



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312979-22

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<b>Development</b>	Demolition of dwelling, and 2 structures; construction of 4 dwelling and associated site works & services.
<b>Location</b>	Keenaghan Td, Carrick on Shannon, Co Leitrim.
<b>Planning Authority</b>	Leitrim County Council
<b>Planning Authority Reg. Ref.</b>	21259
<b>Applicant(s)</b>	Anne Marie Maye.
<b>Type of Application</b>	Outline Permission.
<b>Planning Authority Decision</b>	Grant Outline Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Charles Gibbons and Others.
<b>Observer(s)</b>	N/A.
<b>Date of Site Inspection</b>	25 <sup>th</sup> of July 2022.
<b>Inspector</b>	Stephanie Farrington

## 1.0 Site Location and Description

- 1.1. The appeal site is located within the townland of Keenaghan, c. 2.5km northeast of Carrick on Shannon town centre. The site has a stated area of 0.974ha and is currently occupied by a two-storey vacant dwelling and 2 no. agricultural sheds. The site is currently overgrown. The site fronts onto narrow local road accessed off Castlecara Road via a 'T' junction. A gated access to the site is provided from the adjoining local road. This access also serves Carrick on Shannon Rugby Club.
- 1.2. The application site roadside boundary is defined by a timber post and wire fence. A footpath and public lighting is provided along the site boundary. Linear residential development occurs on both sides of the road in the vicinity of the site.

## 2.0 Proposed Development

- 2.1. The application seeks outline permission for the demolition of the existing dwelling and agricultural buildings on site and construction of 4 no. dwellings and associated site works and services.
- 2.2. The Proposed Site Layout Plan (Drawing no. 01) illustrates the layout of the proposed dwellings. The site is split into 4 no. plots each of which accommodates a dwelling, garage and vehicular access. Site 1 is 0.217ha, Site 2 is 0.235ha, Site 3 is 0.247ha and Site 4 is 0.273ha.

## 3.0 Planning Authority Decision

### 3.1. Decision

Leitrim County Council issued a notification of decision to grant outline permission for the proposed development subject to 7 no. conditions in accordance with the following reasons and considerations:

*“Having regard to the rural housing aims of the County Development Plan 2015-2021 to provide for housing in rural areas subject to compliance with the stated policy framework, to the availability of connections to piped water services, footpath and public lighting, to the development providing opportunities for persons with social and economic ties to the general area to satisfy their housing needs, to the difficulties*

*encountered in satisfying the requirements of the EPA Code of Practice for individual wastewater treatment systems due to poor prevailing soil percolation characteristics in the general vicinity, to the presence of existing structure on the site which would allow the development of the site or part thereof to be considered as brownfield development and to the nature and extent of existing residential development in the vicinity, it is considered that the proposed development subject to compliance with the conditions set out in the Second Schedule, would not seriously injure the amenities of the area, and would be generally in accordance with the proper planning and sustainable development of the area”.*

The following conditions attached to the permission are of note:

- Condition no. 2: The granting of permission consequent to this outline permission with respect to dwellings on Site no. 2 and Site no. 3 shall be dependent on alternative access to serve Carrick on Shannon Rugby Club having received planning permission and a timescale for its provision having been agreed with the planning authority.
- Condition no. 3: Individual applications shall be made consequent on this outline permission for each of the individual sites identified as site numbered 1-4 on the Site Layout Plan submitted noting the provisions of Condition no. 2 above. In this regard:
  - (a) Each individual application shall demonstrate that the intended occupants of the respective dwelling satisfy the rural housing policy requirements as contained in the County Development Plan in effect at the time of the submission of each application. At the time of granting this outline permission, the requirements of Policy 17 of the County Development Plan 2015-2021 apply in this regard.
  - (b) Each of the dwellings shall be first occupied as a place of permanent residence by the applicants and/or member(s) of their immediate family or their heirs and shall remain so occupied for a period of seven years thereafter. (This condition shall not affect the sale of the dwelling by a mortgagee in possession or by any person deriving title from such a sale).

(c) Each of the dwellings when developed shall be used as a place of permanent residency and shall not be used as a holiday home/short terms rental accommodation.

- Condition no. 4: relates to information to be provided in conjunction with an application for permission consequent of the grant of outline permission. The following points are of relevance:
  - The design and layout shall have regard to the character and built environment in the vicinity.
  - The dwelling on Site no. 4 shall ensure that the residential amenities of the adjoining dwelling to the southeast is not negatively impacted by virtue of overlooking or loss of privacy.
  - The building line of each dwelling shall be set back 25m from the nearside of the public footpath.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

*Internal Memo to Senior Planner – Deputy Chief Executive and Director of Economic Development, Planning and Infrastructural Services*

This memo outlines that the recommendation to refuse permission for the proposal is not accepted on the basis of the following reasons and considerations:

- It is stated that the application seeks outline permission for 4 no. houses. The concerns raised within the reasons for refusal can be addressed by means of condition. Such conditions could require a future applicant to satisfy the criteria set out in Policy 17 of the Leitrim County Development Plan.
- It is considered that the proposal contains merit and accommodates fully serviced sites. There are extenuating circumstances in the case which means that the proposal sits comfortably within the CDP's discouragement of ribbon development including the level of infrastructure in place, the established playing facilities to the rear of the site and the level of standalone dwellings in the vicinity of the site.

- The proposed dwellings are on the “town” side and will not extend further into the rural area.
- Approving the application for outline permission subject to an appropriate condition regarding compliance with Policy 17 of the CDP does not materially contravene the development plan and does not lend itself to speculative development.
- The approval should incorporate suitably worded conditions in relation to compliance with Policy 17, potential relocation of the entrance to the rugby club and house type and design.
- A schedule of conditions to accompany a decision to grant outline permission is requested.

### Planner's Report

The Planner's Report recommends a refusal of permission in accordance with the following reasons and considerations:

1. The proposed development seeks planning permission to construct 4 no. dwellings on a site which is not identified for housing use by means of a land use zoning objective. The site is located approximately 500m from the outer limit of the development envelop of Carrick on Shannon Local Area Plan 2010-2019 and is therefore governed by the policy framework of the County Development Plan 2015-2021. The area in the vicinity of the Carrick on Shannon development envelop has been identified as an area of “Low Capacity/Low Availability” for further individual rural housing as it is an area under strong urban influence. This adheres to the requirements of the “Sustainable Rural Housing Guidelines for Planning Authorities” issue by the Department of the Environment, Heritage and Local Government in April 2005. Within such areas identified as “Low Capacity/Low Availability” applicants must demonstrate a housing need based on criteria contained in Policy 17 of the County Development Plan 2015-2021, namely demonstrating a social and/or economic local need to reside in the area whilst urban generated housing should be accommodated in Carrick on Shannon thereby consolidating the urban fabric of the town. The proposed development, in the manner presented, is considered to represent a speculative development

which does not adhere to the criteria governing proposed development within areas of “Low Capacity/Low Availability” in terms of accommodating one off housing type development within the countryside. The proposed development is considered to be contrary to the Ministerial Guidelines and to the overarching national policy in relation to the management of urban generated rural housing. The proposed development is therefore considered to be a material contravention of the County Development Plan 2015-2021, and in particular the rural housing policy contained therein and, is therefore contrary to the proper planning and sustainable development of the area.

2. The proposed development of 4 no. dwellings would result in the creation and extension of existing undesirable ribbon development at this location which would be contrary to Section 5.2.2 of the County Development Plan 2015-2021. Section 5.2.2 of the County Development Plan 2015-2021 actively discourages ribbon development along public roads. The proposed development would therefore conflict with the above and would be contrary to the proper planning and sustainable development of the area.
3. The proposed development would set an undesirable precedent for other similar development that would in themselves and cumulatively, not be in the interest of the proper planning and sustainable development of the area and would seriously injure amenities thereof.

The following provides a summary of the key issues raised within the planner’s report:

- The application documentation does not include details of compliance with local need at the permission consequent stage. The housing need of the applicant would need to be determine prior to granting any permission, including outline permission. Compliance with the criteria set out in Policy 17 would be a determining factor in whether permission is granted or refused for the development. The development is considered a speculative development.
- Having regard to the extent of zoned and serviced lands within the urban footprint of Carrick on Shannon there is no justification for building 4 no. dwellings in a rural Low Capacity area.

- The provision of the foul sewer as a Group Scheme by the Council in co-operation with the homeowners was to reduce the number of septic tanks within the area. It was not intended to open up the lands to additional rural houses as proposed in this instance.
- The application documentation does not satisfy the requirements of Policy 17 of the Leitrim County Development Plan 2015-2021. The proposal would be contrary to the requirements of Policy 17 of the LCDP.
- The proposed development would be contrary to Section 5.2.2 of the LCDP which relates to Ribbon Development and Section 5.1.2 which encourages new development to locate within existing towns and villages.
- Reference is made to the presence of an uninhabited dwelling on site which is in a poor state of repair. Policy 17 allows the conversion, adaption, reuse and extension of an existing rural dwelling or replacement of an existing dwelling on the same site.
- Cross reference is made to the contents of the report from the National Roads Design Office which questions the measurement of sightlines. Sufficient sightlines should be achievable along this stretch of road.

### 3.2.2. Other Technical Reports

- Fire Officer: No objection.
- National Roads Design Office: The site is located outside of the proposed corridor options for the N4 Carrick on Shannon to Dromod Project. Visibility splays are incorrectly shown on the application drawings. It is stated that an application for fringe development such as that proposed should be assessed for compatibility with the landuse and transportation objectives of the Draft Leitrim County Development Plan 2022-2028.
- South Leitrim Area Office: No objection subject to conditions.
- Water Services: The site is located within a fully serviced area. The applicant will require a Pre-Connection Enquiry from Irish Water.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

3 no. observations were lodged in respect of the application. The key issues raised are summarised as follows:

- Compliance with Policy - The development comprises Ribbon Development on un-zoned land outside of the settlement boundary of Carrick on Shannon. The proposal contravenes the objectives of the Leitrim CDP 2015-2021.
- Impact on Character of the Area - The proposal is inconsistent with the single storey houses in the area and results in an intensification of development.
- Impact on Residential Amenity - Overlooking of the adjoining dwelling to the south-east result in devaluation of property. The proposed 2 storey houses will impact on light to adjoining dwelling and existing houses on the east side of the road. Construction phase impacts.

## 4.0 Planning History

The following applications were made on a portion of the site and relate to development associated with the Rugby Club:

- PA Ref 14/23, ABP Ref 12.244577 – Permission granted by ABP in July 2015 for retention of playing surface, temporary structure and lighting.
- PA Ref 16/54 – Permission granted in October 2016 for temporary toilet and shower block.

### Rugby Club Lands

- PA Ref: 21/261 – Planning permission was submitted in December 2021 for works including the relocation of the existing site entrance and access roadway to the rugby club, the development of a training pitch, development of a Clubhouse, revised site boundaries and associated site works & services. Leitrim County Council issued a request for further information in February 2022.



## 5.0 Policy Context

### 5.1. Development Plan

#### National Planning Framework – Project Ireland 2040

- 5.1.1. Objective 19 of the National Planning Framework outlines that within areas under urban influence, single housing in the countryside will be facilitated based on the core consideration of a demonstrable economic or social need to live in the rural area.

#### Sustainable Rural Housing Guidelines for Planning Authorities

- 5.1.2. The Guidelines provide criteria for managing rural housing requirements, whilst achieving sustainable development. Planning Authorities are recommended to identify and broadly locate rural area typologies that are characterised as being under strong urban influence, stronger rural areas, structurally weak or made up of clustered settlement patterns.
- 5.1.3. Map 1 of the Guidelines sets out an Indicative Outline of NSS Rural Area Types and County Leitrim is located within an area designated as a “Structurally Weak Area”. However the Guidelines outline that:

*“Map 1 is only an indicative guide to the possible location and extent of the rural area types referred to above for the purposes of assisting the initial preparatory work on development plans. Further and more detailed analysis must be carried out at local level to incorporate this approach to identifying different types of rural areas in the development plan process”.*

- 5.1.4. The appeal site is located in an area ‘under strong urban influence’, as set out within the Leitrim County Development Plan 2015-2021. The Guidelines also outline how rural-generated housing need to reside in these areas should be defined in the Development Plan and examples of categories of persons that may be used to define same are provided.
- 5.1.5. Appendix 3 to the Guidelines outlines that the key Development Plan objective in relation to housing in rural areas under strong urban influence should be to facilitate genuine rural-generated housing needs and to direct urban-generated housing to neighbouring towns.

5.1.6. Ribbon Development is defined within Appendix 4 of the Guidelines as:

*“Taking account of the above and the dispersed nature of existing housing in many rural areas, areas characterised by ribbon development will in most cases be located on the edges of cities and towns and will exhibit characteristics such as a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage”.*

5.1.7. The guidelines recommend against the creation of ribbon development for a variety of reasons relating to road safety, future demands for the provision of public infrastructure as well as visual impacts.

Leitrim County Development Plan 2015-2021

5.1.8. The policies and objectives of the Leitrim County Development Plan 2015-2021 are relevant.

5.1.9. Map 4.3 of the Plan identifies the appeal site as being within a rural area with ‘low capacity/low availability’ for housing, which are areas adjoining towns and villages that are under pressure from residential development. Section 4.2.2.14 of the Plan sets out the following guidance in respect of these areas:

*Low Capacity/Low Availability*

*In general terms, areas adjoining towns and villages that were clearly under pressure from residential development were considered as Low Capacity Areas. These areas tend to be associated with areas of high residential vacancy. They are particularly prominent along the approach roads to the towns and villages. ....There is a need to ensure that the capacity of these areas to serve the residential needs of the local community is not compromised by development that could be more appropriately accommodated elsewhere.*

5.1.10. Policy 17 of the Plan states that:

*“It is the policy of the Council to consider one-off housing acceptable within areas of Low Capacity subject to normal planning requirements and where applicants demonstrate compliance with the following requirements:*

- 1) *They are currently living in the Low-Capacity area, in the immediate vicinity of the proposed site and can demonstrate a need to continue living in the area,*

*other than in their current residence, with their proposed dwelling, as their permanent place of residence;*

*or*

- 2) *Can demonstrate that they are originally native to the Low-Capacity Area and wish to return to this area for family or social reasons and wish to live there, with their proposed dwelling as their permanent place of residence.*

*and*

- 3) *Are willing to enter into an occupancy agreement, in relation to the future occupancy of the proposed dwelling, with the Planning Authority under Section 47 of the Planning & Development Act 2000, as amended”.*

5.1.11. The Plan outlines that other developments considered acceptable in areas identified as medium and low capacity include:

- *The conversion, adaptation, re use and extension of existing rural dwellings and other structures capable of being adapted to residential use.*
- *The replacement of existing dwellings on the same site.*

#### *Development Management*

5.1.12. Section 5.1.1 sets out Development Management Standards.

5.1.13. Section 5.1.2 relates to the Location of Development. This outlines that: *“New development will be encouraged to locate in existing towns and villages where services can be economically provided and the social and urban structure can be consolidated, in accordance with the principles of sustainable development. Generally, the Council will encourage development in town and village centres”.*

5.1.14. Section 5.1.4 relates to applications for Rural Areas. This outlines that:

*Outside the built-up area of towns and villages, development proposals will be assessed according to:*

- *The likely impact on the environment (including, inter alia, watercourses, ground water and habitats);*
- *The visual impact on the landscape;*
- *Heritage criteria (both natural and man-made);*

- *Traffic Safety;*
- *The social, community or economic gain accruing to the local community;*
- *Whether the housing demand is urban or rural generated (this is particularly relevant in the medium capacity areas); and*
- *The location of the proposed dwelling in relation to the rural capacity areas.*

5.1.15. Section 5.1.9 relates to Low Capacity/Low Availability Areas. This outlines that:

*“These are areas adjoining towns and villages that were clearly under pressure from residential development. They tend to be associated with areas of high residential vacancy. They are particularly prominent along the approach roads to the towns and villages. In these areas the development of rural housing will be limited to those categories identified in Policy 17”.*

5.1.16. Section 5.2.1 relates to Residential Development in Rural Areas and outlines that *residential development in rural areas will be required to conform to the principles detailed in the Design Guide for the Siting and Design of Single Houses within the Leitrim Countryside published by Leitrim County Council Planning Department.*

5.1.17. Section 5.2.2 relates to Ribbon Development and outlines that: *“Ribbon development, where a continuous line of houses snakes along a public road, will be discouraged. This pattern of development, common on the edges of many towns and villages, leads to a reduction in the carrying capacity of the public road, reduces traffic safety and inhibits the orderly expansion of towns by frustrating the in-depth development of backlands. In exceptional circumstances, notably where ribbon development is substantially in place and where additional housing will effectively consolidate the ribbon, ‘infill’ development may be permissible”.*

*Design Guide for the Siting and Design of Single Houses within the Leitrim Countryside.*

5.1.18. The design guide sets out guidance for the siting and design of single houses within the Leitrim Countryside. The Site Selection guidance seeks to avoid the provision of houses along the roadside which bear little relationship to their rural setting and giving rise to an undesirable pattern of road frontage development.

## 5.2. Natural Heritage Designation

The nearest designated European sites to the appeal site, including SAC's and Special Protection Areas (SPA's) include the following:

### Proposed Natural Heritage Areas

- Carrickaport Lough – 9.5km north
- Sheemore Wood – 4.9km north
- Annaghealy Lough – 5.5km north east
- Lough Drumharlow – 2.5km north west
- Lough Rinn- 14.6km west
- Fin Lough (Roscommon)- 10km north west
- Cuilcagh - Anierin Uplands- 148km to the north

### SAC's

- Cuilcagh - Anierin Uplands SAC – 14.8km to the north

## 5.3. EIA Screening

Having regard to the nature and scale of the proposed development, comprising 4 no. dwellings, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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

A third-party appeal was submitted in respect of Leitrim County Council's notification of decision to grant outline permission for the proposed development from Charles Gibbons, Joe O' Connor and Mary Rynn. The following provides a summary of the key issues raised:

- The proposal is contrary to the policies and objectives of the Leitrim County Development Plan 2015-2021.

- It is not clear how the landowner satisfies the criteria set out within Policy 17 of the LCDP. No details relating to housing need of the applicant have been submitted. Part B of the planning application form is not submitted in conjunction with the application. The proposal is a speculative development. Cross reference is made to extracts from the planner's report which recommends a refusal of permission on grounds of lack of information on compliance with local need.
- The proposed 2 storey houses are inconsistent with the existing character of development within the area. Existing development in the area comprises low density, single storey rural houses. The 2 storey houses result in an intensification of development within the area. Development of the nature proposed should be provided within the settlement boundary of Carrick on Shannon.
- The proposal is in direct contravention of Section 5.2.2 of the Leitrim County Development Plan which relates to Ribbon Development.
- Reference is made to the presence of a footpath, dropped kerbs and lighting along the site boundary. These were installed by LCC in November 2021 without going through the Part 8 process.
- The classification of the appeal site as brownfield is misleading.
- There is plenty housing available within Carrick on Shannon town boundary. Reuse of existing vacant properties should be encouraged. This would reduce reliance on the private car and enhance the town centre. The proposal would contribute to urban sprawl and contrary to the policies and objectives of the LCDP.
- The appeal refers to the report on file from the National Roads Design Office in relation to compliance of land use and transportation policy set out within the Draft Leitrim County Development Plan and concerns relating to the visibility splays.
- It is not understood why Leitrim County Council are supportive of the application. Other applicants, local to the area, who have applied for one-off-houses in the area have been discouraged by LCC and subsequently

withdrew their applications. The attachment of conditions to the outline permission does not address the concerns regarding the speculative nature of the development proposed.

## 6.2. Applicant Response

- None Received.

## 6.3. Planning Authority Response

Leitrim County Council provided a response to the grounds of appeal. The following provides a summary of the points raised:

- The inclusion of Condition no. 3 on the outline permission ensures that only applicants who satisfy the requirements of Policy 17 of the LCDP 2015-2021 or any similar provisions of the subsequent plan shall receive permission.
- There was no suggestion that the landowner satisfied the requirements of the rural housing policy. Submission of Part B of the application form was not required in this regard.
- Only a person local to the area would satisfy the requirements of Condition no. 3. The development is not a speculative development in this regard. The Planning Authority is satisfied that the proposal is not contrary to national, regional or local housing policy.
- There is a mix of houses in the area including dormer, bungalow and 2 storey dwellings. Condition 4 (a) addresses any potential overlooking of adjoining properties. The 2 storey format is appropriate to the size of the site. The sites are serviced thereby reducing the requirement for individual for wastewater treatment systems.
- The lands benefit from a widened road, footpath and public lighting. Improvement works in the vicinity of the site were carried out under 2 funding programmes namely the Active Travel Scheme (70,000) and Outdoor Recreation Infrastructure Scheme (30,000). The timing of the undertaking of the works was to ensure compliance with the terms of the funding awards. The funding was primarily to construct a new footpath to link the existing

Rugby Club sports ground to the existing footpath/cycle track on Castlecara Road for a distance of 250m. The project improves safety for walkers and cyclists in the area. The location and quantum of dropped kerbs were agreed with the District Engineer.

- The works undertaken were exempted development and in this regard there was no requirement for a Part 8.
- In terms of the reference to Ribbon Development, it is noted that the site is located on the town side of the road and the area is served by existing infrastructure including footpaths, lighting and connection to services. Reference is furthermore made to the existing character of development in the vicinity of the site including the rugby club and existing houses. The PA is satisfied that a balanced view has been formed having regard to the existing site context.
- There are no concerns in relation to the proposed site entrances.
- There is a lack of housing options in the general area.
- The manner in which the decision was reached by LCC is transparent and adheres to the provisions of the Planning and Development Act. The reasoned argument by the Director of Services for not accepting the recommendations of the planning officials has been clearly stated.

## 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Proposal – Compliance with Rural Housing Policy
- Impact on Residential and Visual Amenity
- Access and Site Services
- Appropriate Assessment



## **7.2. Principle of Proposal- Compliance with Rural Housing Policy**

- 7.2.1. The primary grounds of appeal relates to the principle of the proposed development of 4 no. dwellings in a un-zoned rural area outside of the settlement boundary of Carrick on Shannon. Map 4.3 of the Leitrim County Development Plan 2015-2021 identifies the appeal site as being within a 'low capacity/low availability' rural area, which is under pressure from the urban area of Carrick-on-Shannon for housing. Within such areas the Plan states that housing will be facilitated subject to compliance with Policy 17.
- 7.2.2. Policy 17 of the Plan specifically outlines that applications for rural housing in 'low capacity/low availability areas' must demonstrate that 1.) the applicant is currently living in or immediate to the low-capacity area and that they need to continue living in the area or 2.) the applicant is originally from the low capacity area and is returning for family or social reasons. Objective 19 of the National Planning Framework outlines that in areas such as this, housing will be facilitated based on the core consideration of the applicants having a demonstrable economic or social need to live in the area, while the Sustainable Rural Housing Guidelines for Planning Authorities outlines that only genuine rural-generated housing needs should be facilitated in these areas and urban-generated housing should be directed to neighbouring towns. This is reflected in Section 5.1.2. of the Leitrim County Development Plan 2015-2021 which promotes the consolidation of new development within existing towns and villages.
- 7.2.3. No information regarding compliance with the criteria set out in Policy 17 of the Leitrim County Development Plan 2015-2021 is submitted in conjunction with the application. The applicant has made a case that the application is for outline permission and the occupier of each dwelling would demonstrate compliance with the requirements of Policy 17 within any future application for full planning permission. This approach is accepted within the Chief Executive's report and proposed Condition no. 3 is attached to the notification of decision to grant outline permission for the development which outlines that individual applications made consequent to outline permission shall demonstrate the occupant's compliance with Policy 17 of the Leitrim County Development Plan 2015-2021.

7.2.4. I refer to the definition of outline permission as set out within the Planning and Development Act (as Amended) as follows:

*(6) In this section, "outline permission" means permission granted in principle under section 34 for the development of land subject to a subsequent detailed application for permission under that section.*

7.2.5. In the subject matter of this appeal, I consider that compliance with the requirements of Policy 17 is a key determining factor in considering the principle of the development. I refer to the wording of NPO 19 of the National Planning Framework in this instance which outlines that *"housing will be facilitated based on the core consideration of the applicants having a demonstrable economic or social need to live in the area"*. Compliance with local housing need is a predetermining factor "a core consideration" in establishing whether the principle of a dwelling is acceptable at this location. This is not, in my view, a requirement which can be addressed within an application consequent on grant of outline permission. The inclusion of Condition no. 3 on the outline permission is not sufficient to address compliance with Policy 17 and over-arching national policy. In the absence of such information, I agree with the grounds of the appeal that the proposal represents a speculative development and consider that planning permission should be refused on this basis.

7.2.6. I acknowledge the presence of an existing dwelling on the site and note that there are provisions within the Leitrim County Development Plan 2015-2021 for refurbishment/replacement of the existing dwellings. However, the development as proposed comprises of the construction of 4 no. residential units in place of the existing dwelling.

7.2.7. In conclusion, the proposed development would not comply with national policy and Policy 17 of the Development Plan, as the housing need to reside in this 'low capacity/low availability area' has not been demonstrated or addressed. Outline permission for the proposed development should be refused for this reason.

#### Ribbon Development

7.2.8. The appeal outlines that the proposal would contribute to Ribbon Development and is in direct contravention of Section 5.2.2. of the Leitrim County Development Plan in this regard. I note that the planner's report which informs the decision of Leitrim

County Council recommends that outline permission is refused for the development on grounds including that the proposal represents ribbon development.

- 7.2.9. Leitrim County Council's response to the appeal outlines that the site is located on the town side of the road and the area is served by existing infrastructure including footpaths, lighting and connection to services. Reference is furthermore made to the existing character of development in the vicinity of the site including the rugby club and existing houses and it is stated that the proposal is acceptable having regard to the existing site context.
- 7.2.10. Notwithstanding the points made by Leitrim County Council in relation to the existing pattern of development in the area and infrastructural investments in the vicinity of the site, the fact remains that the site is located within an un-zoned rural area outside of the settlement boundary of Carrick on Shannon within an area identified as a 'low capacity/low availability' rural area, which is under pressure from the urban area of Carrick-on-Shannon for housing.
- 7.2.11. I consider that the proposed development of 4 no. dwellings would result in the in a high density of almost continuous road frontage type development resulting in the creation and extension of existing undesirable ribbon development along the local road which would be contrary to Section 5.2.2 of the County Development Plan 2015-2021 which actively discourages ribbon development along public roads. The proposal would contribute to urban sprawl and would be contrary to the policies and objectives of the LCDP which support the consolidation of existing towns and villages. The proposed development would therefore conflict with the above and would be contrary to the proper planning and sustainable development of the area. I recommend that permission is refused for the development on this basis.

### **7.3. Impact on Residential and Visual Amenity**

- 7.3.1. The appeal outlines that the proposed development represents an overdevelopment of the site and the proposed 2 storey format is contrary to the existing character of the rural area. The appeal furthermore outlines that the proposed residential properties would impact on the residential amenity of existing dwellings primarily on grounds of overlooking and loss of light.

### Impact on Visual Amenity

- 7.3.2. The site is located within a rural area outside of the settlement boundary of Carrick on Shannon. The existing pattern of development along the road is defined by single and two storey dwellings which front onto the adjoining road on large plot sizes. Existing properties comprise a mix of single and two storey dwellings. I note that the existing vacant house on site is 2 storey. I do not consider that the principle of a two-storey dwelling is inconsistent with the existing character of the area in this regard.
- 7.3.3. The proposal includes 4 no. dwellings which front onto the local road. On review of the layout, I consider the form of development to be suburban in nature and would contribute to ribbon development within the area. The proposed houses are located along the roadside bearing little relationship to their setting and giving rise to an undesirable pattern of road frontage development. The development is contrary to the guidance set out within Leitrim County Council's Design Guide for the Siting and Design of Single Houses within the Leitrim Countryside in this regard. As earlier detailed, I recommend that permission is refused for the development on this basis.

### Impact on Residential Amenity

- 7.3.4. I note the concerns relating to overlooking of the adjoining property to the southeast. The Site Layout Plan outlines that the dwelling on Site no. 4 is set back 8.825m from the south-eastern boundary. The application is accompanied by a site layout plan and no detailed plans or elevations are submitted in support of the application. I refer to the requirements of Condition no. 4(a) of Leitrim County Council's notification of decision to grant outline permission for the development which outlines that the design of the dwelling on site no. 4 shall ensure that there is no overlooking on the dwelling to the southeast of the site. Condition no. 4(j) furthermore relates to landscaping boundary treatment. I consider that the concerns relating to overlooking could be addressed by means of detailed design and boundary treatment in the instance that the principle of the proposal was deemed acceptable.
- 7.3.5. Having regard to the separation distances between the proposed dwellings and existing properties, together with their orientation relative to existing dwellings to the southeast and at the opposite side of the local road I consider that the development would result in limited overshadowing/loss of light to existing properties.

7.3.6. The appeal raises concern in relation to potential noise impacts at the construction phase of the development. I note construction related activities would be short term in duration and impact on the residential amenity of adjoining residences could be addressed via a Construction Management Plan.

#### **7.4. Access and Site Services**

##### Access

7.4.1. Access to the site is currently provided via the adjoining road. The access is set back from the roadside boundary and gated. A footpath and public lighting is currently provided along the site boundary. The existing site entrance also provides access to the adjoining rugby club lands.

7.4.2. The application documentation refers to an application for relocation of the entrance to the rugby club under PA Ref: 21/261. As detailed in Section 5 of this report, this application is currently subject to a request for further information. I refer to the requirements of Condition no. 2 of LCC's notification of decision to grant outline permission for the development which outlines that the proposed dwellings on sites no. 2 and 3 shall be dependent on the construction of an alternative access to serve Carrick on Shannon Rugby Club. I consider that any application for development on these sites is premature pending the finalisation of revised access proposals for the rugby club. However, having regard to the substantive reasons for refusal relating to the principle of the development, I am satisfied that it would not be necessary to refuse permission for the proposed development for reasons to access.

7.4.3. Access to the proposed dwellings is proposed via the creation of 4 no. separate entrances from the local road to the southeast of the site. Sightlines at the proposed entrances are illustrated on Drawing no. 01. The appeal cross refers to the submission on file from the NRDO which outlines that the sightlines illustrated on the application drawings are not taken from the correct location. I note that the local road runs in a straight alignment in the vicinity of the site and consider that the required sight lines could be achieved from the adjoining road.

##### Site Services - Water and Wastewater

7.4.4. The proposed dwellings will connect to existing water and foul water services in the area subject to agreement with Irish Water. The Chief Executive's Memo outlines

that the area is serviced, and this will alleviate the need for individual waste water treatment proposals. The District Engineers Report outlines that the sites are fully serviced. I see no objection to the principle of connection to services in this regard.

## **7.5. Appropriate Assessment**

7.5.1. An Appropriate Assessment and Screening Report prepared by Enda McKiernan was submitted in support of the application. Section 3 of the report outlines that there are no Natura 2000 sites within 15km of the appeal site. However, I note that Cuilcagh- Anierin Uplands SAC is located within 15km of the site. The report concludes that the proposal will not give rise to significant adverse impacts on the integrity of any Natura 2000 site.

7.5.2. The planner's report which informs the decision of LCC to grant permission for the development outlines that:

*“Having regard to the nature of the application, distance from the closest Natura 2000 site and that there is no obvious hydrological link between the development site and Natura 2000 sites, the Planning Authority is satisfied that the project does not require to be progressed through to Stage II Appropriate Assessment under the Habitats Directive”.*

7.5.3. Having regard to the nature of the development comprising of 4 no. dwellings on a brownfield site within a serviced area, and the separation distance to any European site, it is concluded that no appropriate assessment issues arise as the proposed development would not 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 outline permission is refused for the development in accordance with the following reasons and considerations.

## **9.0 Reasons and Considerations**

1. The site of the proposed development is unzoned and located outside of the settlement boundary of Carrick on Shannon within a rural area under strong urban influence and classified as “Low Capacity/Low Availability” area within

the Leitrim County Development Plan 2015-2021. Within such areas applicant's must demonstrate a housing need based on criteria contained in Policy 17 of the County Development Plan 2015-2021, namely demonstrating a social and/or economic local need to reside in the area whilst urban generated housing should be accommodated in Carrick on Shannon thereby consolidating the urban fabric of the town. Furthermore, it is national policy, as set out in National Policy Objective 19 of the National Planning Framework (February 2018), to seek to facilitate the provision of single housing in rural areas under urban influence and pressure, based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements.

No information in relation to the compliance with the requirements of Policy 17 is submitted in support of the application. The proposed development, in the manner presented, is considered to represent a speculative development which does not adhere to the criteria governing proposed development within areas of "Low Capacity/Low Availability" in terms of accommodating one off housing type development within the countryside. The proposed development is considered to be contrary to over-arching national policy including NPO 19 of the National Planning Framework in relation to the management of urban generated rural housing and contrary to Policy 17 the Leitrim County Development Plan 2015-2021. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed houses are located along the roadside bearing little relationship to their setting and giving rise to an undesirable pattern of road frontage development. The development, when taken in conjunction with existing development in the vicinity of the site, would result in the creation and extension of existing undesirable ribbon development within this rural area which would be contrary to the Residential Development Management Standards set out in Section 5.2.2 of the County Development Plan 2015-2021 which actively discourages ribbon development along public roads, Section 5.1.2 which encourages new development to locate within existing towns and villages and the guidance set out within Leitrim County Council's

Design Guide for the Siting and Design of Single Houses within the Leitrim Countryside. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Stephanie Farrington  
Senior Planning Inspector

3<sup>rd</sup> of August 2022