



An
Bord
Pleanála

Inspector's Report ABP-300438-17

Development	Dormer dwelling, garage and waste water treatment unit
Location	Coolies, Muckross, County Kerry
Planning Authority	Kerry County Council
Planning Authority Reg. Ref.	17/1010
Applicant(s)	John Hannon & Deirdre Buckley
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Lakes & Rivers of Kerry
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 is located in a rural area approximately 6km south-east of the town of Killarney in County Kerry. It comprises part of a large field that is relatively level that has frontage onto a local road. There is extensive ribbon development in the immediate vicinity, with the nearest house being located immediately north-west of the site.

2.0 Proposed Development

2.1. The proposed development would comprise the construction of a four bedroom two-storey house and a detached single-storey garage. The planning application form states that the gross floor area of the works would be 282m². The development would be served by a mains water supply and a private waste water treatment system. The development would be located on a site stated to be 0.292 hectares in area.

2.2. Details submitted with the application included a letter from the landowner permitting the making of the application and a completed site characterisation form.

3.0 Planning Authority Decision

3.1. Decision

On 5th December, 2017, Kerry County Council decided to grant permission for the proposed development subject to 17 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted development plan provisions, reports received and a third party submission made. The house design was considered acceptable and sightlines were regarded as adequate. It was noted the applicant, Deirdre Buckley, was born and reared within the immediate area and that she is a sister of the landowner. A grant of permission was recommended.

3.2.2. Other Technical Reports

The Site Assessment Unit concluded that a positive recommendation was appropriate in relation to the proposed treatment system.

3.3. Prescribed Bodies

Irish Water had no objection to the proposal.

3.4. Third Party Observations

A submission by Lakes and Rivers of Kerry referred to a similar application by the applicants under P.A. Ref. 16-132 and to Appeal Ref. PL 08.247044. There was also concern about the site notice.

4.0 Planning History

I have no record of any previous planning application or appeal relating to this site.

5.0 Policy Context

5.1. Kerry County Development Plan 2015-2021

Landscape

The site is located within an area zoned 'Rural Secondary Special Amenity', which constitute sensitive landscapes that can accommodate a limited level of development.

Applications for houses will only be considered in these areas from applicants from the following categories:

Sons and Daughters of the traditional landowner, or a favoured niece or nephew, the land having been in the ownership of the family for in excess of 10 years while being the location of the principal family residence.

or

The applicant shall demonstrate a genuine rural employment need.

or

The applicant's family shall have lived in the immediate locality prior to Jan 2003 with the applicant having been reared in the locality.

Objectives for landscape protection include:

ZL-1: Protect the landscape of the County as a major economic asset and an invaluable amenity which contributes to the quality of people's lives.

Rural Settlement

The site is located within an area designated a Stronger Rural Area.

Objectives include:

RS-10: Facilitate the provision of dwellings for persons who are an intrinsic part of the rural community in which they are raised, subject to compliance with normal planning criteria and environmental protection considerations.

RS-11: Consolidate and sustain the stability of the rural population and to promote a balance between development activities in urban areas and villages and the wider rural area.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal may be summarised as follows:

- This application was already refused by the Board under PL08.247044. The reasons for refusal were:
 - Extension of ribbon development,
 - The development would be contrary to Objective ZL-1 of the development plan, and

- It does not comply with the requirements of Sustainable Rural Housing Guidelines.

6.2. Applicant Response

The applicants' response to the appeal may be summarised as follows:

- The application referenced by the appellant is for a different site.
- The lands are owned by the brother of Deirdre Buckley. She was born and reared in the locality. She has worked in Killarney since 2002 and her husband travels extensively as part of his job. They have not owned any house in the area previously and are in rented accommodation in Killarney. The applicants meet the requirements of the development plan relating to rural housing.
- By their decision to grant, Kerry County Council deems the application compliant with its ribbon development policy and other policies and objectives.
- The site is on a straight stretch of road and has the benefit of public water. The house design is consistent with houses in the vicinity. Objective ZL-1 of the development plan will be satisfied.

The response to the appeal includes a letter from Deirdre Buckley, and letters from her mother, the principal of the local national school, a pre-school in the locality, and from a priest in Killarney parish.

6.3. Planning Authority Response

I have no record of any response to the appeal from the planning authority.

7.0 Assessment

7.1. Introduction

7.1.1 I consider that the principal planning issues relating to the proposed development are rural housing need and landscape and visual impact.

7.2. Rural Housing Need

- 7.2.1 The proposed development would be located in a rural area remote from the town of Killarney, approximately 6km south-east of the town. This is an area that has undergone significant development change in recent times. This part of the highly scenic Muckross area on the approach to Lough Guitane is being destroyed by suburban-style housing in ribbon development form and in the form of one-off new houses. It is very evident that many of the houses are occupied by those who have no association with the functioning of agricultural land. Primarily, the control of one-off housing in the countryside is about ensuring that orderly development occurs through management of the scarce resource that is agricultural land and is about protection of the environment such that protection of natural amenity results, limitations are placed on development to minimise visual intrusiveness, proliferation of private waste water treatment systems are avoided to address undue pollution threat, vehicular accesses are suitably controlled to avoid traffic hazard, etc. In the context in which the proposed development is to be located, i.e. in an area rife with haphazard development, the need to be particularly cognisant of planning and environmental protection cannot be greater. Thus, clarity on the applicants' need to have a house at this location is paramount if one is to be responsible in management of the land resource in an area clearly under severe pressure from one-off housing and in a highly scenic landscape that is fading in qualitative terms due to the intrusiveness of lines of misplaced modern houses along critically important local roads that serve the needs of those with a genuine functional relationship with the land and the tourists for whom the wider community of Killarney is most reliant upon.
- 7.2.2 I note that under the Kerry County Development Plan the proposed site is located within an area designated a 'Stronger Rural Area'. It is my submission to the Board that such a designation is entirely misplaced. One only has to examine the extent of new housing in the immediate environs of the appeal site to reasonably determine that this is an 'Area under Strong Urban Influence', i.e. it is very clearly under the very strong urban influence of the prime tourist town of Killarney. I note for the Board that this location is referenced in Map 1 "Indicative Outline of NSS Rural Area Types" in the *Sustainable Rural Housing Guidelines for Planning Authorities* as an 'Area under Strong Urban Influence'. It is evident that this is a much more appropriate designation suited to this rural area. In line with these Guidelines, urban generated

development in these areas should be directed to areas zoned for new housing development in cities, towns and villages.

7.2.3 Further to the above guidance, I note national planning policy as set out under the National Planning Framework published in February, 2018. This 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 With regard to what has developed in recent times in the vicinity of the appeal site, it is very clear that there is an over-development of housing that is urban-generated and that such development, with no association with the functioning of the land, does little for the sustainability of a vibrant rural community who need to reside in the area. Any new housing of this nature now needs to be located where it is sustainable, where infrastructure has been invested in and where appropriate social and community needs can be met. Furthermore, it is clear that the applicants in this instance must have a genuine economic and/or social need to reside at the location proposed.

7.2.5 According to details provided in the planning application, a brother of the applicant, Deirdre Buckley, is the landowner. It is submitted that Deirdre Buckley was born and reared in the area. However, it is also detailed that she works, and has worked since 2002 mainly in the town of Killarney, while her husband travels with his job. It is very clear from this that the applicants have no ties, no agricultural land associations, and

no economic or social reasons to reside at the remote rural location proposed. Thus, this development is speculative and it is urban-generated.

7.2.6 Ultimately, one of the critical physical planning issues in this appeal relates to the applicants' need to reside in a location that has suffered greatly from modern one-off housing and ribbon development and whether it is appropriate, in physical planning and environmental terms, to be encouraging a further extension of this sprawl. From the details in the appeal file, it is very clear that the applicant, Deirdre Buckley, does not have a need to be housed at this location and, being employed in the town of Killarney, her economic, social and community needs are best served where very significant public monies have been spent to provide public infrastructure and community and social facilities to serve the needs of persons such as the applicant, i.e. in the town of Killarney. From the details provided, the applicant, John Hannon, has no need to reside at this location and has no links to this area. Having regard to these observations, one cannot reasonably conclude that there can be any entitlement bestowed upon the applicants for a house on this site based upon rural housing need. Such unsustainable development must be prohibited if the deterioration of this high quality landscape is to be slowed down and ultimately curtailed.

7.2.7 Finally, it is noted that an application was made by the applicants for a house on a different site in the immediate vicinity of the appeal site, i.e. immediately west of the appeal site. This development was subject to appeal under ABP Ref. PL08.247044. The Board determined in that instance that the applicants did not comply with the requirements of the Sustainable Rural Housing Guidelines. There are no material changes to the circumstance that merit any change in the conclusions drawn by the Board previously.

7.3. Landscape and Visual Impact

7.3.1 The site of the proposed development is located within a landscape that is designated 'Rural Secondary Special Amenity'. According to the Kerry County Development Plan, this constitutes a sensitive landscape that can accommodate a limited level of development. The level of development is dependent upon the degree to which it can be integrated into the landscape. Having regard to my

considerations above, it is clear that the limits to the level of development that may be accommodated are somewhat stretched in the location of this site, given the extent of sprawl that has resulted in recent times and the ribbon development that adjoins the proposed site.

- 7.3.2 The Development Plan requires that individual residential home units shall be designed sympathetically to the landscape and shall be sited so as not to have an adverse impact on the character of the landscape or natural environment. A proposal is required to be designed and sited so as to ensure that it is not unduly obtrusive. The proposed development before the Board constitutes a two-storey house similar in form and character to many of the new one-off houses prevalent within the wider area. Its location, forming an addition to the established ribbon development at this location, emphasises how incompatible the proposed development is with preserving the natural amenity of this area that gives it its 'Special Amenity' status. The proposed development would distinctively erode further the natural qualities of the landscape that have resulted in this area's designation as a special amenity area. To protect this status, there is an obligation to prohibit development such as that now before the Board.
- 7.3.2 In conclusion, it is an objective of the Development Plan (Objective ZL-1) to protect the landscape of the County as a major economic asset and an invaluable amenity which contributes to the quality of people's lives. Permitting further ribbon development of the nature proposed in this instance runs completely contrary to this objective.

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 “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 applicants do not come within the scope of the housing need criteria as set out in the Guidelines and do 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 Sustainable Rural Housing Guidelines and the National Planning Framework and would, thereby, be contrary to the proper planning and sustainable development of the area.
2. The proposed development site is located within an area designated as a Rural Secondary Special Amenity area in the Kerry County Development Plan 2015-2021, which sets out a number of provisions to protect such landscape areas from development. These sensitive landscapes can only accommodate a limited level of development and this is dependent on the degree to which the development can be integrated into the landscape. The proposed development, when taken in conjunction with existing dwellings in the area, would constitute an excessive density of development by virtue of its impact on the landscape and would interfere with the character of the surrounding rural landscape, which it is necessary to preserve, and would, therefore, be contrary to objective ZL-1 of the Development Plan, which seeks to protect the amenity value of the landscape of the county. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Kevin Moore
Senior Planning Inspector

13th March 2018