



An  
Bord  
Pleanála

## Inspector's Report ABP-311846-21.

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<b>Development</b>	Construct part two-storey, part single storey farmhouse incorporating family flat, agricultural shed, wastewater treatment system, percolation area, alterations to existing entrance and all site works.
<b>Location</b>	Routagh, Ballysheedy, Co. Limerick.
<b>Planning Authority</b>	Limerick City and County Council.
<b>Planning Authority Reg. Ref.</b>	21/1155.
<b>Applicant</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</b>	Jonathan Ryan.
<b>Observer</b>	None.
<b>Date of Site Inspection</b>	17 February 2022.
<b>Inspector</b>	Mairead Kenny.

## 1.0 Site Location and Description

- 1.1. The site of the proposed development is within a rural area close to the southern side of Limerick city. The site is approximately 6 km to the centre of the city and is a few kilometres from the M7, which is to the north. In the immediate vicinity of the site to the north is a large cluster of one-off houses within the restricted speed limit. To the south of the defined lands is another cluster of similar housing.
- 1.2. The subject site comprises a plot of stated area of 0.594 ha which is taken from a larger agricultural holding of over 30 ha which is separated into 3 no. separate parcels. The selected site is fairly centrally positioned within the overall holding.
- 1.3. The subject site is part of a larger field, and it has been fenced with a metal mesh fence which is planted with a laurel hedge. There are a large number of bare rooted deciduous trees awaiting to be planted on the site. To the rear of the site an agricultural shed which is being constructed under section 5 declaration is virtually complete. A rough track leads from the southern corner of the site to the centre of the plot.

## 2.0 Proposed Development

- 2.1. Permission is sought for the following:
  - A part two-storey, part single story dwellinghouse incorporating family flat.
  - An agricultural shed.
  - A wastewater treatment system.
  - Alterations to an existing entrance at the northern corner of the road frontage of the site and all ancillary site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to refuse permission for the reasons summarised below:

- The site is within the area of Strong Urban influence defined in the development plan and having regard to the information submitted and the applicant's ownership and occupancy of a dwelling in the rural locality, it is considered that the applicant has failed to demonstrate his eligibility for a rural dwelling. The applicant does not come within the scope of the housing need criteria under objective RS01. The proposed development would materially contravene the objectives of the development plan 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

#### Planning Reports

The main points of the Planning Report include:

- The applicant was informed during pre-planning discussion that the planning authority was not in favour of the proposed development due to the applicant's housing need already met in the area and due to ribbon development.
- This is the third application for a dwelling house on the site by the applicant.
- The documentary evidence submitted is referenced. The applicant lives in the area and is a self-employed landscaper. The supporting letter states that he has taken over the running of the farm due to medical issues.
- The Board upheld the decision to refuse permission under 20/766. Extracts from that decision and the inspectors report are referenced.

- There have been previous permissions refused or recommended for refusal on this land holding in the past under Reg ref 04/1579, 05/1059, 07/1113.
- The site does not adjoin any farm complex. The farm holding comprises a number of parcels. The applicant's dwellinghouse is 1 km away or 300 m as the crow flies. Proximity to the holding is not a valid concern.
- The storage of machinery is not a valid reason to consider an additional dwelling house in an area of Strong Urban influence which has witnessed significant pressure for development.
- The applicant's housing need has been fulfilled as he lives in the vicinity of the site. This present occupation involves the use of large tractors, and his primary occupation is involved in landscaping.
- The entrance is unauthorised. There is a section 5 declaration for the construction of an agricultural shed.
- Granting permission for another house in an area which has witnessed such pressure for development to reduce the travel distances from 1 km to 0.3 km would be contrary to national policy, unwarranted and would exacerbate the problem of ribbon development.
- There has not been a change of circumstances to warrant a change of recommendation or justification for an additional dwelling at this location particularly in light of the concentration of one of housing developments.
- The design of the dwelling house has been amended to remove first floor windows. The footprint remains close to the boundary and adjoining dwelling.
- The Roads Section is still dissatisfied with the sightlines demonstrated. The Board's inspector did not include sightlines as a reason for refusal. While sightlines may be achievable a setback of the roadside boundary would be needed and this would be contrary to objective ED H06.

### **Other Technical Reports**

#### Roads Report

This refers to the previous Roads Report undertaken for the previous applications that were refused.

Photographs are not deemed to be sufficient to determine sightlines.

### **3.3. Prescribed Bodies**

#### **Irish Water**

This refers to reference number 21/1155 and states that the application has been processed. Irish Water sets out the conditions to be attached in the event of permission.

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

A submission was received from an elected representative nominated by the applicant in connection with this application.

## **4.0 Planning History**

Under ABP-308532-21 the Board upheld the decision of the planning authority under Reg. Ref. 20/776 to refuse an application for permission for a dwellinghouse at the site of the proposed development and for the same applicant.

The reason for refusal of the Board may be summarised as follows:

- The site is in an Area Under Urban Influence which is under significant pressure for development under the Sustainable Rural Housing Guidelines and in the National Planning Framework. NPO 19 of the NPF aims to facilitate the provision of single housing based on demonstrable economic or social need to live in a rural area. The applicant already lives in a rural house proximate to the site and the Board is not satisfied that there is an economic or social need for an additional dwellinghouse in this rural area. Having regard to the lack of site-specific economic or social need to live in the area and to the substantial amount of one of housing already existing in this rural area which is not zoned for residential development the proposed development would contribute to the development of random rural housing and would 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. The proposed development would therefore be contrary to the ministerial guidance and the overarching national policy.

The planning history includes another application for similar development which was refused permission by Limerick County Council under Reg Ref 20/180. The Council's planning report provides further details of the planning history.

## **5.0 Policy Context**

### **5.1. National Planning Framework, 2018**

- 5.1.1. Under National Policy Objective 19 it is policy to facilitate the provision of single housing in the countryside based on the core consideration of a demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements.

### **5.2. Sustainable Rural Housing Guidelines for Planning Authorities, 2005**

- 5.2.1. Under the indicative map the site would be as being in a Stronger Rural Area.

### **5.3. Development Plan**

- 5.3.1. The Limerick County Development Plan 2010 – 2016 (as extended) remains in force. The Council's website indicates that the revised plan will be adopted after May 2022.
- 5.3.2. The relevant policies under the Limerick County Development Plan 2010 – 2016 (as extended) are set out below.
- 5.3.3. The site is in an Area Under Strong Urban Influence. Section 3.9.1 which is relevant to areas which are experiencing pressure from the development of urban generated housing is to facilitate genuine housing requirements of the rural community while on the other hand directing urban generated development to areas which are zoned for new housing development.
- 5.3.4. Objective RS01 is to recognise the individual housing needs of people of people who are intrinsic to the rural areas defined as being under Strong Urban influence. Subject to the suitability of the site and normal proper planning and sustainable

development criteria such needs may be accommodated on lands within the Area under Strong Urban Influence.

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

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

### **6.0 The Appeal**

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

The main points of the appeal are as follows:

- The applicant has clearly demonstrated in the planning application report that he is a farmer committed to farming the land at the site not least by the construction of an agricultural shed.
- There are commercial and safety concerns relevant to living remotely from the farm. The subject site location of the existing house is not suitable for these reasons.
- There are implications from the carbon footprint viewpoint. The carbon footprint of the additional journey time over the working life of the applicant from travelling at least 1 km further to the farm if he remains living in his existing house would be enormous.
- The applicant's agricultural consultant has advised on how best to implement The Farm Development and Diversification Plan. This plan has highlighted many areas of concern and helped the applicant to identify solutions. The construction of a new farm complex to the rear of the proposed farmhouse dwelling and its location in the most central point on the farm allows for easy access to all parcels of land. In addition, there has been heavy investment in essential farm machinery. The neighbouring lands adjacent to the new farm complex will provide for development of a nursery/tree crop production plan over the coming years in line with the farm diversification plan.
- The applicant is now full time managing and working on the family farmlands and has a herd number which is given. The lands were previously managed

by the applicant's father and his uncle and Jonathan was involved in assisting them on a day-to-day basis. Enclosed letters refer.

- The applicant has taken over full-time running of the farm sooner than expected due to family circumstances/illness of his father and uncle who are in their mid-70s and mid-80s.
- We note the acknowledgement by the planning authority that traffic safety was not considered by the Board's inspector as grounds for refusing at previous appeal. Safe sightlines and stopping distances along the public road to the south have been met or exceeded in the view of the Board's previous decision.

## 6.2. **Planning Authority Response**

None.

## 6.3. **Observations**

None.

## 7.0 **Assessment**

- 7.1. Having regard to the previous decision of the Board and the proposed entrance location, which is as per the previous case, I consider that the development is acceptable in terms of traffic safety. I note the revised location of the proposed wastewater treatment system and the accompanying site suitability report. I consider that the development is acceptable in terms of the proposals for wastewater treatment and disposal.
- 7.2. On that basis I consider that the main issue in this appeal relates to issues relevant to the sole reason for refusal given by the Board under ABP-308532-20 and whether or not the change in circumstances is sufficient to warrant a grant of permission.
- 7.3. The previous case under ABP-308532-20 was decided on 8 March 2021. There has been no significant change in policy in the interim. I will consider below the changes in circumstances presented in the application and appeal.



- 7.4. A significant change is that the applicant has taken over the running of the farm and is now in control of a 30.65 hectare holding, which is described as his full-time occupation. The development of a tree nursery is described as a farm diversification enterprise in the context of an agricultural plan prepared by an advisor for the management of the farm. The applicant continues to operate his landscape horticultural business and is striving to develop the farm into a more modern and time efficient enterprise.
- 7.5. I accept that many farmers engage in activities which are supportive of their role as farmer. I consider that nothing in the Board's decision or in the Inspector's report under ABP-308532-20 queried the applicant's status in terms of his role in farming. In the documentation available to the Board under the previous appeal the Board was made aware that the applicant would inherit the land and that he was assisting the then owners in farming that land. I am minded therefore to conclude that the formal transfer of the land to the applicant, while it is a relevant consideration, is not sufficient to warrant an overturn of the Board's approach to this case. The Board's decision under ABP-308532-20 was not based the applicant's employment / status as a farmer or horticulturist and the land transfer has limited relevance in that context.
- 7.6. The applicant has a house within 1km of the site. This is at the heart of this case in my opinion. The Board's decision under ABP-308532-20 explicitly refers to this fact in the context of the very significant pressure for development in this area and the location of the site in an Area Under Strong Urban Pressure. A point which was made in the grounds of appeal under ABP-308532-20 was that the development plan policy provides for a grant of permission for a new house for a farmer who does not have a house on the farm. Having regard to the proximity of the existing house to the lands I consider that this is not a strong basis for argument. I do not accept that a 1km journey is onerous in terms of the operation of the farm. I also note that the climate related arguments are not clear-cut in the context of the other journeys which would be taken including in relation to the landscaping practice and indeed the construction of the dwellinghouse. The overarching policy set down in national policy is to facilitate demonstrable economic or social need. In my opinion that need is reasonably met by the applicant's place of residence. I do not consider that the transfer of lands, taking on a herd number and construction of the agricultural shed is

sufficient to demonstrate an economic or social need for a new house in the circumstances where the applicant resides 1km from the lands. I note and accept that the site is more centrally located in the overall holding. There are a number of farm complexes within the holding, which are identified on a map under ABP-308532-20. The use of or future of these complexes is not clear and in that context there is limited rationale for the selected option of development of another farmyard and need for an associated dwellinghouse.

- 7.7. The applicant has commenced investment in a new farm building which is substantially complete on the site. The applicant states that his need to reside at this site is partly related to its size and the fact that it will accommodate the keeping and transport of machinery and equipment. The applicant attests that the existing house would not accommodate delivery of long trailers into the site. The applicant has not demonstrated turning circles for such vehicles at the proposed site.
- 7.8. It would appear that since the previous Inspector's site visit the site access track has been put in place and bare rooted trees are in the process of being planted. In time these would screen the proposed dwellinghouse in views. The position of the house on the site has been modified to be 75m from the roadside. I agree that there are precedents in the area for setting back houses from the public road, but I note that these are generally in the context of the house being set in the centre of open lands rather than at the edge of a row of house. I have no objection to the particular details of the proposed house design or site layout or landscaping. Nevertheless, the proposed development would extend the ribbon development in this area and I consider that it would result in the further erosion of the rural landscape.
- 7.9. In conclusion I consider that the reason for refusal set out under the previous appeal case remains valid. I have considered the application and appeal details and I am not satisfied that the applicant has demonstrated that there is a site-specific housing need which would justify a grant of permission to the applicant who is already a house owner in the area close to Limerick city which is under considerable development pressure.
- 7.10. I recommend that permission be refused for the reasons and considerations below.

## 8.0 Reasons and Considerations

The subject site is located within an 'area under urban influence' which is an area under significant pressure from rural housing, as identified in the Limerick County Development Plan 2010-2016 (as extended), the Sustainable Rural Housing Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in April 2005, and in the National Planning Framework. National Policy Objective 19 of the National Planning Framework is to facilitate the provision of single housing in the countryside, based on the core consideration of demonstratable economic or social need to live in a rural area.

Having regard to the documentation submitted with the application and appeal and the fact that the applicant already lives in a rural house proximate to the site of the proposed development, the Board is not satisfied that the applicant 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 national policy and guidelines and in the local development plan policy for a house at this location. In the absence of an identified locally-based, site-specific economic or social need to live in the area and having regard to the substantial amount of one of housing already existing in this rural area which is not zoned for residential development, it is considered that the proposed development would contribute to the development of random rural housing in the area, would 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. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the overarching national policy and would be contrary to the proper planning and sustainable development of the area.

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Mairead Kenny

Senior Planning Inspector

20 February 2022