



An  
Bord  
Pleanála

## Inspector's Report

### ABP-304591-19

---

<b>Development</b>	Construction of a house, garage, effluent treatment system, vehicular access including all associated site works and services
<b>Location</b>	Cahirguillamore, Bruff, Co. Limerick.
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	18/1047
<b>Applicant(s)</b>	Cathal Shinnors
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party V. Grant
<b>Appellant(s)</b>	Chris and Eileen Hogan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	21 <sup>st</sup> August 2019
<b>Inspector</b>	Elaine Power

## 1.0 Site Location and Description

- 1.1. The site is located in Cahirguillamore, approx. 2km west of the village of Holy Cross and 3.5km north west of the village of Bruff. The site is located approx. 18km south of Limerick City. Cahirguillamore is a rural area characterised by agricultural lands. There are a significant number of one-off houses located in the immediate vicinity of the site.
- 1.2. The subject site has a stated area of 0.337ha and forms part of a larger landholding (with a stated area of 37.83 ha) within the ownership of the applicant's father. The site is rectangular in shape, low lying and open. The site is bound to the north and east by a random stone wall, to the south by a blockwork wall and timber fence and is open to the west.
- 1.3. The site is located at the junction of the L-412 and L-8011. There are no public footpaths or lighting provided on either road. There is an existing access to the site from the L-412
- 1.4. The site is located within a Recorded Monument, L1031-041 which consists of an archaeological cluster of 31 no sites within the townland of Cahirguillamore that range in date from the prehistoric to the 17<sup>th</sup> Century.

## 2.0 Proposed Development

- 2.1. It is proposed to construct a traditional style, two-storey house with a gross floor area of 250sqm. The house has a pitched roof with a maximum height of 7m. It would be set back approx. 15m from the L-412 and approx. 17m from the L-8011. It is also proposed to construct a garage with a gross floor area of approx. 45sqm. The garage has a pitched roof with a maximum height of approx. 5m and is located approx. 6m to the side (south) of the proposed house.
- 2.2. Vehicular access is proposed from the L-8011, approx. 40m from the junction with the L-412.
- 2.3. The development includes the installation of a packaged wastewater treatment system with a polishing filter.

2.4. Water supply is proposed from a group water scheme. A letter of consent to connect to the Lough Gur Group Water Scheme was submitted with the application.

2.5. ***Further Information lodged on the 2<sup>nd</sup> March 2019***

The response to further information resulted in the proposed house being re-positioned within the site with associated minor alterations to the internal layout and elevations. The alterations did not alter the proposed gross floor area of 250sqm. The proposed vehicular access was also relocated along the L8011, approx. 25m from the junction with the L-412.

Information regarding the applicants housing need and a copy of the land registry folio were submitted.

2.6. ***Clarification of Further Information lodged 26<sup>th</sup> March 2019***

The response to the clarification of further information did not result in any alterations to the proposed development. Information regarding the applicants housing need and details of the land registry and folio were submitted. Details of sightlines and a response to the letter of objection were also submitted.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

Grant permission subject to 15 no. conditions. The relevant conditions are noted below: -

***Condition 1:*** Clarified that permission was granted for the development as submitted by further information.

***Condition 5:*** Occupancy condition, ensured the house is the applicant's primary place of residence for at least seven years.

***Conditions 6 and 14:*** Related to landscaping.

***Condition 8 and 9:*** Related to surface water management.

**Condition 10:** Related to the installation and maintenance of the waste water treatment system.

**Condition 15:** required archaeological monitoring

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

#### 3.2.1. **Planning Reports**

The initial Area Planners report raised some concerns regarding the proposed development and recommended that further information be sought regarding the following: -

- Evidence of compliance with Objective RS02 – Rural Housing Need and details of the full land registry and folio for the subject lands.
- A response to the third-party submission.

The final report considered that all concerns had been fully addressed in the clarification of further information and recommended that permission be granted subject to conditions.

#### 3.2.2. **Other Technical Reports**

**Archaeologist** report recommended conditions

**Area Engineer's** report recommend conditions

### 3.3. **Prescribed Bodies**

None

### 3.4. **Third Party Observations**

A third-party observation was received from Chris and Eileen Hogan. The concerns raised are similar to those in the third-party appeal submission.

## 4.0 Planning History

**Reg. Ref. 05/885:** Permission was refused in 2005 for a house on the subject site. The 2 no reasons for refusal related to (1) the site is unsuitable for the effective treatment and disposal of waste water and (2) excessive density of development in a rural area.

## 5.0 Policy Context

### 5.1. Limerick County Development Plan 2010-2016 (as extended)

The site is located in an area of unzoned land. Map 3.2 '*Rural Settlement Strategy*' identifies the site as being located in an 'Area of Strong Agricultural Base'. These areas have a strong agricultural base that are restructuring to cope with changes in the agricultural sector and have an extensive network of smaller rural towns and villages and other settlements. It is an objective of Policy RS O2 to recognise the housing need of people intrinsic to the rural local area subject to applicants demonstrating that their proposal complies with a genuine housing need.

Relevant Policy's include:

**RSO2:** *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 seeking to build their first home on the family lands; 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 have spent a*

*substantial period of their lives (minimum 10 years) and are seeking to build their first home in the local rural area.*

**Objective RS 08:** Occupancy Condition

**Objective IN O35:** Wastewater treatment systems on un-sewered properties

Section 10.4 – Design Statement is also considered relevant.

## 5.2. ***Sustainable Rural Housing Guidelines***

The guidelines require a distinction to be made between ‘Urban Generated’ and ‘Rural Generated’ housing need. A number of rural area typologies are identified including stronger rural areas. These are areas where population levels are generally stable within a well-developed town and village structure and in the wider rural areas around them. This stability is supported by a traditionally strong agricultural economic base and the level of individual housing development activity in these areas tends to be relatively low and confined to certain areas. The key objective is to consolidate and sustain the stability of the population and to strike a balance between development activity in smaller towns and villages and wider rural areas.

## 5.3. ***National Planning Framework***

Policy Objective 19: *‘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, 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;*
- *In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements’.*

#### **5.4. Natural Heritage Designations**

There are no relevant designated areas in the immediate vicinity of the site.

#### **5.5. EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

### **6.0 The Appeal**

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

A third-party appeal was received from Chris and Eileen Hogan. The issues raised are summarised below: -

- The land is not zoned for residential development. The subject site is not currently managed or worked by any member of the applicant's family. It has been rented out for several years.
- The applicant has not demonstrated a genuine rural housing need.
- The vehicular access is too close to the junction and would result in a traffic hazard.

#### **6.2. Applicant Response**

The applicant's response is summarised below: -

- The applicant is the son of the long-term landowner and this would be first home in the local rural area. Therefore, the application is compliant with Policy Objective RS 02 regarding a genuine rural housing need.
- When the applicant completes his college studies in June 2020 he intends to help his father on the landholding on a permanent basis.

- The house has been re-orientated to ensure it does not result in undue overlooking.
- 40m sightlines are available from the site towards the junction. The L8011 is a minor road with limited vehicular movements and traffic must slow down when approaching the junction. The proposed development would not result in a traffic hazard.

### 6.3. **Planning Authority Response**

None

## 7.0 **Assessment**

7.1. The main issues in this appeal relate to compliance with rural housing policy and traffic. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Compliance with Rural Housing Policy
- Traffic
- Appropriate Assessment

### 7.2. ***Compliance with Rural Housing Policy***

7.2.1. The site is located within an 'Area of Strong Agricultural Base' as identified in Map 3.2 '*Rural Settlement Strategy*' of the Development Plan. In recognition of this traditional strong agricultural base it is an objective to facilitate the housing need of people intrinsic to the rural local area, subject to applicants demonstrating that their proposal complies with a genuine housing need. The Development Plan also notes that to support the development of services and infrastructure, and to take pressure off development in the open countryside, the focus of urban generated housing should be located in the network of existing settlements.



- 7.2.2. The Sustainable Rural Housing Guidelines define stronger rural areas as areas where population levels are generally stable within a well-developed town and village structure and in the wider rural areas around them. This stability is supported by a traditionally strong agricultural economic base and the level of individual housing development activity in these areas tends to be relatively low and confined to certain areas. The key objective is to consolidate and sustain the stability of the population, while striking a balance between development activity in smaller towns and villages and wider rural areas. In addition, Policy Objective 19 of the National Planning Framework requires that, in rural areas the provision of single house in the countryside should have regard to the viability of smaller towns and rural settlements.
- 7.2.3. It is noted that permission was previously refused (reg. ref. 05/885) for the construction of a house on the subject site. The reasons for refusal related to the unsuitable nature of the site for the effective treatment and disposal of waste water and an excessive density of development in a rural area.
- 7.2.4. The Development Plan defines the 'local rural area' by reference to the area within a 10km radius of the applicant's family home. The applicant has stated that he has resided in the family home in Ballyduane his entire life. The family home is located approx. 20km north west of the subject site and, therefore, not within the local rural area. The subject site forms part of a larger site which has been in the ownership of the applicant's father since 1989. Both the applicant and the appellant have stated that the land is currently rented out. No information regarding the schools the applicant attended, or details of any social links to the local rural area have been provided.
- 7.2.5. The applicant has stated that he is due to complete his studies in 2020 and intends to work on the land with his father. It is noted that the applicant's father is a lecturer at Pallaskenry Agricultural College and is due to retire in 2020. However, no details regarding the nature of the work / services the applicant and his father intend to provide or whether the enterprise would be linked to the local rural area have been submitted in support of the application.

7.2.6. While it is acknowledged that the applicant's father is the owner of a substantial landholding in Cahirguillamore, it is my view that, the applicant has not sufficiently demonstrated an economic or social need to live at this particular site. In the absence of an identified locally based economic or social need to live in the area, it is considered that the proposed development 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 and would negatively impact on the viability of smaller towns and villages. It is also considered that the proposed development would be contrary to Development Plan policy, the Sustainable Rural Housing Guidelines and Policy Objective 19 of the National Planning Framework.

### 7.3. **Traffic**

7.3.1. It is proposed to provide a new 12m wide splayed vehicular access onto the L-8011. The vehicular access is located approx. 25m from the junction with the L-412. Concerns have been raised regarding the proximity of the proposed access to the junction and the potential for a traffic hazard.

7.3.2. Drawing no. 1840-P03B submitted by way of further information shows sightlines of 90m to the south and 30m to the north, towards the junction. Having regard to the minor nature of the road and the limited number of vehicular trips potentially generated by the proposed development, it is my view that, it would not result in a traffic hazard.

### 7.4. **Appropriate Assessment**

Having regard to the nature and small scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

## 8.0 Recommendation

I recommend that permission be refused for the reasons stated in the attached schedule.

## 9.0 Reasons and Considerations

1. The subject site is located within an 'an Area of Strong Agricultural Base', as identified in the Limerick County Development Plan, 2010-2016 (as extended), and a 'Stronger Rural Area' as identified in the Sustainable Rural Housing Guidelines and in the National Planning Framework. National Policy Objective 19 aims to facilitate the provision of single housing in the countryside, based on the viability of smaller towns and rural settlements. Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Limerick County Development Plan, 2010 – 2016 (as extended) or in national policy for a house at this location. The proposed development would, therefore, 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 and would negatively impact on the viability of smaller towns and villages

---

Elaine Power  
Planning Inspector

9<sup>th</sup> September 2019