIVITY RATINGS FOR CLASS 3

- i. In addition to the general guidelines provisions of Classes 1 & 2, developments in this classification of landscape should have regard for scenic views of the coastline, Lough Derg and the Burren.
- ii. Care should be taken not to significantly break the skyline.
- iii. Advantage should be made of landform and vegetation to either conceal the development or at least integrate its appearance into the landscape.
- iv. Substantiated housing need claims should accompany planning applications.

The General Enurement Clause will be applied to all residential permissions to give effect to the above controls. Reference should be made to the guideline on Enurement Clause.

INTERPRETATION OF LANDSCAPE SENSITIVITY RATINGS FOR CLASS 4

1. In the Connemara landscapes of this class, where little or no vegetation cover is available, use should be made of hollows in the landscape to locate development. New houses should preferably be located in the neighbourhood of existing houses.
2. External finishes should be in natural material and colour ranges.
3. Small scale and lower building types are preferable.
4. Fully substantiated housing need details are necessary.

The General Enurement Clause will be applied to all residential permissions to give effect to the above controls. Reference should be made to the guideline on Enurement Clause.

INTERPRETATION OF LANDSCAPE SENSITIVITY RATINGS FOR CLASS 5

Because of the unique nature of this landscape and because of its value as an environmental and heritage resource there should be minimal intrusion by development. In general proven housing needs will be required to be situated close to existing houses rather than in undeveloped areas of landscape. The requirements of Class 4 will apply.

The General Enurement Clause will be applied to all residential permissions to give effect to the above controls. Reference should be made to the guideline on Enurement Clause.

(4) GAELTACHT

Section 10(2)(m) of the Planning and Development Act 2000 requires the inclusion of an objective in the Development Plan to protect the linguistic and cultural heritage of the Gaeltacht, including the promotion of Irish as the community language.

This is addressed in Sections 10.3 to 10.9 of the County Development Plan. The policies of these Sections pro-actively encourage developments, which support the Irish language and culture and restrict developments, which are likely to impact negatively on these.

Section 10.3 will be interpreted as follows; there are two ways under which an applicant may qualify for residential permission in the Gaeltacht

1. An applicant may qualify by meeting the eligibility criteria that establish Rural Housing need.
2. An applicant may qualify based on their ability to speak Irish and, by so doing, contribute to the language and culture of the Gaeltacht.

It is important to note that for that portion of the Gaeltacht inside the 15 km zone, applicants must qualify under the criteria applicable to the 15 km zone.

(5) HERITAGE AREAS

Section 10(2) (c) of the Planning and Development Act 2000 requires the inclusion in the County Development Plan of objectives for the “conservation and protection of the environment including, in particular, the archaeological and natural heritage and the conservation and protection of European sites and any other sites which may be prescribed”.

Section 6 of the Plan sets out the policies and objectives, which relate to Architectural, Archaeological, and Natural Heritage.

Have regard in particular, to policies 123, 125, 126, 131, 133,136, 142, 143, 146, 148, 154, also, to objective 60 and D.C. Standards 35 and 36.

ELIGIBILITY CRITERIA

Note: eligibility criteria are derived from the provisions of the Development Plan and compliance with them establishes compliance with the provisions of the Plan and that alone. All applications are subject to and must comply with the general requirements of the principles of proper planning and sustainable development.

(1) RESTRICTED ROUTES

Categories of applicant, which are deemed eligible for consideration along Restricted Routes, are described in DCStandard 1 Sub-section (1) and (2) as follows.

- i. The replacement of an existing substandard farmhouse or dwelling house, which is to be demolished, or where its use as a residence is to be discontinued. An enurement condition will not apply in these cases.
- ii. The provision of houses for sons or daughters, on the farm of their parents, where suitable sites are not available on their parents' farm holding on non-National Roads.

(2) THE 15 KM DEVELOPMENT CONTROL ZONE

Policies 92 and 96 specifically refer. Policy 92 states that Urban Generated Housing "will not be permitted" and Policy 96 states that it "will be encouraged to locate within established urban centres". The principles of Proper Planning and Sustainable Development and the provisions of the National Spatial Strategy indicate that Policy 92 should take precedence.

The NSS distinguishes between urban and rural generated housing as follows:

- a. Rural generated housing
Housing needed in rural areas within the established rural community by people working in rural areas or in nearby urban areas
- b. Urban generated housing.
Housing in rural locations sought by people living and working in urban areas, including second home. For the purpose of implementing Policy 92 and Policy 96 Urban generated housing will be defined as all housing that is not rural generated housing. Housing applicants that meet the criteria laid down in Policy 86 and 90 will be considered not to be Urban generated. As well as the foregoing Policy 87 "restricts" the provisions of Policies 86 to 90 to Class 4 and Class 5 sensitivity areas and Policy 80 reinforces this restriction by making these Policies "supreme" over any other provision(s) within the Plan relating to Class 4 and 5 areas. So for Class 4 and 5 areas within the 15 km zone Policies 86 to 90 apply and reference should be made to eligibility criteria for the Landscape Sensitivity Classes 4 and 5 and it will be necessary to establish a rural housing need.

(3) GAELTACHT

Applicants for developments in the Gaeltacht may qualify under two headings

1. Ability to speak Irish and protect the cultural and linguistic heritage of the Gaeltacht.
It is unlikely that applicants can avail of this provision in areas of the Gaeltacht where Irish is not the language of first choice of the community. Applicants who work outside the Gaeltacht but who seek planning permission in accordance with 10.7, will be required to prove their competence in spoken Irish at interview, demonstrate that they are raising their children (if any) through Irish and locate in an area of the Gaeltacht which will enable them to contribute to the protection of the cultural and linguistic heritage of the Gaeltacht.
2. The establishment of a rural housing need.
It is not a requirement under the Plan to prove competence in the Irish language in order to establish a rural housing need. However, the principles of proper planning and sustainable development and the Planning Act, 2000 indicate that more favourable consideration should be given to Irish speaking applicants within the Gaeltacht. Consequently ability in the Irish language will be taken into account in assisting applicants to establish a rural housing need case. Applicants should submit evidence relating to their housing need, their competence in spoken Irish and their connection with the area in which they are seeking planning permission. This is not to be confused with a Language Impact Statement, which is not required for a single rural house.

(4) RURAL AREAS

The criteria for establishing who is eligible to locate in rural areas are contained, mainly, in Section 4, Policies 86 to 97 and DCStandard 11 of the Development Plan.

POLICY 86

Policy 86 lists 4 categories of person from whom it will support proposals for individual dwellings on suitable sites in rural areas. (Although applicable to Class 4 and 5 only, they will be used to inform decision making for Class 3,2 and 1)

3. Functionally dependent on the land, or
4. Who have an essential rural housing need, or
5. Who support the rural economy or
6. Are involved in rural economic activities will be facilitated.

FUNCTIONALLY DEPENDENT ON THE LAND

7. The applicant must clearly demonstrate a genuine need for a dwelling on the basis that
 - i. The applicant is substantially involved in agriculture and as such derives the majority of his\her income from agriculture
 - ii. The involvement is of a type and nature that requires a dwelling in that particular location
 - iii. The applicant has a genuine housing need
8. Policy 90 further restricts eligibility under this policy to either a son or a daughter of the farmholder\landowner.
9. The income derived must be sufficient to support the development proposal.

Because of the specific nature of this requirement each case will be dealt with on its merits and it is not possible to provide any further guidance.

WHO HAVE AN ESSENTIAL RURAL HOUSING NEED

The term “essential rural housing need” is used in two different contexts within the Plan. Its usage in Policy 86 is interpreted as follows. An individual or a family may require to live in close proximity to some existing farm related activity in order to ensure that it functions properly. This differs from the category above in that the applicant may derive a substantial portion of his\her income from off-farm activity but because of the nature of the particular farm activity that is being engaged in a dwelling is required on or near the farm. It is estimated that the number of applicants that would qualify under this provision will be small.

Its use in Policy 90 is interpreted later.

WHO SUPPORT THE RURAL ECONOMY

The Planning Authority recognises that the availability of a broad range of services is needed in order to sustain rural communities. Individuals that provide such services and require to locate in rural areas in order to make those services viable will also be afforded consideration. A well-documented case clearly establishing the need for a rural location will be required. The availability of cheaper land in rural areas will not be considered to be a good argument.

INVOLVED IN RURAL ECONOMIC ACTIVITIES

This is similar to the category above.

POLICY 90

Policy 90 lists three categories (Although applicable to Class 4 and 5 only, they will be used to inform decision making for Class 3,2 and 1)

(1) RURAL FAMILIES ON FAMILY LANDS.

(Note: Rural families are not defined for the purposes of Policy 90. There is a paragraph in Policy 90 Sub-section (1), which refers to family members but only to distinguish those who may qualify under Policy 86 Sub-section (1). This distinction restricts the “functionally dependent on the land” criteria to a son or a daughter and also states that special consideration will be given to family members.)

For the purposes of Policy 90 as applied in Class 4 and Class 5 Sensitivity areas rural families shall mean sons and daughters of the farm family. Other family members may be considered where it can be demonstrated that circumstances indicate that it is correct to do so e.g. a niece or nephew living on the family farm.

(2) CASES FOR SPECIAL CONSIDERATION

There are two broad groups

Group 1: Persons with actual work or employment in a local area

Actual work may not in itself be sufficient to sustain an application for housing in a Class 4 or Class 5 area. It will be necessary to demonstrate that the applicant must locate in the particular rural area in order to carry out the work. The site chosen must minimise the negative impacts of the development.

Group 2: Returning emigrants to their native rural area.

Emigrants, returning to a site on the family holding still in family ownership, will be treated the same as if they had not left the area. Evidence must be produced to demonstrate that they are actually returning. A returning emigrant enurement clause will be applied which will be of indefinite duration until the applicant provides evidence to demonstrate that they have returned. It will then be reduced to the appropriate a 10-year clause.

Emigrants to an area in which they no longer have a family holding in family ownership (or are unable to obtain a site on the family holding) will be required to provide evidence of the existence of this holding and will then be considered for housing on lands within the “local area” of the former family holding.

The meaning of “local area” will be decided on a case-by-case basis. Site location to minimise impact will be a major consideration in the assessment of the application.

(3) LOCAL INDIGENOUS PEOPLE WHO ARE AN INTRINSIC PART OF THE COMMUNITY

Local area will have the same meaning as above. For the purposes of this policy indigenous means born in a place and intrinsic means essential or belonging naturally. Applicants claiming qualification under this heading must demonstrate that they match these descriptions. The reference to Policy 90(1) is interpreted to mean that they are rural families who cannot obtain sites on family lands.

(4) LANDSCAPE SENSITIVITY CLASSES

Landscape sensitivity designations assess the ability of an area to assimilate development and are completely separate from eligibility considerations. Other provisions in the Plan determine eligibility. However, the following factors must be taken into account when deciding where an eligible applicant may locate. In general the preference shall be to encourage applicants to locate in the less sensitive classes when a choice is available.

LANDSCAPE SENSITIVITY CLASS 4 AND 5

Policy 87 restricts the application of Policies 86 to 90 to the Class 4 and Class 5 landscape designations. Policy 89 restricts “new” housing to areas where housing has been traditionally located. This is interpreted to mean areas that have houses, which are currently occupied. It does not include areas, which may have had houses in the past, but which are no longer occupied such as old famine villages.

The Plan requires Class 4 and 5 to be dealt with exclusively under Policies 86-90, nevertheless the requirements of DCStandard 10 should not be overlooked. The special situation in relation to the islands should also be noted.

SENSITIVITY CLASSES 3, 2, AND 1.

Policy 87 excludes these areas from consideration under Policies 86 - 90. DCStandard 10 indicates a straightforward requirement for a substantiated housing need in Class 3 areas. It also indicates that development in Class 2 and 1 can accommodate development consistent with settlement policies.

Policy 91 enables this to be interpreted. It divides the County into areas that are under urban pressure, areas that are suffering “population and economic decline” and, by implication transition areas in between these extremes. The Plan makes specific provision for the 15 km zone around the City and implied provision for the Urban Fringe around the major towns. Applications within the Urban Fringe will be processed in accordance with the Principles of Proper Planning and Sustainable Development. The extent of the Urban Fringe will vary from town to town and from road to road. In the interests of consistency with previous plans, all applications within the 2.4 km of the town-planning boundary will be considered as within the Urban Fringe. A substantiated Housing Need Case will be required for all residential applications.

CLASS 2 AND CLASS 1 AREAS

Applications in areas of population decline or weak population growth will be accepted subject to compliance with the other provisions of the Plan such as Landscape Designation, Gaeltacht, and Restricted Routes etc. and a substantiated housing need will not be required.

Applications in areas of development pressure will be required to substantiate a housing need.

(5) HERITAGE AREAS

Avoidance of these sites is advised. If not possible then applications should be prepared with a view to preserving sites and mitigating the impact of any proposed development.

ESTABLISHMENT OF RURAL HOUSING NEED

In order to assist applicants a Rural Housing Need Form has been prepared. It contains a range of questions, which must be answered. Applicants may add any information they consider appropriate to assist them to make their case. Please note that all information supplied may become part of a public record available without restriction to the general public.

Please Submit your comments to: planning@galwaycoco.ie