



An  
Bord  
Pleanála

## Inspector's Report ABP-308532-20

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<b>Development</b>	Construction of dwelling house incorporating a family flat.
<b>Location</b>	Routagh, Ballysheedy, Co. Limerick.
<b>Planning Authority</b>	Limerick City and County Council
<b>Planning Authority Reg. Ref.</b>	20776
<b>Applicant(s)</b>	Jonathan Ryan.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Jonathan Ryan.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	5 <sup>th</sup> January 2021.
<b>Inspector</b>	Bríd Maxwell

## **1.0 Site Location and Description**

- 1.1. This appeal relates to a greenfield site of 0.49 hectares located within the townland of Ballysheedy circa 4km to the south of Limerick City Centre. The appeal site is immediately to the south of the established settlement which is characterised by a significant pattern of ribbon development. The posted 60m speed limit sign is located adjacent to the site. The appeal site which is L shaped forms part of a larger field pattern with field boundaries defined by hedging and trees. A laurel hedge has recently been planted along the southern site boundary of the appeal site. The adjoining site to the north is occupied by a single storey bungalow type dwelling.

## **2.0 Proposed Development**

- 2.1. The proposal as set out within the application involves permission for the construction of a part two storey, part single storey dwellinghouse incorporating a family flat, agricultural shed, wastewater treatment system, percolation area, alterations to existing entrance and all ancillary site works.
- 2.2. The proposed dwelling is a substantial structure of 365 sq.m with a contemporary design. The form is L shaped with finishes to include painted render and slate roof. To the rear of the dwelling is the proposed steep portal framed agricultural shed of 185sq.m constructed with cast in situ concrete and finished with grey powder coated sheet metal cladding to walls and roof.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By order dated 1<sup>st</sup> October 2020 Limerick City and County Council issued decision to refuse permission for the following reasons:

*“The site of the proposed development is located within the Ara of Strong Urban Influence as defined in the Limerick County Development Plan 2010-2016. Having regard to the information submitted on file to date, and the applicant’s ownership and occupancy of a dwelling in the rural locality, it is considered the applicant has failed to demonstrate their eligibility for a rural dwelling. The applicant does not come*

*within the scope of the housing need criteria as set out under Objective RS01 in the Development Plan and as such, the proposed development would materially contravene the objectives of the County Development Plan 2010-2016 in relation to rural settlement, militate against the preservation of the rural environment and be contrary to the proper planning and sustainable development of the area.*

*In the absence of demonstrating appropriate sightlines and stopping sight distances the Planning Authority cannot be satisfied that the proposed development would not endanger public safety by reason of traffic hazard because the traffic movements generated by the proposed development where the sightlines are restricted in a southern direction due to the undulating nature of the road would interfere with the safety and free flow of traffic on the public road.”*

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

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

The Planner's report notes the history on the site and concludes that a housing need has not been demonstrated. The scale of the dwelling is considered excessive. Refusal recommended.

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

Mid West National Roads Design Office report indicates no observations in relation to the application.

Roads Report – applicant has failed to demonstrate the sightlines. Proposals for surface water to be detailed.

### **3.3. Prescribed Bodies**

Transport Infrastructure Ireland – No observations.

Irish Water – No observations.

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

None

## 4.0 Planning History

**20/180** Refusal of permission for construction of a part two storey part single storey dwellinghouse incorporating a family flat, agricultural shed, wastewater treatment system, percolation area, alterations to existing entrance and all ancillary site works.

**03/1804** Permission granted for construction of dwelling front boundary wall driveway garage, wastewater treatment system, percolation area and all ancillary works.

**03/500** withdrawn.

## 5.0 Policy Context

### 5.1 National Policy

- Sustainable Rural Housing Guidelines 2005
- National Planning Framework – National Policy Objective 19

#### 5.1. Development Plan

The Limerick County Development Plan 2010-2016 as extended refers.

The site is located in an Area of Strong Urban Influence.

*Section 3.9.1 – Rural Settlement Policy* of the Limerick County Development Plan sets out the following:

***Rural areas under strong urban influence:*** *Part of the rural areas within commuting distance of Limerick City and Environs are experiencing pressure from the development of urban generated housing in the open countryside Continued high levels of single rural houses in these locations would inhibit the growth of the County's urban areas which would result in a failure to achieve the growth targets, particularly of the City and Environs.*

*The key development plan objectives in these areas seeks to facilitate the genuine housing requirements of the rural community as identified by the planning authority in the light of local conditions while on the other hand directing urban generated*

*development to areas zoned for new housing development in cities, towns and villages in the area of the development plan.*

**Objective RS O1: Single Houses in Area under Strong Urban Influence** sets out the following:

*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 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 spent a substantial period of their lives (minimum 10 years).*

## **5.2. Natural Heritage Designations**

The site is not within a designated area. The nearest such sites are the Lower River Shannon SAC within circa 3.5km.

## **5.3. EIA Screening**

5.3.1 Having regard to the nature and scale of the proposed development there is no real likelihood of significant effects on the environment. The need for environmental

impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

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

The grounds of first party appeal are summarised as follows:

- Development plan provides for farmers to build a house on their farmland even if located in an area of Strong Urban Influence.
- While the applicant owns a house, it is not on the farm.
- Applicant will inherit the family farm.
- Landscaping business will supplement farm income.
- Series of photographs attached taken at the proposed entrance demonstrate sightlines. Owner of the adjacent land has agreed to removal of any vegetation as necessary.

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

6.2.1 The Planning Authority did not respond to the grounds of appeal.

## **7.0 Assessment**

7.1 I consider that the appeal can be assessed under the following broad headings:

- Principle of Development – Compliance with rural housing policy and impact on the amenities of the area
- Traffic Safety and Wastewater Treatment
- Appropriate Assessment

## **7.2 Principle of Development – Compliance with Rural Housing Policy and impact on the amenities of the area**

7.2.1 Limerick City and County Council's urban and rural settlement strategy is set out within Chapter 3 Urban and Rural Settlement Strategy of the Limerick County Development Plan 2010-2016. In these areas the development plan objective is to permit single houses in the area under strong urban influence to facilitate those with a genuine Rural housing need in the area. In terms of defining 'genuine rural housing need' I note objective RS 01 and various qualifying criteria including (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).

7.2.2 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 might 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.

7.2.3 The documentation submitted on behalf of the applicant outlines that he grew up and lives within 1km of the site and will take over the running of the family farmlands. While the applicant currently owns a house, it is not located on the farmland. It is within 1km road distance or 300m as the crow flies and therefore the proposed dwelling would be more convenient in terms of direct access. The farm comprises four land parcels totalling 30.75 hectares (labelled uncles/ grandfather's farm, father's farm, grandfather's farm and great grand aunt's /uncles farm). Having

reviewed the details submitted, I would tend to concur with the conclusions of the local authority planner that a justification for an additional dwelling at this location on the landholding has not been demonstrated particularly in light of the substantial amount of one-off housing in this area. I note that the proposed site is distant from the existing farm dwelling and buildings on the landholding and it would in my view represent further suburbanisation within this high-pressure area.

7.2.4 In terms of the impact of an additional dwelling on the amenities of the area I also have concerns with regard to the scale of the proposed dwelling and outbuilding. I note that no details are provided with regard to the intended use for the 'agricultural outbuilding' which is within 36m of the adjacent dwelling to the north therefore potential for injury to established residential amenity arises. I consider that the proposal would militate against the preservation of the rural environment would give rise to an over concentration of residential development in a rural area.

7.2.5 I conclude that the application does not comply with Policy Objective 19 of the National Planning Framework. I consider that the proposal would undermine the rural housing policy and would be contrary to the proper planning and sustainable development of the area.

### **7.3 Traffic Safety, Servicing Wastewater Treatment**

7.3.1 On the issue of traffic and road safety the site abuts a straight section of the local road and whilst the road is undulating sufficient sightlines are readily achievable. Having regard to the limited number of additional vehicular movements arising from a single dwelling it is my view that the proposed development would not result in a traffic hazard.

7.3.2 Site suitability assessment report notes that in the trial hole excavated to 2.4m neither bedrock nor water table were encountered. The soil is described as silt loam topsoil with silt with some gravels uniform to 0.6m in depth with slightly sandy gravelly silt clay from 0.6m to base of trial hole. A T value of 42 was determined and P value of 27. A packaged wastewater treatment plant and polishing filter is



proposed. Having regard to the information submitted I am satisfied that that the subject site is suitable for the installation of the proposed packaged wastewater treatment system however in light of the level of one-off housing development in the vicinity I would be concerned with regard to the proliferation of wastewater treatment systems within the local area.

#### **7.4 Appropriate Assessment**

- 7.4.1 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**

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

### **Reasons and Considerations**

The subject site is located within an 'area under urban influence' which is an area under significant pressure for rural housing, as identified in the Limerick County Development Plan 2010 -2016 (as extended), 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 core consideration of demonstrable economic or social need to live in a rural area. Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the application has demonstrated an economic or social need for an additional dwelling 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 Guidelines and in national policy for a house at this location. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the

over-arching national policy and would be contrary to the proper planning and sustainable development of the area.

Having regard to substantial amount of one-off housing already existing in this rural area, which is not zoned for residential development, it is considered that the proposed development by reason of its siting, scale and design would, would militate against the preservation of the rural environment, would seriously injure the visual amenities of the area and would give rise to an over-concentration of residential development in a rural area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Bríd Maxwell  
Planning Inspector

28<sup>th</sup> January 2021