



An
Bord
Pleanála

Inspector's Report ABP-300035-17

Development	Dwelling house, garage, entrance, boundary walls, on site water treatment and disposal system and all associated works.
Location	Ballycarrange, Patrickswell, Co. Limerick.
Planning Authority	Limerick County Council
Planning Authority Reg. Ref.	17/541
Applicant(s)	Michael Shinnors
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	As above
Observer(s)	Niall Collins T.D.
Date of Site Inspection	24 th January 2018
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The appeal site is in a rural area situated approximately 1.3 km from the centre of Patrickswell, Co. Limerick.
- 1.2. There is a line of sporadic rural houses from Patrickswell to the appeal site. There are three existing houses situated to the immediate north-east of the appeal site. These three houses are separated from the appeal site by a field entrance.
- 1.3. The field entrance provides access to a farmer's field situated to the rear of the appeal site.
- 1.4. The size of the appeal site is 0.214 ha (0.528 acres) and the shape of the appeal site is approximately rectangular. The appeal site is presently a green field.
- 1.5. The level of the appeal site is lower than the public road. There is a hedgerow to the front of the site facing the public road.

2.0 Proposed Development

- 2.1. Outline planning permission is sought for a dwelling house, garage, entrance, boundary walls and on-site waste water treatment system.
- 2.2. The front boundary of the proposed house is set back approximately 27.8 metres from the centre of the public road.
- 2.3. The proposed detached garage is situated to the rear of the proposed house.

3.0 Planning Authority Decision

Limerick County Council decided to **refuse** planning permission for the following reason;

1. The site is in an area identified as Strong Urban Influence in the County Development Plan, 2010 – 2016. The site is also located within a Stronger Rural Area as set out in the Guidelines for Planning Authorities on Sustainable Rural Housing issued by the Department of the Environment, Heritage and Local Government in April 2005. Appendix 3 Box 2 of the guidelines advise that

housing development in such areas should be balanced between that in the villages and smaller towns and that located in the wider countryside, and that problems can arise with pockets of significant housing activity in rural areas. Having regard to the number of existing housings in the immediate vicinity of the site, the proposed development would be part of such a pocket of intense housing activity and would seriously injure the rural character and amenities of the area.

Furthermore, the proposed development would also constitute and extend undesirable ribbon development in the rural area as described in Appendix 4 of the guidelines and would be likely to give rise to demands for the provision of urban type services which would be both uneconomic and inappropriate to provide. The proposed development would, therefore, be contrary to the provisions of the above ministerial guidelines, the County Development Plan, 2010 – 2016, and would be contrary to the proper planning and sustainable development of the area.

3.1. Planning Authority Reports

3.1.1. The main issues raised in the planner's report are as follows;

Executive Planner

- The site is in an area designated 'Strong Urban Influence'
- Single houses in these areas are permitted to facilitate genuine rural housing need.
- The applicant lives in the Main Street in Patrickswell and is acquiring the site from his sister.
- No exceptional need has been demonstrated.
- Sightline provision of 90m in either direction has been demonstrated.
- The subject site was previously refused permission for ribbon development.

- Ribbon development can only be considered in exceptional circumstances. The applicant has not demonstrated a specific need to live in this location.
- The site represents the 6th dwelling site over 175m including 1 no. infill site.
- The key consideration is the suitability of the proposed use given the town centre location.
- Applicant's agent was advised of same concerns at pre-planning stage.

The are no internal reports from Local Authority departments on the file.

3.2. **Third Party Observations**

There are no third-party submissions on the file.

3.3. **Submissions**

There is a submission from Irish Water who have no objections.

4.0 **Planning History**

- L.A. Ref. – 07/1395 – Permission **refused** for construction of 1 no. dwelling, 1 no. garage, front entrance and boundary wall, effluent treatment system and ancillary works. Reason for refusal was ribbon development.

5.0 **Policy Context**

5.1. **Development Plan**

Limerick County Development Plan, 2010 – 2016, is the operational Development Plan.

In accordance with Map 3.2 of the County Development Plan the appeal site located in an area designated 'Areas Under Strong Urban Influence'.

The relevant policy provisions include;

- Policy RS P1 – It is policy of the Council to provide for sustainable rural housing in accordance with the ‘Sustainable Rural Housing’ Guidelines, 2005.
- Policy RS P3 – Presumption in favour of granting permission to applicants in rural generated housing where qualifying criteria is set down in Objectives RS O1 to O8
- Policy RS O1 – Policy to grant permission for houses in these rural areas provided specific criteria is met.
- Policy RS O8 – Occupancy Condition.

5.2. National Guidelines

Sustainable Rural Housing Guidelines, 2005

The subject site is located within an ‘Area under Strong Urban Influence’ as identified in Map 1: Indicative Outline of the NSS rural areas types in the DOEHLG Sustainable Rural Housing Guidelines for Planning Authorities, 2005. The Guidelines note that in these areas the objective should be on the one hand to facilitate the housing requirements of the rural community as identified by the planning authority in the light of local conditions while on the other hand directing urban generated development to areas zoned for new housing development in cities, towns and villages in the development plan.

6.0 Appeal

Design and Drafting Solutions submitted an appeal on behalf of the applicant. The submission sets out the refusal reason, relevant policy provisions and the grounds of appeal. The following is a summary of the grounds of appeal.

- The applicant meets the requirements of part d of Policy Objective RS 01 of the County Development Plan.
- The applicant meets the requirements of part d Policy Objective RS 02 of the County Development Plan.
- The applicant is willing to accept the occupancy condition in accordance with Policy Objective RS 08.
- Sightline provision for 90m are available in either direction.
- There are no objections in relation to the proposed waste water provision.
- A site assessment has been carried out and the site is suitable for waste water disposal.
- The applicant was born in 1978 and the family home was on the Main Street, Patrickswell.
- The family moved to Lisheen Park, Patrickswell in 1978.
- The applicant moved to rented accommodation in 2011 in Doradoyle where he still rents.
- The applicant's parents are both involved in community activities.
- The applicants father is involved in the community council and the applicant's mother is involved in GAA, tidy towns and dance classes.
- The applicant has also been involved in community dance classes.
- The applicant has a strong bond / relationship to the local community and he and his family are highly respected within the local community.
- Planning permission was refused previously on the appeal site. The applicant's sister was refused permission due to ribbon development.
- It is submitted that the applicant's sister had hoped to build a house for herself and to live close to her parents to care for them in their retirement years.

- The applicant's sister has since emigrated to Australia in 2012 where she now resides.
- The appeal site has been gifted to the applicant from his sister.
- It is the applicant's intension to build a house where he can care for his parents in their elder years and live an independent life.
- It is contended that the vacant sites adjacent to the appeal site are owned by persons who have no local rural housing need.
- It is concluded that the applicant's housing need comes within the scope of the housing need criteria as set out in the County Development Plan.

7.0 Observation

Niall Collins T.D. submitted an observation on behalf of the applicant and the following is a summary of the observation;

- The applicant meets the local need criteria.
- The reasons for refusal in relation to ribbon development by the Planning Authority is tenuous.
- It is submitted that many applicants on family owned lands were granted permission where ribbon development was a concern
- The Planning Authority's concern that the proposed development would cause a precedent are unfounded.
- It submitted that the owners of the neighbouring sites would not qualify for rural housing need in this location.

8.0 Responses

Non

9.0 Assessment

I would consider that the principle issues for consideration are as follows;

- Principle of Development
- Ribbon Development
- Access
- Services

9.1. Principle of Development

- 9.1.1. A key consideration in this appeal relates to the applicant's rural housing need in this area and as such whether this housing need complies with the provisions of the Limerick County Development Plan, 2010 – 2016, and the Sustainable Rural Housing Guidelines, 2005.
- 9.1.2. The applicant was born in 1971 and from the time of his birth till 1978 the applicant lived in the family home which was located on Main Street, Patrickswell. The applicant's family relocated to no. 20 Lisheen Park, Patrickswell in 1978 and the applicant lived at this residence between the years 1978 – 2011. The applicant has been living in rented accommodation in Dooradoyle for the last 5 years. The applicant submitted documentary evidence demonstrating that he attended national school in Patrickswell and secondary school in Croom, Co. Limerick. The applicant submitted in his appeal submission that both his parents are actively involved in the local community voluntary work and that the applicant is also involved in local community voluntary work. The applicant's sister previously owned the appeal site and has gifted the site to the applicant and has now relocated to Australia. It is the applicant's intension to build his own home on the appeal site so that he will be living near his parents in their later years.
- 9.1.3. I would acknowledge that Map 3.2 of the Limerick County Development Plan, 2010 – 2016, sets out the rural area types and the appeal site is located in the area

designated 'Rural Area under Strong Urban Influence'. Policy Objective RS 01 of the Limerick County Development Plan, 2010 – 2016, sets out the criteria required to be met in order to be considered eligible for a one off rural house in areas designated 'Rural Area under Strong Urban Influence'. The local need criterion includes the following;

- a. *The application is being made by a long-term landowner or his / her son or daughter;*

This is not the case.

- b. *The applicant is engaged in working in the family farm and the house is for that persons own use;*

This is not the case.

- c. *The applicant is working in essential rural activities and for this reason needs to be accommodated near their place of work;*

This is not the case.

- d. *The application is being made by a local rural person(s) who for family and/or work reasons wish to live in the local rural area in which they spend a substantial period of their lives (minimum 10 years).*

I would accept that the applicant has lived a substantial period of his life in the settlement of Patrickswell. However, I would not consider this the same as living in a local rural area in accordance with the provisions of the County Development Plan. Section 3.9 of the County Development Plan refers to one-off housing as individually designed detached houses primarily located on

large unserviced sites in the open countryside. I note from the settlement strategy that Patrickswell is designated as a 'Tier 3: Centres on Transport Corridors'. Therefore, I would not consider that the applicant would comply with Policy Objective RS O1. In considering the applicant's application for a rural housing, I would also have regard to the Sustainable Rural Housing Guidelines, 2005. The Sustainable Rural Housing Guidelines, 2005, refers to rural generated housing as consisting of '*persons who are an intrinsic part of the rural community*' or '*persons working full time or part time in rural areas*'. The guidelines define persons who are an 'intrinsic part of the rural community' as '*farmers, their sons and daughters and any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes*'. The applicant would not fall into this category of person. The guidelines also define persons working full-time or part-time in rural areas as '*persons involved in full-time farming, forestry, inland waterway or marine related occupations, as well as part time occupations where the predominant occupation is farming / natural resource related*'. The applicant would not fall into this category.

9.1.4. The appellant also submits that the applicant would comply with policy objective RS O2 part (d). However I would not concur with this assertion as the appeal site is not located within an area designated 'Areas of Strong Agricultural Base' as per the Rural Settlement Strategy.

9.1.5. Based on the information available I would not consider that the applicant has adequately demonstrated that he would fully comply with Rural Settlement Policy of the County Development Plan and therefore he has not adequately demonstrated that he would have a genuine rural housing need in this rural area.

9.2. **Ribbon Development**

- 9.2.1. The Local Authority refusal reason refers to ribbon development and concludes that the proposed development would constitute and extend undesirable ribbon development in the rural area as described in Appendix 4 of the Sustainable Rural Housing Guidelines, 2005. The guidelines set out guidance in relation to ribbon development. I would note from the guidelines that ribbon development is referred to as that which is *'located on the edges of cities and towns and will exhibit characteristics such as high density of almost continuous road frontage type development, where 5 or more houses exist on any side of a given 250 metres of road frontage'*.
- 9.2.2. Should the proposed development be granted permission it would result in a 6th house on the same side of the public road over a distance of approximately 250m. The granting of permission for the proposed house would also create an infill site to the immediate south west of the appeal site.
- 9.2.3. Therefore, I would consider that the proposed development would result in ribbon development, as outlined in the Sustainable Rural Housing Guidelines, 2005, and would therefore be contrary to the provisions of the rural housing guidelines.

9.3. **Access**

- 9.3.1. The submitted drawing entitled 'Sightlines' indicates that the proposed vehicular entrance would have a sightline provision of 90 metres in either direction. There is no report from the Local Authority Area Engineer however the planner's report does not outline any concerns with the proposed vehicular entrance.
- 9.3.2. I noted from a visual observation of the local area that the sightline provision to the south-west of the appeal site was generally good and that the sightline provision to the north-east was also generally good however there is a bend on the public road to the north-east of the subject site. Notwithstanding this bend on the public road the

low boundary treatment on the opposite side of the public road ensures that the visibility to the north-east is good.

- 9.3.3. Overall I would conclude that the sightline provisions for the proposed vehicular entrance is acceptable.

9.4. **Services**

- 9.4.1. The proposed house will be served by a waste water on-site treatment system. In relation to waste water treatment I would note from the site suitability report submitted with the application that a 'T' value of 25.5 was recorded and as per the E.P.A. publication, 'Code of Practice, Wastewater Treatment and Disposal Systems Serving Single Houses', 2009, this is an acceptable value. The site suitability assessment report concludes that the site would be suitable for a packaged waste water treatment system and a soil polishing filter. I would consider that on the balance of information available that the site can accommodate an on-site waste water treatment system.
- 9.4.2. It is proposed that water supply to serve the proposed house will be in the form of a connection to the public water mains.

10.0 **Recommendation**

- 10.1. I have read the submissions on the file, visited the site, had due regard to the County Development Plan, and all other matters arising. I recommend that planning permission be refused for the reasons set out below.

11.0 **Reasons and Considerations**

1. The proposed development is in an area designated as a rural area under strong urban influence in the Sustainable Rural Housing Guidelines for Planning Authorities (Department of Environment, Heritage and Local Government 2005) and within the 'Areas under Strong Urban Influence' as

designated in the Limerick County Development Plan, 2010 - 2016. National and local policy seeks to restrict housing in unserved rural areas to applicants who have demonstrated a genuine need to live in such areas. The applicant has not demonstrated an exceptional rural housing need in relation to the subject site, the proposed development would consolidate a pattern of urban sprawl and lead to demands for the uneconomic provision of public services in an unserved rural area and would be contrary to Policy Objective RS P3 of the Limerick County Development Plan, 2010 - 2016, and therefore, be contrary to the proper planning and sustainable development of the area.

2. It is the policy of the planning authority, i.e. Policy RS P1, as set out in the current County Development Plan to provide for the development of sustainable rural housing in the County in accordance with 'Sustainable Rural Housing Guidelines', 2005. The guidelines recommend against the creation of ribbon development. The proposed development would conflict with this policy 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 ribbon development in an open rural area. 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.

Kenneth Moloney
Planning Inspector

27th February 2018