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2-10-1997
1-11-1997
LOUTH COUNTY COUNCIL

No: FEARON DEVELOPMENTS
C/O HERR ENG DESIGN LTD
5 EIMEAR COURT
MARKET SQ
DUNDALK

Planning Section,
County Offices,
The Crescent,
Dundalk.

Tel: 042/35457

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Date: 08/11/97

042/330619
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963 - '93

(Notification of Grant of Outline Permission)

Register Reference No. 97424
Date Application Received 29/05/97
Type of Application Outline Permission
Description of Development 5 DWELLINGHOUSES

Name and address of Applicant
FEARON DEVELOPMENTS
C/O HERR ENG DESIGN LTD
5 EIMEAR COURT
MARKET SQ
DUNDALK

Location Address
FAUGHART LOWER
DUNDALK

Outline Permission is hereby granted for the development described above, subject to the conditions set out in the Schedule attached hereto, number 1 - 11 incl.

C. Lawless,
Staff Officer.

NOTES

- (1) An outline permission does not authorise the carrying out of any development until approval to detailed plans has been obtained.
- (2) Unless otherwise specified in the decision and subject to certain exceptions, a permission (including an outline permission) will, on the expiration of the period of 5 years beginning on the date of grant, cease to have effect as regards -
 - (a) in case the development is not commenced during that period, the entire development, and
 - (b) in case the development is commenced during that period, so much thereof as is not completed within that period.

SS 8 To promote and develop the resources of Dunleer to create a self sufficient, sustainable and vibrant community which will act as a local development and service centre for the border catchment area and to review the *Dunleer Local Area Plan* following the adoption of the Louth County Development Plan 2015-2021.

2.16.7 Level 3 Settlements

Level 3 Settlements contain a satisfactory range of services such as schools, churches and shops and are serviced by public piped utilities. They are characterised by a high degree of self-sufficiency and the ability to cater for limited additional residential development subject *inter alia* to capacity within the foul drainage system and public water supply. The corresponding Maps for each Level 3 Settlement are included in Appendix 2, Volume 2(a).

Policy

SS 9 To promote and facilitate limited development within Level 3 Settlements that is commensurate with the nature and extent of the existing settlement, to support their role as local service centres and to implement the policies and objectives relative to each settlement as provided for in Appendix 2, Volume 2 (a).

2.16.8 Level 4 Settlements

Level 4 Settlements are small settlements which are principally residential with limited local facilities and a lack of public foul drainage. As these settlements are not capable of being economically serviced, permitted residential development in such areas will be on the basis of individual waste water treatment systems.

Given the lack of piped utilities, it is the view of the Council that they are not capable of absorbing significant amounts of additional residential development in a proper planning and sustainable manner.

The purpose of these settlements is to assist in satisfying rural generated housing needs within a structured but low density environment as an alternative to the development of scattered one – off housing. Also, by limiting development to county based local needs, these settlements are more likely to be affordable in a restricted local market and would also offer individuals an opportunity to design and build their own home in a rural area, subject to normal planning criteria. Whilst development is anticipated to be primarily residential, low impact local services which contribute to supporting diversification and growth of the local rural economy may also be considered

Permitted development within these settlements will be on the basis of individual wastewater treatment systems, on minimum site areas of 0.2 hectares (0.5 acres). This is considered necessary in order to protect the environment and preserve a degree of consistency in design and scale. There are a total of 24 Level 4 Rural Settlements. The corresponding Maps for each Level 4 Settlement are included in Appendix 2, Volume 2(a).

2.17 County Based Local Area Need for Level 4 Rural Settlements

A county based local area need refers to, *the housing need of persons who are from County Louth or who work within County Louth*. In determining what constitutes a county based local area need for Level 4 Rural Settlements, the Council will take into consideration the applicant's family, work, school and other ties with the County in addition to his or her accommodation needs.

Policy

- SS 10** To provide for the construction of one-off type houses within Level 4 Rural Settlements in order to assist in satisfying a housing and county based local area need within a structured but low density environment as an alternative to the development of scattered one – off housing.
- SS 11** To restrict residential development within Level 4 Rural Settlements to that required to satisfy county based local needs and to apply an occupancy condition of 7 years in respect of all dwellings permitted therein.

2.17.1 Development Management Assessment Criteria for Level 4 Rural Settlements

The following Development Management Assessment Criteria shall be applied in relation to development within the Level 4 Rural Settlements.

Policy

- SS 12** To permit land within Level 4 Rural Settlements, for small scale multi-unit residential developments (maximum 6 units per planning application).
- SS 13** Where multi-unit developments are permitted within the same landholding, Planning permission will not be granted for any additional units on the holding until the initial permitted development is fully completed and occupied.

2.19.2 Definition of Local Rural Area

In addition to establishing criteria for local needs qualification, it is also considered necessary to have a clear definition of 'local rural area' in order to implement the rural housing policy. For the purposes of this plan, local rural area is defined as

"being a radius of six kilometres from the qualifying rural family residence. Where the qualifying area is reduced by reason of its location, for example, proximity to the coast, county boundaries or development zone boundaries, the six kilometer (6km) radius may be extended to include an area equivalent to the area lost".



For the purposes of this definition it shall be the case that the rural area excludes those lands which lie within Level 1, 2, 3 and 4 Settlements inclusive.

2.19.3 Definition of (Cross-Border) Local Rural Area

In addition to establishing criteria for local needs qualification, it is also considered necessary to have a clear definition of '(cross border) local rural area' in order to implement the rural housing policy. Where an individual can demonstrate by credible documentary form, to the satisfaction of the Council that they have long standing links to a local rural area which crosses the Louth County border from an adjacent county, permission may be granted for a dwelling within County Louth for the applicant. Applicants in this category must demonstrate compliance with the qualifying criteria as detailed in Section 2.19.1.

Any development permitted must accord with the policies applicable to the relevant Development Zone located within County Louth.

In all cases, a maximum radius from the County border of 0.5 km will be applied. Those living in townlands located in urban areas which extend into rural areas will not be eligible to apply for permission under this qualification criterion.

Policy

SS20 To consider the local area for the purposes of assessing one-off rural housing applications encompassing a maximum radius from the Louth County border of 0.5 km. Applicants must demonstrate compliance with the qualifying criteria as detailed in Section 2.19.1.

At time of my purchase, (approximately 25 /08/2000) the Explanatory Map was referred to under the Land Registry Folio – 5851. Ordinance Survey: 4/14, as shown above

The sites listed on Folio 5851, defines my site as “Site C”. This site contains **0.218 Hectares**.

“Site B” has been developed with a Bungalow, whilst “Site D” is not developed. In my Explanatory Map, the other two spaces at top of this development are referred to as “Open Space”.

In recent Planning applications submitted on two separate occasions, the reference Folio No: LH 33303F, is now used.

During this year of 2020, a local person - (name of person on the applications for Planning permission) and residing with parents at the family home, well within the 6 km radius permitted (as stated under Chapter 2, sub-section 2.19.2, Page 41 of the Louth County Development Plan 2015 – 2021 document), made application for Planning Permission, with a view to purchasing my site for the development of a new home. This person has intentions of getting married and settling close by, so as to be nearby to close family members and parents.

This person has resided at Lower Faughart since the age of 4 years old. At that time that persons’ parents, purchased a site which is now categorised within a Level 4 Settlement - sub-section 2.16.8 as defined on Page 32 of the Louth County Development Plan 2015 – 2021 document) which I understand is considered an Urban area.

It is my understanding from research carried out that on the two occasions that applications for Planning Permission were requested, for development of the site which is currently my property, and as I understand, - is categorised within a Development 4 Rural Zone that the chief mitigating factor in these unsuccessful applications is as underlined *For the purposes of this definition it shall be the case that the rural area excludes those lands which lie within Level 1, 2, 3, and 4 Settlements inclusive* stated under sub-section 2.19.2 – Definition of Local Rural Area.

I sincerely plead with the Planning Authorities to review, consider and hopefully amend this anomaly, by either one of the following amendments:

1. EASE THE CRITERIA by which the underlined definition (in previous paragraph) is referred to. There is only a very short distance from which this person currently resides and the location of my site, which the person wishes to purchase.
2. CONSIDER THE REDESIGNATION – to allow people within this general geographic area to be eligible to purchase a local site for the purposes of a family member currently with no property of their own in the area wishing to build a new residential home, for their own use.

This I propose to be irrespective of them currently residing in a Rural or Urban zone as part of a family home. Whilst I am using the word REDESIGNATION, or if preferred using the word REZONING - this small area of Settlements combined with DEVELOPMENTS, - be amalgamated where necessary in union with rural and urban divisions, so as to allow local people (or other people within the statutory radius of 6km who are showing a great interest in the site and its location), to qualify for this site purchase.

I believe that young people historically living so close by, since childhood, attended the local school, received their general and spiritual education within the parish and of course secondary education in the nearby town Dundalk, as well as being integrated with friends and relatives, within this area, as well as possibly being part of a sporting or other social

organisation, should not be punished because of an anomaly in the Planning regulations.
Please consider this proposal is my plea.

This Cul-de-sac site is already a residential zone, and is not suitable to be rezoned into farming or industrial usage. Pavements, street lights are all part and parcel of this zone already.

From my perspective, when I purchased this site there were no restrictions on who was allowed / qualified to purchase any of the sites. Perhaps there were similar scenarios with Settlement areas within the area of Lower Faughart zone.

My site as earlier described in the Explanatory Map Explanatory Map was referred to under the **Land Registry Folio – 5851. Ordinance Survey: 4/14**, defining my site as “Site C”. This site contains **0.218 Hectares**. I refer to **(Picture 1)**. This is a residential designated Cul-de-sac housing development. Before I purchased my site, there were three houses developed on the right hand side of this development. On the Explanatory Map earlier referred to, these houses occupy sites defined as “Sites 1; 2; 3”.

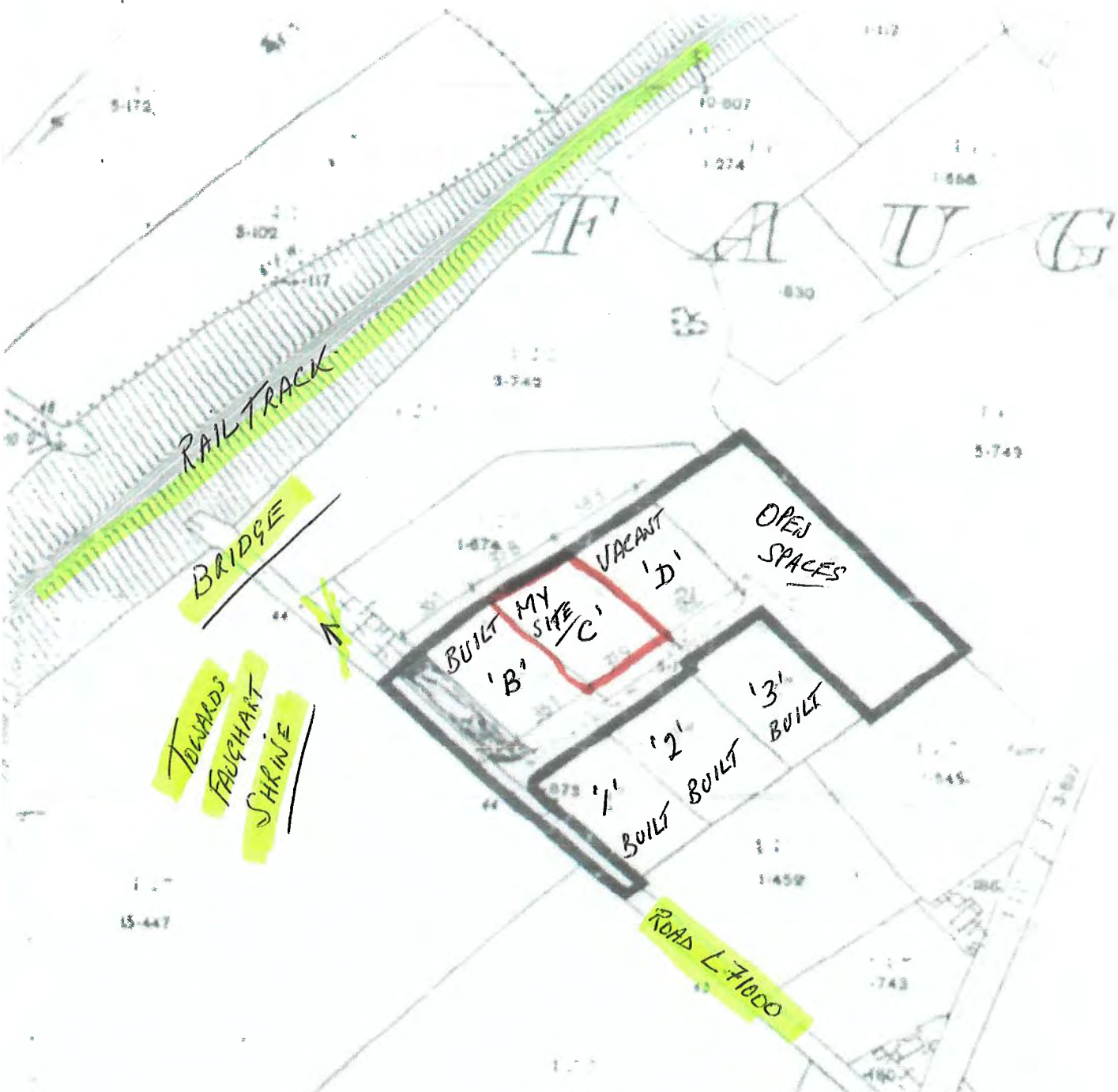


Entrance to the residential Cul-de-sac – where my site is located. (Picture 1)

On the left side just above hedging is “Site C”, which I decided to purchase. As you will observe **in Picture 1**, there are footpaths on either side of the roadway. In addition, there are site lampstands, for the purposed of being connected as street lights, and an electrical connection box for connection of electrical cabling for each individual house connections, as development work progresses. **(Picture 2)**



Residential Cul-de-sac – where my site is located. (Picture 2)



EXPLANATORY MAP

The area outlined in red and denoted 'B' on the map contains 0.275 hectares.
 The area outlined in red and denoted 'C' on the map contains 0.48 hectares.
 The area outlined in red and denoted 'D' on the map contains 0.207 hectares.
 The area shaded yellow is a right of way and a way leave.
 The area shaded green represents water space.

Kevin Healy
 10-437

LAND REGISTRY

County **LOUTH**

Folio **5851** **05/14/14**

This map should be read in conjunction with the title (Plan No. on 1st Page)
 This Map does not show appurtenant or servient rights. It is not conclusive evidence as to the boundary or extent of the land. (See Section 85 of the Registration of Title Act 1964)
 Where a boundary has been transferred from a smaller scale map, accuracy is limited to that of the smaller scale.
 This map, subject to the provisions of the L.R. Rules, is acceptable for subdivision purposes.

The roadway does need attention by way of scarifying, and laying a new surface. Two years ago, I spent about Euro 800, cleaning my site and pavement area. This was for the purpose of preparation for sale, and to do my part of cleaning up what is my property, on the pavement.

People living in this residential location, have spoken to me many times, and frankly are most eager for the remaining sites to be developed. Developing these sites ensures that the environment is attended to and all residents will then be taking pride in their respective properties, on completion, with a much greater incentive and pride.

In addition, each individual who resides in this Cul-de-sac zone agrees, that a significant increase will be gained in the value of their own properties, which will happen if and when this area is developed, and access road is resurfaced. At bottom of the road, there is a space which is kept well by the resident who resides on "Site B. Speaking with this person, he would be delighted to participate with other residents in keeping this area with eye-catching, nice flower bed to enhance to entrance.

(Picture 3)

In my humble opinion, this site area can only be enhanced, and every one of the residents would agree, that completion of this development site is a must from all aspects of living and calling home, to their friends and relations.



View showing L71000 roadway (Picture 3)

I also show views of my site, with house on "Site B" in background (Picture 4)



(Picture 4)



Site showing Electrical Panel Box (Picture 5)



Entrance to Cul-de-sac residential area on right as driving along L71000 (Picture 6)

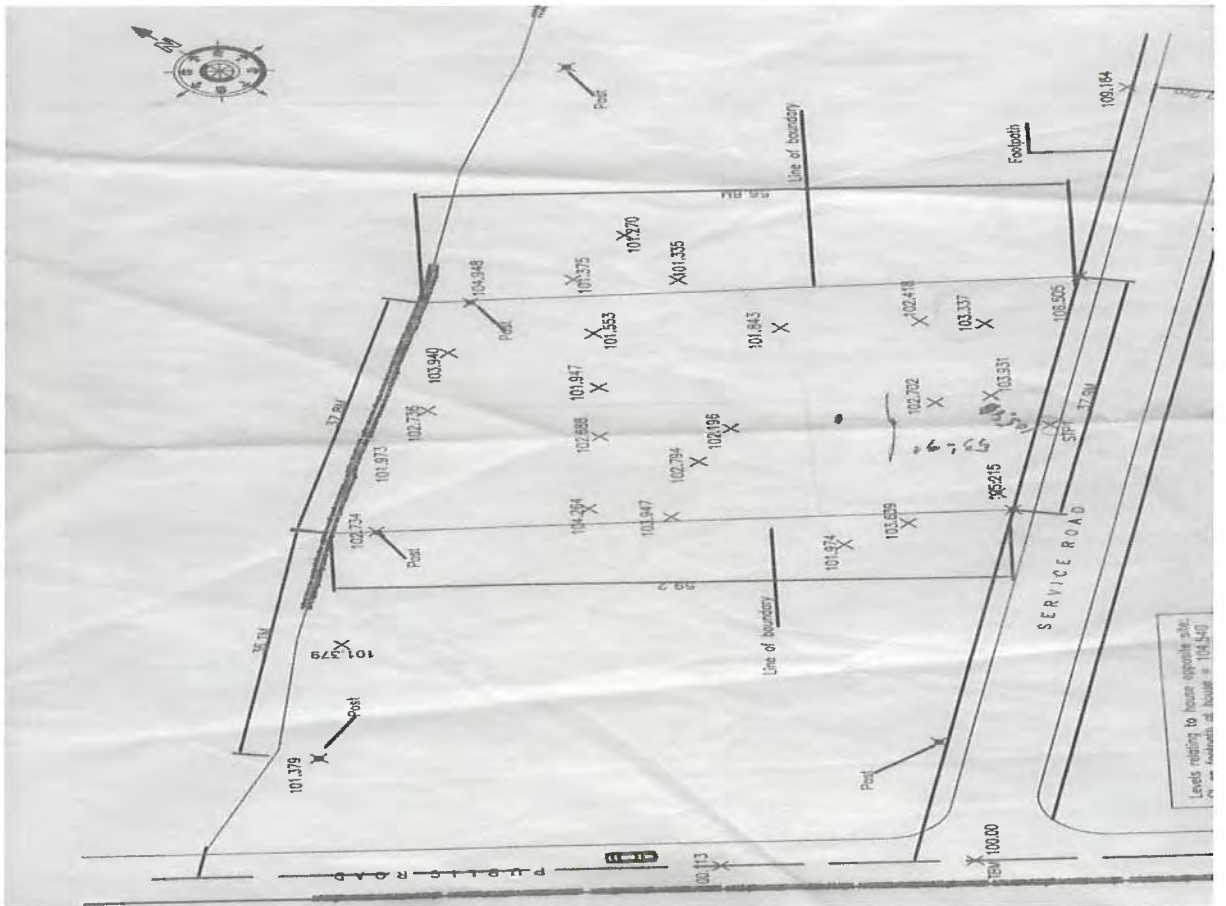
The Bridge earlier referred to, which supports the Belfast to Dublin train line, can be seen in background.



Showing the frontage to my site (Picture 7)



Entrance to the residential Cul-de-sac – where my site is located. (Picture 8)



Site Scan– where my site is located. (Picture 9)



Further view of my site on right with House on "Site B" showing (Picture 10)