



An
Bord
Pleanála

Inspector's Report ABP-300323-17

Development	House, garage and waste water treatment system
Location	Clarina, County Limerick
Planning Authority	Limerick City & County Council
Planning Authority Reg. Ref.	17/856
Applicant(s)	Stephen Mann
Type of Application	Outline Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Stephen Mann
Observer(s)	None
Date of Site Inspection	22 nd February, 2018
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. The site of the proposed development comprises part of a field on elevated land approximately 3km south of the village of Clarina in County Limerick. It has frontage onto a minor local road and the boundary with this road comprises a high hedgerow. There is extensive ribbon development and one-off houses in the general vicinity of the site. A farm complex lies a short distance to the south of the field in which the site is located.

2.0 Proposed Development

2.1. The proposed development would comprise the construction of a house and garage and the installation of a waste water treatment system on a stated site area of 0.41 hectares. The development would be served by a mains water supply.

2.2. Details submitted with the application included a waste water treatment site suitability report and a letter of consent from the landowner allowing for the making of the planning application.

3.0 Planning Authority Decision

3.1. Decision

On 9th November, 2017, Limerick City & County Council decided to refuse outline permission for the development for two reasons relating to the adverse visual impact arising from the proposed development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the site's planning history, development plan provisions and a report from Irish Water. It was noted that the site is in an Area of Strong Urban Influence as designated in the Development Plan. It was also noted that the applicant is purchasing the site, that he has indicated that he is from the area but

that the location of the family home was not identified. It was considered that the site is visually prominent, on an elevated site above the local road to the west and elevated above the southern approach. It was acknowledged that the removal of c. 30m of roadside boundary is required to accommodate a new entrance and sightlines and this would further expose the site. Concerns were raised about available sightlines and the substandard road. A refusal of permission was recommended.

3.3. **Prescribed Bodies**

Irish Water had no objection to the proposed development.

4.0 **Planning History**

P.A. Ref. 08/2342

Outline Permission was refused in 2009 for the construction of a dwelling and garage and installation of a waste water treatment system.

5.0 **Policy Context**

5.1. **Limerick County Development Plan 2010-2016**

Rural Settlement Policy

The Plan states that the Planning Authority will favour appropriate development within designated villages and settlements over urban generated rural housing. Policies include the following:

Policy RS P3

It is a policy of the Council to apply a presumption in favour of granting planning permissions to applicants for rural generated housing where the qualifying criteria set down in objectives RS O1 to RS O8 are met and where standards in relation to siting, design, drainage and traffic safety set down in the Plan are achieved.

The Plan states that the Council recognizes the needs of local rural people who wish to live or work in the area in which they grew up. The following 3 criteria arise in assessing applicants under this category:

1. The applicant must come within the definition of a 'Local Rural Person'
and
2. The proposed site must be situated within their 'Local Rural Area'
and
3. The applicant must have a 'Local Rural Housing Need'

A 'Local Rural Person' is defined as a person who is living or has lived in the local rural area for a minimum of 10 years prior to making the planning application. This includes returning emigrants seeking a permanent home in their local rural area.

The 'Local Rural Area' for the purpose of the policy is defined as the area generally, but not exclusively, within a 10km radius of the applicant's family home.

An applicant who satisfies a 'Local Rural Housing Need' is defined as a person who does not or has never owned a house in the 'local rural area' and has the need for a permanent dwelling for their own use in the rural area.

The site of the proposed development is located within an area designated a Rural Area under Strong Urban Influence.

Objectives include:

Objective RS O1: Single Houses in Area under Strong Urban Influence

It is an objective to recognise the individual housing needs of people intrinsic to the rural areas located within the areas defined as '*rural areas under strong urban influence*'. Such needs may be accommodated on lands within the rural area under strong urban influence, subject to the availability of a suitable site and normal proper planning and sustainable development criteria.

It is an objective of the Council to permit single houses in the area under strong urban influence to facilitate those with a ***genuine rural housing need*** in the area.

In order to demonstrate a genuine rural housing need, any of the following criteria should be met:

(a) the application is being made by a long term landowner or his/her son or daughter;

or

(b) the applicant is engaged in working the family farm and the house is for that persons own use; or

(c) the applicant is working in essential rural activities and for this reason needs to be accommodated near their place of work; or

(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 spent a substantial period of their lives (minimum 10 years).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal may be synthesised as follows:

- The appellant has not been given the opportunity to demonstrate that a dwelling could be satisfactorily assimilated into the local landscape.
- A single-storey dwelling with a green flat roof system would be less obtrusive than surrounding two-storey houses.
- The removal of roadside boundary to provide sightlines would only injure visual amenity temporarily. A new hedgerow on a stone and sod mound could be planted to match existing boundary and the visual amenity would be restored within a few years.

The appeal includes photographs of other housing in the immediate vicinity relating to the submission on obtrusive dwellings.

7.0 Assessment

7.1. Introduction

7.1.1 I consider the relevant planning issues relating to the proposed development are rural generated housing need and the visual impact of the proposed development.

7.2 Rural Housing Need

7.2.1 While I acknowledge that this is not a matter directly related to the issues raised in the appeal, I note the Planner made reference in the report to the planning authority to a lack of information on this issue in the context of adherence to Development Plan provisions. In this instance, it is one of the most important planning considerations relating to the proposed development in my opinion.

7.2.2 The site of the proposed development is located in a rural area that is designated an Area under Strong Urban Influence in the Limerick County Development Plan and also is illustrated as such in “Map 1: Indicative Outline of NSS Rural House Types” in the *Sustainable Rural Housing Guidelines for Planning Authorities*. This is a rural location that is a short distance from Limerick City. It is under severe pressure for one-off housing and, in the immediate environs, it is succumbing to such pressure with a proliferation of ribbon development prevailing. It is essential, therefore, in the interest of protecting investment in public infrastructure to provide for the needs of urban-generated development and in the interest of protecting the amenity of this rural area, that further urban-generated housing and housing proposed by those with no association with the land or the location in which a development is proposed are avoided.

7.2.3 The above is supported in the recently published National Planning Framework. The Framework includes the following:

- * With reference to the development of rural areas, National Policy Objective 15 seeks to support the sustainable development of rural areas by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.
- * National Policy Objective 19 seeks to ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and

centres of employment, and elsewhere. In rural areas under urban influence, it is policy to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

7.2.4 I note that there are few details to verify any rural generated housing need by the applicant in the planning application. The planning application form details state that the applicant has been residing in Breska More since 2005, that he is living with his parents and that he is not related to the owner of the land on which the site is located. It is not known where he is actually from in geographical terms relative to the site, if he is employed in agricultural activities in the area or works elsewhere, etc. It is, thus, apparent that he has no association with the land on which he proposes to build the proposed house, being an intended purchaser of the site. One could not reasonably conclude that the applicant has demonstrated any rural generated housing need that would bestow an entitlement on the applicant to seek permission in principle for a house at this rural location. The applicant has failed to demonstrate any ties, land associations, and economic or social reasons to reside where he proposes to construct a house. This development appears speculative. It clearly conflicts with the provisions of the Sustainable Rural Housing Guidelines and the National Planning Framework. In this context, the proposed development is an unsustainable development that must be avoided in an area that is under severe pressure for such development.

7.3 Visual Impact

7.3.1 The proposed development would be sited in a prominent location within a field on the top of a hill, obtaining panoramic views in a westerly direction. I acknowledge that the site and its environs do not lie within any area that is designated as being of significant visual amenity value within the Limerick County Development Plan. However, I note the elevated nature of the site and, arising from this, the consequential prominence of a structure that would likely result if a house was to be placed at the location proposed.

7.3.2 While I note the extent of hedgerow around the perimeter of the field in which the development would be located, I must also note that the road onto which the proposed development would access is narrow and that, in order to achieve adequate sightlines, the development would necessitate the removal of an extensive length of high hedgerow along the frontage. The result of such an intrusion and loss of screening evidently would increase the visibility of a dwelling that would be placed on this site and with this would come an increased prominence. While accepting that the design of the structure has yet to be formulated, it is reasonable at this stage to determine that a house at this location would be exposed, visually prominent, and likely, therefore, to impinge on the rural amenity of this area, adding further to the adverse impact on the quality of the rural environment arising from extensive one-off housing that has already occurred on lower lying lands a short distance to the north of this site.

7.3.3 Having regard to the above considerations, it is my submission to the Board that the planning authority's concerns, in terms of adverse visual impact arising from the proposed development, are merited.

8.0 Recommendation

8.1. I recommend that permission is refused in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the location of the site within an Area Under Strong Urban Influence as identified in the current Limerick County Development Plan and in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government (2005), and to National Policy Objective 19 of the National Planning Framework (February 2018) which seeks to ensure that the provision of single housing in rural areas under urban influence are provided based upon demonstrable economic or social need to live in a rural area, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and does not comply with National Policy Objective 19. The

proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, contravene the provisions of the Guidelines and the National Planning Framework and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is in a visually exposed and prominent rural location. It is considered that the siting of a house at this location would be visually obtrusive. Furthermore, the provision of an entrance onto the adjoining narrow local road would necessitate the removal of extensive hedgerow along the site's frontage resulting in increased visibility of the proposed dwelling. The proposed development would, thus, be seriously injurious to the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

Kevin Moore
Senior Planning Inspector

20th March 2018