



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315587-23

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<b>Development</b>	Retention of entrance modifications, avenue to property, house and existing septic tank.
<b>Location</b>	Coolacussane, Dundrum, Co. Tipperary
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	22627
<b>Applicant</b>	Sonya Steyn.
<b>Type of Application</b>	Retention and Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Sonya Steyn..
<b>Observer</b>	None.
<b>Date of Site Inspection</b>	31 <sup>st</sup> July 2023
<b>Inspector</b>	Peter Nelson

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## 1.0 Site Location and Description

- 1.1. The site is located in Coolacussane, Dundrum, Co. Tipperary. The site is 2.5km southwest of Dundrum Village and 10km northeast of Tipperary Town. The site is located c.50m south of the main Cork rail line.
- 1.2. The site is located on what was part of a larger farm landholding and is to the rear of an existing dwelling. There are several agricultural buildings on the site, and the site contains a timber dwelling, which is the subject of this appeal. The site also contains a horse paddock. The site is served by a laneway, which adjoins the L-5213-0 Local Road.
- 1.3. The stated site size is 0.41 hectares, and the dwelling to be retained on site is stated to be 58.3 sqm.
- 1.4. The surrounding area has a rural character with four houses with access to the local road in close proximity to the site.

## 2.0 Proposed Development

- 2.1. Retention Permission is sought for the following:
  - (i) modifications to the existing entrance
  - (ii) an avenue leading to dwelling
  - (iii) dwelling house
  - (iv) existing concrete septic tank and
  - (v) Planning Permission is also sought to replace the concrete septic tank with a waste water treatment system and tertiary soil polishing filter and associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Tipperary County Council issued a decision to refuse permission on the 3rd of January 2023 for the following three reasons:

1. Policy. 5-12 of the Tipperary County Development Plan. 2022- 2028 states that where 5 houses exist or are permitted along any continuous 250 meters of roadway, the Council will resist further development. That proposed development is the seventh house within a 250-meter stretch of the roadway. Add is, therefore, considered to be “ribbon development.” Therefore, the proposed development would contravene Policy. 5-12 of Tipperary County Development Plan, 2022 to 2028, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The application site is in a rural area designated as ‘Open Countryside’ as designated under the Tipperary County Development Plan 2022. Section 5.5.2, Table 5.2, and Policy 5-11 of the Tipperary County Development Plan 2022 -2028 set out the following requirements. (inter alia) for new rural dwellings:
  - An applicant seeking a new rural dwelling must be building their first home for their permanent occupation, demonstrate a housing need, and must not already own or ever owned a dwelling in a rural area.

The Planning Authority is not satisfied, having regard to the information submitted as part of this application, that the applicant satisfies the requirements of the Tipperary County Development Plan 2022-2028 for a new rural dwelling at this location. The proposed development would contravene the stated policies and objectives of the Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the development, the design and nature of the structure, its use as a permanent place of residence, the poor aesthetic value of the structure and the likelihood of it deteriorating overtime by virtue of the materials used in its construction, and the prevailing pattern of development in the area, it is considered that the development for which retention permission is sought;
  - a. Would form a haphazard and substandard form of residential accommodation and generally have poor aesthetic value and can detract from the overall appearance of the area;

- b. Would fail to accord with the 'Development and Design Standards' for residential structures as set out in Appendix 4, Rural Design Guide, of the Tipperary County Development Plan, 2022-2028, by reason of the overall design and construction of such structure.
- c. Would injure the amenities and depreciate the value of property in the vicinity.
- d. Would result in a substandard residential development by reason of the nature of the building's fabric, which would have a detrimental impact on the visual amenities of the area, and on the residential amenity of the occupants of the structure; and;
- e. Would set an undesirable precedent for similar type proposals in the area. The development for which retention permission is sought would, therefore, be contrary to the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The planner's report dated 21st December 2022 reflects the decision to refuse. The main points can be summarised as follows:

- Submission of solicitors, medical and horse ownership documents support the applicant's connection with the area.
- The applicant previously sold another dwelling on the site and built the subject dwelling therefore, the applicant does not satisfy the Development Plan requirements for a rural dwelling.
- Given that there are already six other dwellings within a 250m stretch of roadway, the applicant does not meet the requirements of Policy 5-12 of the Development Plan 2022-2028.
- The proposed dwelling is a prefabricated structure. It is not in keeping with the vernacular of the area and provides a low aesthetic value.

- The proposed dwelling, therefore, does not meet the requirements of the Rural Housing Design Guide contained within Appendix 4 of the Development Plan.
- Sightlines of 78m to the north and 97m to the south are shown, and a survey of operational speed on the road is provided in Part 2 of the planning application form. The District Engineer is satisfied with the speed survey and the sightlines proposed.

### 3.2.2. Other Technical Reports

A report received from District Technician dated the 28<sup>th</sup> November 2022 recommended a Speed Survey be submitted to justify reduced sightlines and a means of intercepting water should be installed at the proposed entrance to prevent water/ingress/egress.

A second amended report from the District Technician received the 12<sup>th</sup> December 2022 accepted the sightline based on the speed survey submitted with the original application.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

There was one observation received on file. The main concerns can be summarised as follows:

- An abandoned cottage on the site has now been restored, and a log cabin was built without planning permission.
- An agricultural entrance has now become a domestic vehicular entrance.
- There is also a driveway which harms the view from the neighbouring dwelling.

## 4.0 Planning History

Enforcement

**P.A. Ref: 22-056** Warning Letter dated 25<sup>th</sup> July 2022 issued for

- Placing a log cabin on land and use same as a dwelling with the construction of associated foundation.
- Associated water and wastewater infrastructure.
- Infilling of an area with crushed stone to form a driveway onto the L.-5213-0 Local Road to access the log cabin and develop a circulation area.
- Setting back of existing entrance.

## 5.0 Policy Context

### 5.1. Development Plan

The Tipperary County Development Plan 2022-2028 is the operative Development Plan for the area. This plan came into effect on 22nd August 2022.

The site is in an area identified in Figure 5.3 of the Development Plan as 'Open Countryside'.

**Policy 5- 9** Require that climate change actions and measures be incorporated in new residential development of all scales to demonstrate how the development will minimise energy use, enhance accessibility, manage waste and support biodiversity.

**Policy 5 –11** Facilitate proposals for dwellings in the countryside outside of settlements in accordance with NPF Policy NPO 19 for new Housing in the Open Countryside, and designations illustrated in Section 5.5.1, and Table 5.2: Rural Housing Technical Principles for Applicants.

In 'Areas Under Urban Influence' and 'Primary Amenity Areas', the Council will consider single houses for persons where the criteria set out in Category 1A or B, or Category 2 hereunder are met:

### **Category 1: 'Economic Need'**

A: The applicant must demonstrate an economic need to reside in the area through active employment in farming/agricultural activity (farming, horticulture, forestry, bloodstock). The farm must exceed 20ha in total. And all the criteria below is met:

- (i) The applicant must be actively engaged in farming,
- (ii) The applicant must demonstrate that they have been engaged in farming at that location for a continuous period of over 5 years prior to making the application,
- (iii) The applicant does not, or has never owned a house in the open countryside.

B: The applicant must demonstrate an economic need to reside in the area through active engagement in the running of a farming/horticultural/forestry/bloodstock activity on an area less than 20ha where it is demonstrated to form a significant part of the livelihood of the applicant who is engaged in farming activity on a daily basis, and/or where the farming/agricultural activity provides local employment.

And all the criteria below is met:

- (i) The applicant is trained in good farming practice (or qualifies for an exemption from training), owns or occupies, works and maintains land for the purposes of achieving outputs, and demonstrate that they have been engaged in farming/agricultural activity at that location for a continuous period of over 5 years prior to making the application.
- (ii) The applicant does not, or has never owned a house in the open countryside,
- (iii) A detailed 5-year business plan will be required to demonstrate 'compliance with Section (i).



## **Category 2: 'Social Need'**

The applicant must demonstrate a social need to reside in the local rural area for social purposes in line with Table 5.3.

And all the criteria set out below is met:

- (i) Within a 'Primary Amenity Area', the applicant must have resided within 5km of the site where they intend to build for a substantial period of their lives (10 years),
- (ii) Within an 'Area of Urban Influence', the applicant must have resided within 10km of the site where they intend to build for a substantial period of their lives (10 years), And
- (iii) The applicant does not, or has never owned a house in the open countryside.

In 'Open Countryside' areas, the Council will consider single houses for persons where the development meets other relevant policies set out in the Plan, and where the proposed development is in accordance with all the criteria set out hereunder.

- (i) The proposed development must meet the normal planning and environmental criteria and development management standards,
- (ii) The applicant does not, or has never owned a house in the open countryside,
- (iii) To prohibit speculative development in these areas, any application for a single permanent dwelling must be made in the name of the person for whom it is intended. An occupancy condition will be attached to any grant of permission,
- (iv) An alternative site is not available within a settlement within 5km of the proposed site.

**Policy 5-12** Where 5 houses in total exist or are permitted, within any continuous 250 metre section of roadway thereby constituting 'ribbon development' the Council will seek to resist further development in the interest of road traffic safety, visual amenity and groundwater quality. An additional individual dwelling, either within, or extending the existing ribbon pattern, will be facilitated in the following circumstances:

- I. The applicant can demonstrate an Economic or a Social Need (as outlined in Table 5.3), existing or shared accesses are used where practicable, and it is demonstrated that no alternative exists outside of Ribbon Development.
- II. Where the site is a 'Gap Site', defined as a site located within a line of existing and permitted dwellings, one dwelling site only will be accommodated, and other than agricultural access to lands to the rear (if required), the site should fully occupy the gap between existing and permitted dwellings.

## 5.2. National Planning Policy Framework

5.2.1. National Policy Objective 19 is of relevance to the proposed development. It requires the following:

'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'.

## 5.3. Sustainable Rural Housing Guidelines for Planning Authorities

5.3.1. The Guidelines identify a number of rural area typologies and accompanying Map 1 provides an indicative outline of these area typologies. According to this indicative map, the subject site is in a 'stronger rural area'. It is noted from the Guidelines that this map is an indicative guide to the rural area types only and that the development plan process should be used to identify different types of rural area.

5.3.2. For stronger rural areas, the Guidelines outline that in these areas 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.

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

Lower River Suir Special Area of Conservation located c. 1.1 km from the appeal site.

#### **5.5. EIA Screening**

Having regard to the nature of the development comprising a single dwelling 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 at preliminary examination and a screening determination is not required.

### **6.0 The Appeal**

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

The main points of appeal are as follows:

- The development to be retained is not ribbon development as it does not have road frontage.
- The Local Authority made no mention of the access being hazardous. The location of the entrance lends itself to generous sightlines and ease of access.
- The applicant has demonstrated a genuine housing need on both a social and economic basis.
- The local authority chose not to evaluate the supporting medical evidence submitted, which detailed chronic and severe medical conditions.
- The cottage adjacent to the family home was grossly inadequate and needed extensive renovation to be considered habitable.
- The poor condition of the cottage was a major contributor to a deterioration in the applicant's health.

- The proceeds from the cottage were put towards a smaller and more comfortable home that allows the applicant to reside beside her work.

## 6.2. **Planning Authority Response**

- None

## 6.3. **Observations**

- None

## 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Compliance with Rural Housing Policy,
- Ribbon Development.
- Design of the Structure
- Appropriate Assessment

## 7.2. **Compliance with the Rural Housing Policy.**

7.2.1. Table 5.2 details the Rural Housing Technical Principle for Applicants. Section 2 of this table states: 'An applicant seeking a new rural dwelling must be building their first home for their permanent occupation, demonstrate a housing need, and must not already own a dwelling in a rural area.'

7.2.2. The site has been identified in Figure 5.3 of the Development Plan as being Open Countryside. Policy 5 -11 of the Development plan states that the council will consider a single house on a site contained with 'Open Countryside' for persons who do not or has never owned a house in the open countryside.

- 7.2.3. It is stated in the appeal that the applicant has been living in Coolacussane for the past 7 years. After the breakup of the applicant's marriage approximately 3 years ago, the applicant took ownership of the stables, paddock and the cottage which directly adjoins the entrance to the subject site. The applicant lived in the cottage for a short while and claims that the cottage required extensive works to be considered habitable, the cost of which was beyond her means. The cottage has since been sold and renovated. The applicant then erected the dwelling, which is the subject of this appeal, to the rear of the existing agricultural sheds.
- 7.2.4. The proposed site is c, 2.2km from the settlement of Dundrum. With the application, the applicant did not submit any evidence that an alternative site was unavailable within the settlement of Dundrum, less than 5km from the appeal site.
- 7.2.5. The appellant argues they have a social need due to exceptional medical circumstances. While this may be the case, Policy 5-11 requires that in order to consider a dwelling in a rural area, an applicant with a social need does not or has never owned a house in the countryside.
- 7.2.6. I considered that as the applicant had already owned a house in the open countryside, the applicant does not meet the criteria set out in policy 5-11 of the Tipperary County Development Plan 2022-2028 and has not demonstrated sufficient housing need.

### **7.3. Ribbon Development**

- 7.3.1. The applicant contends that the proposed development does not represent ribbon development as it has no road frontage and is backland development. Policy 5 -12 of the Tipperary County Development Plan 2022-2028 is to restrict further development where 5 houses exist or are permitted, within any continuous 250 metre section of roadway in the interest of road traffic safety, visual amenity, and groundwater quality. There are at least seven houses with vehicular access on the adjoining 250-metre section of road. While I recognise that the dwelling to be retained is backland development, it has a new domestic vehicular entrance onto the local road. I note that there was previously an agricultural gate in the location of the new entrance. While I accept that adequate sightlines have been provided, I consider that an additional domestic vehicular entrance onto this road will result in a proliferation of

entrances on this local road, negatively impacting traffic safety and contrary to Policy 5-12 of the Tipperary County Development Plan 2022-2028.

- 7.3.2. The applicant also states that as they have demonstrated a social need due to medical conditions, an additional dwelling should be facilitated, as indicated in Policy 5 -12 of the Development Plan. As stated above, notwithstanding any medical conditions, as the applicant previously owned a house in the countryside, they do not meet Category 2: 'Social Need' as detailed in Policy 5 -11 and therefore do not comply with Policy 5-12. I therefore consider that the proposed development would constitute ribbon development.

#### **7.4. Design of the Structure**

- 7.4.1. The third reason for refusal related to the design and nature of the structure, its use as a permanent residence, its poor aesthetic value, and the potential short life span of the structure.
- 7.4.2. Policy 5-11 of the Tipperary County Development Plan 2022-2028 states that the council will facilitate dwellings in the countryside, which are in accordance with the Rural Housing Technical Principles set out in Table 5.2. These principles state that The Rural Housing Design Guidelines will apply.
- 7.4.3. The structure to be retained is a mono-pitched timber structure with shiplap cladding. The structure is located directly to the east of the existing hay barn. The front elevation includes two large floor-to-ceiling windows on either side of the front door. The Rural Housing Design Guidelines recommend simplicity in design, particularly in the front elevation, rectangular, narrow plan forms with excellent passive solar gain and well-proportioned windows and doors. I consider the design of the building does not accord with the requirements of the guidelines; however, I acknowledge that the structure is not visible from the public road or neighbouring properties and is amongst agricultural out buildings.
- 7.4.4. The two-bedroom dwelling to be retained has a floor area of c.58.3m<sup>2</sup>. The two bedrooms have a floor area of c.11 m<sup>2</sup>. The aggregate living area is over 30m. I consider the dwelling complies with the standards for a single-storey 2-person dwelling as set out in Quality Housing for Sustainable Communities 2007. I do not

consider that the proposed development would not provide adequate amenities for the occupant of the dwelling.

7.4.5. I consider that there was no evidence on the appeal or on-site inspection to suggest that the development to be retained, which appears to be well constructed, will deteriorate to an unacceptable degree over time.

7.4.6. While I have concerns relating to the design of the dwelling, given its backland nature, the guidance nature of the Rural Housing Design Guidelines and the substantive concerns outlined above, if the Board is minded to refuse permission, I consider that the design of the dwelling is not used as a reason for refusal.

## 7.5. **Appropriate Assessment**

Having regard to the minor nature and scale of the proposed development, the site location outside of any protected site and the nature of the receiving environment, and the proximity of the lands in question to the nearest European Site and lack of pathways to any European Sites, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

## 8.0 **Recommendation**

8.1. I recommend that permission for the proposed development be refused for the following reasons.

## 9.0 **Reasons and Considerations**

1. Having regard to the policies of the Tipperary County Development Plan 2022-2028, in relation to rural housing need, it is considered that, as the applicant had an existing dwelling in the open countryside of County

Tipperary, which was adjacent to the appeal site, it has not been demonstrated that a rural housing need exists under Development Plan Policy 5-11. The development to be retained leads to demand for the uneconomic provision of further public services in an area where these are not proposed and interferes with the rural character of the area. The development to be retained does, therefore, materially contravene the development objective, as set out in the Development Plan, and be contrary to the proper planning and sustainable development of the area.

2. Having regard to policy 5-12 of the Tipperary County Development Plan 2022-2028 in relation to ribbon development, it is considered that the development to be retained, which includes a domestic vehicular entrance on the local road with more than five existing houses within a continuous 250-meter section, constitutes undesirable ribbon development in a rural area outside lands zoned for residential development and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Peter Nelson  
Planning Inspector

25<sup>th</sup> January 2024



## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	315587		
<b>Proposed Development Summary</b>	Retention of entrance modifications, avenue to property, house and existing septic tank.		
<b>Development Address</b>	Collacussane, Dundrum, Co. Tipperary		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		<b>Yes</b>	<input checked="" type="checkbox"/>
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	<input checked="" type="checkbox"/>		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
			<b>Conclusion</b>
<b>No</b>		N/A	
			No EIAR or Preliminary Examination required
<b>Yes</b>	<input checked="" type="checkbox"/>	Class 10 (b)(i) of Part 2	
			Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: *Peter Nelson*

Date: 26<sup>th</sup> January 2024

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	315587	
<b>Proposed Development Summary</b>	Retention of entrance modifications, avenue to property, house and existing septic tank.	
<b>Development Address</b>	Coolacussane, Dundrum Co.Tipperary	
<p><b>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</b></p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development</b> Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The development to be retained, being a single dwelling, is not exceptional in a rural area adjoining existing dwellings.</p> <p>Being a single dwelling, the development will not result in the production of any significant waste, emissions or pollutants.</p>	
<p><b>Size of the Development</b> Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having</p>	<p>Being a single two-bedroom dwelling, the development is not exceptional in the context of the existing environment.</p>	

<p>regard to other existing and/or permitted projects?</p>	<p>There are no significant cumulative considerations having regard to other existing and or permitted projects in the area.</p>	
<p><b>Location of the Development</b></p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The subject site is not located in an ecologically sensitive site or does not have the potential to impact an ecologically sensitive site or location significantly.</p> <p>The dwelling does not have the potential to significantly affect other significant environmental sensitivities in the area.</p>	
<p>• <b>Conclusion</b></p>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required.</p>	<p><b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b></p>	<p><b>There is a real likelihood of significant effects on the environment.</b></p>

**Inspector:** \_\_\_\_\_ **Date:** \_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

