



An
Bord
Pleanála

Inspector's Report

ABP-305871-19

Development	Construction of a dwelling house
Location	Clyduff East, Lisnagry, Co. Limerick.
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	19/895
Applicant(s)	Bláthnaid Nevin
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party V. Refusal
Appellant(s)	Bláthnaid Nevin
Observer(s)	None
Date of Site Inspection	29 th January 2020
Inspector	Fergal O'Bric

1.0 Site Location and Description

- 1.1. The site is located in Lisnagry, approx. 8.3 kilometres east of the Limerick city centre and 2.5km south-east of Annacotty. Lisnagry 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 0.203 hectares and forms part of a garden area associated with a dwelling located immediately east of the appeal site. From the folio maps submitted the total land holding is approximately 0.5 hectares. The site is rectangular in shape, site levels rise from the adjoining public road. The site is bound to the south and west by mature leylandii trees and to the south by a block wall which includes double gates and is open to the east. The site also includes several semi-mature trees planted randomly throughout its bounds.
- 1.3. The site is located along the L-5152. There are no public footpaths or lighting provided along the road. The width of the carriageway extends to four metres at this particular point, but reduces in width to 2.5 metres further east.

2.0 Proposed Development

- 2.1. It is proposed to construct a traditional style, single-storey house with a gross floor area of 141 sqm. The house has a pitched roof with a maximum ridge height of 5.7 metres. It would be set back approximately 16 metres from the L-5152.
- 2.2. Vehicular access is proposed from the L-5152, an existing domestic entrance is to be upgraded.
- 2.3. The development would include for the installation of a packaged wastewater treatment system with a polishing filter.
- 2.4. Water supply is proposed from a connection to the existing public water mains.
- 2.5. The site belongs to a family relation and Godmother to the applicant.

3.0 **Planning Authority Decision**

3.1. **Decision**

Refuse permission for the following reasons:

Reason 1: Substandard road network and would materially contravene specific objective IN 09 of the Limerick County Development Plan.

Reason 2: Proposal would contribute to ribbon development in an area lacking in services and community facilities.

3.2. **Planning Authority Reports**

3.2.1. ***Planning Report***

The Planning Officer recommended a refusal of planning permission for the two reasons outlined above.

3.2.2. ***Other Technical Reports***

Operations (Roads) report: No objections, subject to conditions.

3.3. **Prescribed Bodies**

Irish Water: No objections, subject to conditions.

4.0 **Planning History**

None relevant.

5.0 **Policy and Context**

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

The site is located on unzoned lands. Map 3.2 - Rural Settlement Strategy identifies the site as being located within an 'Area under Strong Urban Influence', where the following policy statement is set out: Within these areas it is an objective to recognise the individual housing needs of people intrinsic to these rural areas. 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 have spent a substantial period of their lives (minimum 10 years).

Policy RS P1:

It is a policy of the Council to Provide for the development of sustainable rural housing in the County in accordance with the 'Sustainable Rural Housing' guidelines issued by the Department of the Environment, Heritage and Local Government.

Objective RS 08: Occupancy Condition.

Objective IN O9: Sub-standard roads.

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

Policy RS P1: To provide for the development of sustainable rural housing in the County in accordance with the 'Sustainable Rural Housing' guidelines.

Section 10.4 – Design Statement.

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**

None relevant.

5.5. **Environmental Impact Assessment-Preliminary Examination**

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

This application is the subject of a first-party appeal. The issues raised are summarised below: -

- The applicant is a long-term resident of the area and this would be her first home in the local rural area. Therefore, the application is compliant with Policy Objective RS 01 regarding a genuine rural housing need.
- When the applicant completes her college studies in the local University she intends to provide support to her parents and godmother.
- The L-5152 is subject to objective IN09 within the Development Plan which states that development of rural one-off housing will be considered in exceptional circumstances, which she considers she has outlined in terms of her close ties to the area and to the land owner.
- The Road Design Section of the local authority raised no specific traffic concerns. The applicant was not given an opportunity to address any traffic concerns at pre-planning stage nor by means of a further information request.
- The proposals will not contribute to ribbon development, as it is an infill site with many services and community facilities within its catchment.
- The development has been designed to respond sympathetically to the local landscape.

6.2. 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 under Strong Urban Influence' as identified in Map 3.2 '*Rural Settlement Strategy*' of the Development Plan. In recognition of this 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 proposed development would be assessed in accordance with the Development Plan policies RS 01, which require the applicant to demonstrate a genuine rural generated housing need based on their social/economic links to a particular rural area. They must demonstrate that they comply with one of the categories listed on (a) to (d) set out within the Development Plan. The appellant has not demonstrated that she is a landowner, or the daughter of a farmer nor taking over the running of a family farm, or involved in essential rural activities that would necessitate her residing in this rural area, so therefore categories (a) to (c) are not applicable. I am not satisfied that the applicant would comply with Category (d) of the policy either, given the applicant has failed to demonstrate specific work or family reasons supporting her need to reside in this area. It is noted that the appeal site is removed

from the principal family home and would result in the development of a second dwelling on a site.

- 7.2.3. The Sustainable Rural Housing Guidelines define rural areas under strong urban influence as those within proximity to the immediate environs or close commuting catchment of large cities and towns. Circumstances for which a genuine housing need may apply include persons who are an intrinsic part of the rural community and persons working full time or part time in rural areas. In addition, Policy Objective 19 of the National Planning Framework requires that, in rural areas under urban influence, the core consideration for the provision of a one-off rural house should be based on the demonstratable economic or social need to live in the rural area and should have regard to the viability of smaller towns and rural settlements.
- 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 she resides in the Nevin family home in Laught, Lisnagry, an adjacent townland. within the local rural area. Precise details of the location of the family home in relation to the appeal site have not been provided. The appeal site forms part of a larger site with an overall area of approximately 0.5 hectares. The overall lands do not relate to any agricultural landholding. The proposed development would result in the sub-division of her godmothers site to accommodate the proposed house.
- 7.2.5. It is stated that the applicant has lived in the local area for a considerable number of years (since at least 2003 when she commenced her education in Ahane National school) and was studying at the local university up until May 2019 at least. 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.

7.2.6. In the absence of an identified locally based, site specific economic or social need to live in the area, it is considered that the proposed development would contribute to the development of random rural housing in the area, exacerbate the existing pattern of ribbon development 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 the adjacent urban settlements of Annacotty and Limerick City.

7.3. **Traffic**

7.3.1. It is proposed to provide a new 12 metre wide splayed vehicular access onto the L-5152. Concerns have been raised by the Planning Authority regarding compliance with objective IN 09 in relation to substandard roads. I accept the horizontal alignment of the road is substandard along part of its length, however I note that the Road Design Section of the local authority did not raise any specific concerns and that adequate sight/stopping distances would be achievable from the proposed access point.

7.3.2. Having regard to the minor nature of the road, the design speed of the road and the limited number of vehicular trips potentially generated by the proposed development, it is my view, it would not result in the creation of 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 following reasons:

9.0 Reasons and Considerations

1. The subject site is located within an 'an Area under Strong Urban Influence', as identified in the Limerick County Development Plan, 2010-2016 (as extended). National Policy Objective 19 of the NPF 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 within specific objective RS 01 of 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.
2. The proposed development would contribute further to the erosion of the rural landscape character of an area with limited capacity to assimilate further development. The proposed development would establish an undesirable precedent for similar development in the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

Fergal O'Bric
Planning Inspector

10th February 2020