



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307601-20

---

<b>Development</b>	Conversion of two residential units into a single residential unit.
<b>Location</b>	Ballysimon Commons, Ballysimon, Co. Limerick.
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	20/358
<b>Applicant(s)</b>	David Fitzgerald
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party V. Refusal
<b>Appellant(s)</b>	David Fitzgerald
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16 <sup>th</sup> September 2020
<b>Inspector</b>	Fergal O'Bric

## 1.1. Site Location and Description

- 1.1.1. The site is located in Ballysimon Commons, approximately 5.4 kilometres south-east of the Limerick city centre. and approximately 0.7 Kilometres south-east of the Ballysimon junction on the M7 Motorway, linking Dublin with Cork. The appeal site comprises part of a stable block, which comprises of stables for horses, tack and animal feed storage, two farm workers residential units, comprising of single bedroom units and kitchen/living and bathroom facilities. Ballysimon Commons is a rural area characterised by agricultural lands. There are also a significant number of one-off houses located in the immediate vicinity of the site.
- 1.1.2. The subject site has a stated area of 2.54 hectares and forms part of a garden area associated with a dwelling (Ballysimon House) located further east within the appeal site. The site is rectangular in shape, site levels rise from slightly above those on the adjoining public road. The site is bound to the north, south, east and west by mature hedgerow boundary treatment and to the north by a field boundary with a paddock.
- 1.1.3. The site is located along a local county road, that connects with the R527 (Ballysimon Road) to the north which in turn connects to the N24. There are no public footpaths or lighting provided along the county road.
- 1.1.4. A concrete foundation for the development proposed is already in place, and some building materials in the form of concrete blocks, building sand and pipes were noted on the day of my site inspection.

## 2.0 Proposed Development

- 2.1.1. It is proposed to convert two existing residential units into a traditional style four bedroomed dwelling and all ancillary site works. The existing residential units (permitted as temporary farm workers living accommodation) comprise part of single storey stable block. It is proposed to construct a two-storey extension to the front (west) of the stable block and attach it to the existing two storey temporary farm worker units. Planning permission has already been granted on the site for an effluent treatment system and shared vehicular entrance under Planning Authority reference number 18/293. The permitted residential units on site have a floor area of 31 square metres, the proposed dwelling would have a gross floor area of 170

square metres. The house would have a pitched roof with a maximum ridge height of 6.8 metres.

- 2.1.2. Access is proposed via the existing vehicular entrance which serves the existing stable block and Ballysimon House. There is an existing connection to the public watermains, and a wastewater treatment system permitted further north on the site.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Refuse permission for the following reason:

Reason 1: The development as proposed, and the precedent which a grant of permission would set for similar types of development, would increase the prevailing density of development in the area which is classified as an area under strong urban influence in the current County Development Plan, would constitute overdevelopment of the site, would injure residential amenities and be contrary to the proper planning and sustainable development of the area.

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

#### **3.2.1. Planning Report**

The Planning Officer recommended a refusal of planning permission for the reason outlined above, in Section 3.1.

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

None received.

### **3.3. Prescribed Bodies**

Irish Water: No objections, subject to conditions.

## **4.0 Planning History**

### **4.1. Relevant Site Planning History**

Planning Authority reference number 19/457-In 2019, planning permission was refused for the conversion of two existing residential units into a single residential unit.

Planning Authority reference number 18/293-In 2018, Retention permission was granted for existing ground floor residential unit, existing first floor residential unit and existing vehicular entrance and planning permission was granted for the construction of an external access/escape stairs to a first floor residential unit and to replace the existing septic tank and percolation area with a new proprietary effluent treatment system to service both existing residential units.

Condition number four of this permission set out the following: The two units, subject to this notification, shall be used for the temporary accommodation of farm workers associated with the applicants farming activity on the land holding, and shall not be used for any form of holiday letting or long term private residential letting.

Reason: In the interest of residential amenity and road traffic safety.

Planning Authority reference number 17/123-In 2017, planning permission was refused to carry out alterations, renovations and extension of existing stable yard dwelling unit and (b) upgrade existing effluent treatment system including all associated site works and services.

## **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.

Objective RS 01 of the Plan sets out the following: 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.

Objective ED 017: Pertains to the renovation and adaptation of refurbished buildings for tourism and other appropriate uses.

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 existing effluent treatment arrangements are totally inadequate and need to be upgraded in the interests of health and safety.
- The application pertains to the replacement of two existing residential units, which have already been granted planning permission.
- The proposals would not constitute overdevelopment of the site, but merely seeks to replace two antiquated units into a single residential unit, fit for modern day living.
- The existing on site single bed units are undersized and inadequate for modern family living.
- There are a number of precedents for multi-unit developments in the immediate area, in the so-called pressure area, photographs of the precedents have been included as part of the appellants submission.
- No third-party objections to the development were received, so how could the development injure existing residential amenities of the area.
- The proposed dwelling is independent of any other dwelling in the area, and the nearest dwelling is that of the applicant.
- The appeal should be granted in the interest of natural justice and proper planning and development, given that several precedents exist within County Limerick.

### **6.2. Planning Authority Response**

The Planning authority did not make any additional comments as part of the appeal.

## 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
- 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 (as per the public notices) pertains to the conversion, alteration and enlargement of two existing residential units. However, these units were specifically permitted as temporary accommodation for farm workers associated with Mr. Fitzgerald's farming activities, on the land holding. What is now essentially being proposed, is a private residential four bedrooled residential unit, within a rural area, and therefore would be assessed in accordance with the Development Plan policy RS 01. This policy requires the applicant to demonstrate a genuine rural generated housing need based on their social/economic links to a particular rural area. Applicants must demonstrate that they comply with one of the categories listed on (a) to (d) set out within the Development Plan.

7.2.3. The appellant has not demonstrated that he is a landowner (who does not already have a dwelling on the holding), or the daughter of a farmer nor taking over the running of a family farm, or involved in essential rural activities that would necessitate him residing in this rural area, so therefore categories (a) to (c) are not



applicable. I am not satisfied that the appellant would comply with Category (d) of the policy either, given he has failed to demonstrate specific work or family reasons supporting his need for an additional dwelling in this area.

- 7.2.4. The appellant has stated that his current address is Ballysimon House, Ballysimon, which is the existing dwelling located further east on the land holding. Therefore, it is considered that his rural housing need already appears to have been met. Neither has the appellant submitted any specific details or circumstances in terms of how he would demonstrate compliance with the Rural Housing Policy of the Development Plan in terms of his social or economic need to reside at this specific location.
- 7.2.5. 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.
- 7.2.6. 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 settlement of Limerick City and its environs. 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.
- 7.2.7. In conclusion, given that the applicants current residence, Ballysimon House, is located within the appeal site, it is considered that the current proposal would result in the development of a second dwelling on this site. The proposals would constitute the overdevelopment of a modest land holding, in an area under strong urban

influence, and therefore, it is considered the proposals would be contrary to the proper planning and sustainable development of the area.

### **7.3. 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 result in an over-development of a limited land holding, 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 Inspectorate

16th October 2020