



An  
Bord  
Pleanála

## Inspector's Report ABP 302084-18

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<b>Development</b>	4 no. dwellings, waste water treatment systems, entrances and site works
<b>Location</b>	Cummeen, Adare, Co. Limerick
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	18/403
<b>Applicant</b>	Marty Boylan
<b>Type of Application</b>	Outline permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	1 <sup>st</sup> Party v. Refusal
<b>Appellant(s)</b>	Marty Boylan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	07/09/18
<b>Inspector</b>	Pauline Fitzpatrick

## 1.0 Site Location and Description

The site, which has a stated area of 0.612 hectares, is accessed from the R519 Ballingarry Road in close proximity to its junction with the N21 (Murphy's Cross) c. 1.3km to the south-west of Adare town centre. The 60kph speed limit applies. A footpath to the town along the N21 terminates at the T-junction with street lighting noted along the road frontage. The regional road is characterised by extensive one off housing of varying single storey, dormer and two storey designs.

The site is effectively in two parcels to either side of an avenue serving agricultural land and buildings to the south-west. The section to the north of the driveway is undeveloped and is bounded by a dwelling immediately to the north. The roadside boundary is delineated by a timber fence. The southern parcel comprises of two sections. The 1<sup>st</sup> is an existing yard with agricultural buildings and stables accessed via the agricultural driveway to the north with a 2<sup>nd</sup> entrance from the regional road to the south-east. There is a decorative stone wall along the roadside boundary. The 2<sup>nd</sup> section is undeveloped and under grass with the roadside boundary delineated by a concrete post and rail fence. A two storey dwelling bounds the site to the south.

## 2.0 Proposed Development

Outline permission is sought for 4 no. two storey dwellings, each with frontage onto the regional road and served by individual effluent treatment systems. 1 no. dwelling would be to the north of the existing agricultural access with 3 no. to the south. The development would entail the demolition of the existing agricultural buildings.

A site characterisation report accompanies the application. No water was recorded in the trial hole with a T value of 53.22 and P value of 25.75 calculated.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Refuse outline permission for 4 no. reasons which can be summarised as follows:

1. The site is outside the Adare LAP boundary and within an area of strong urban influence. The applicant does not come within the scope of the housing need criteria and would contravene the County Development Plan objectives in relation to rural settlement and preservation of the rural environment.
2. The proposal would contribute to the existing extensive ribbon development in a rural area lacking certain services and community facilities.
3. 3 no. of the sites do not meet the minimum site area of 0.2 hectares as outlined in Table 10.12 of the Design Guidelines for Residential Development in Rural Areas set out in the Limerick County Development Plan.
4. The applicant has not demonstrated that the proposal would not endanger public safety by reason of traffic hazard due to traffic movements generated where sightlines are restricted.

### **3.2. Planning Authority Reports**

The Executive Planner's report (countersigned) includes an AA Screening report. 3 of the sites do not meet the minimum site area of 0.2 hectares as outlined in Table 10.12 of the Design Guidelines for Residential Development in Rural Areas. Ribbon development is a concern at this location. The site is located on unzoned land in an area classified as an Area of Strong Urban Influence. Compliance with local housing need as per objective RS01 of the County Development Plan is required. No housing need has been put forward. Further detail is required on sight distances. A refusal of outline permission for 4 no. reasons is recommended.

### **3.3. Other Technical Reports**

Mid West NRDO has no observations.

Executive Engineer Operation and Central Services details requirements with regard to sight distances, surface water disposal and street lighting.

Executive Engineer, Environment Section details conditions relating to the effluent disposal systems should permission be granted.

### **3.4. Prescribed Bodies**

Transport Infrastructure Ireland has no observations.

Irish Water has no objection subject to conditions.

### **3.5. Third Party Observations**

None

## **4.0 Planning History**

Reference is made in the Council Planner's report to retention permission for agricultural entrances under ref. 17/193.

## **5.0 Policy Context**

### **5.1. Development Plan**

#### **5.1.1. Adare Local Area Plan 2015**

The site is within an area zoned agriculture. Housing is generally not permitted except for farmers or son/daughter of landowner where rural housing need is demonstrated in accordance with the rural housing policy set out in the Limerick County Development Plan.

#### **5.1.2. Limerick County Development Plan 2010 as extended**

Objective RS O1: Single Houses in Areas 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 person's 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).

Table 10.2 sets out the design guidelines for residential developments in rural areas.

Site curtilage – minimum 0.2 hectares

Road frontage – minimum 30 metres

## **5.2. Natural Heritage Designations**

The nearest designated site is the Lower River Shannon SAC c. 2km to the north-east.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The 1<sup>st</sup> party appeal against the planning authority's notification to refuse outline permission, which is accompanied by supporting detail, can be summarised as follows:

- The site should be considered as a special circumstance.
- The farm yard is not fit for purpose and the farm is no longer viable.

- The site is brownfield within the LAP boundary. It is out of character and does not enhance the area. Visual impact is important within Adare.
- It is not located within an Area of Strong Urban Influence as defined in the County Development Plan and, therefore the criteria as prescribed do not apply.
- As this road is governed by the LAP and not the County Development Plan ribbon development is not an issue. It is no longer a rural area but part of the village.
- The proposed 4 no. dwellings would constitute infill development, would be designed to fit with the current line of houses and would improve the appearance of the area.
- The road is served by public lighting with a footpath from the junction (Murphy's Cross) to the village. The LAP proposes to bring pedestrian/cycle links as far as the site (Adare LAP Amenity Map 2).
- The area is served by public water mains.
- Both sides of the road should be zoned residential.
- Each site can be increased to the required 0.2 hectares.
- Sight lines were indicated on a recent grant of retention permission for agricultural entrances under ref. 17/193.
- A previous withdrawn application under ref. 11/506 had a sight line and traffic flow survey carried out for the Ballingarry road facing the appeal site. the survey did not identify any problems (copy of report attached to appeal).
- The site is within the 60kph speed limit which extends approx. 500 metres to the south of the site.
- Mid West NRDO and TII had no observations.
- The sites are part of a single folio.

## 6.2. Planning Authority Response

None

## 7.0 Assessment

I consider that the issues arising in the case can be assessed under the following headings:

1. Compliance with settlement location policy
2. Site servicing
3. Other Issues

### 7.1. Compliance with Settlement Location Policy

The site, accessed from the R519 Ballingarry Road, is c. 1.3km to the south-west of Adare Town Centre and whilst within the town boundary is zoned agriculture in the current Adare Local Area Plan. Although ribbon development is prevalent along the regional road the area retains its rural character. The fact that the LAP seeks to extend the pedestrian facilities southwards from Murphy's Cross beyond the site would not negate this character.

The purpose of the agriculture zoning as set out in the LAP is to provide for the development of agriculture by ensuring the retention of agricultural uses, protect them from urban sprawl and ribbon development and to provide for a clear demarcation to the adjoining built up areas. Dwellings will only be considered for the long-term habitation of farmers or the sons/daughters of landowners. A footnote to the zoning matrix further states that in such instances the rural housing need will need to be demonstrated in accordance with the rural policy as set out in the Limerick County Development Plan.

As per the said County Development Plan the site is within an area under strong urban influence and in view of its relative proximity to Limerick City and pressure from urban generated housing demand this designation is considered to be reasonable. The rural housing policy for such areas is set out in Objective RS O1 which reiterates the requirements of the LAP in terms of seeking to protect the

amenities of the area whilst recognising the individual housing needs of people intrinsic to the rural area.

No rural housing need case has been made in this instance and it is reasonable to conclude that the outline application for 4 no. dwellings is speculative in nature. The proposal would contravene materially both the objectives of the land use zoning for the site as set out in the LAP and the rural housing policy as set out in the County Development Plan. I do not consider that the site has the attributes normally associated with an infill site and in my opinion the proposal would directly propagate the already evident ribbon development and urban sprawl. There are approx. 10 dwellings along a 350 metre stretch of road immediately to the south with a further dwelling to the north at the junction of the regional road and the N21. I submit that such type development would be more suited to lands within the town zoned for 'Residential Services Sites' the purpose of which is provide the opportunity to cater for lower densities, so as to provide an alternative to sporadic development in the rural areas.

## **7.2. Site Servicing and Access**

I note that three of the four sites do not attain either the minimum size of 0.2 hectares or the 30 metre road frontage as required by the current County Development Plan (see Table 10.2). These shortcomings could be addressed by reducing the number of units to be located to the south of the agricultural access.

The 60kph speed limit applies along the regional road in the vicinity of the site and I consider that appropriate sight distances could be attained. I note the report prepared for a development on the opposite side of the road dated 2011.

The application is accompanied by a site characterisation form with the results of the trial hole and percolation tests indicating the site suitability. Notwithstanding, I would express serious reservations about the density of development which would be served by individual effluent treatment systems in the vicinity and the potential for an adverse impact on public health.

## **7.3. Other Issues**

Environmental Impact Assessment



Having regard to the nature and scale of the proposed development within the development boundary of Adare, albeit on lands zoned agriculture, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

#### Appropriate Assessment

Having regard to the nature and scope of the proposed development, the relative separation from the nearest designated site c.2km to the north-east and the existing built up area of Adare town in between, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

## 8.0 Recommendation

Having regard to the foregoing I recommend that outline permission for the above described development be refused for the following reasons and considerations.

## 9.0 Reasons and Considerations

1. The site is within an area zoned agriculture in the current Adare Local Area Plan the objective for which is to provide for the development of agriculture by ensuring the retention of agricultural uses, protect them from urban sprawl and ribbon development and to provide for a clear demarcation to the adjoining built up areas. Housing is generally not permitted except for the long-term habitation of farmers and son or daughters of the landowner where rural housing need is demonstrated in accordance with the rural housing policy set out in the Limerick County Development Plan. On the basis of the information submitted with the application and appeal and in the absence of any identified rural generated need for the houses the proposed development would contravene materially the zoning objective for the area, 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, be contrary to the proper planning and sustainable development of the area.

2. It is the policy of the planning authority as set out in the current local area plan to control urban sprawl and ribbon development. This policy is considered to be reasonable. The proposed development would be in conflict with this policy because, when taken in conjunction with 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.
3. It is considered that, taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive concentration of development served by septic tanks in the area. The proposed development, would, therefore, be prejudicial to public health.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**October, 2018**