



An
Bord
Pleanála

Inspector's Report

ABP-315710-23

Development	Renovate derelict house and outbuilding and associated site works.
Location	Kilcross, Inistioge , Co. Kilkenny
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	22718
Applicant(s)	Michael Barcoe and Aine Crowdle
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Michael Barcoe and Aine Crowdle
Observer(s)	None
Date of Site Inspection	16 th of February 2024
Inspector	Angela Brereton

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1.0 Site Location and Description

- 1.1. The proposed development is located in the rural townland of Kilcross, c.1.3kms east of Inistioge village, Co. Kilkenny and on the eastern side of the River Nore. It is accessed via the local tertiary county road network which in the vicinity of the site is narrow, undulating and with poor vertical and horizontal alignment. The site is accessed from the L-82832-1 and L-82833-2 and connects to Main Road L-8326-5. The latter is considered the main road for this application.
- 1.2. The site is located adjacent to existing dwellings. There is a cottage adjoining the site to the east and one on the opposite side of the road. There is a 2-3m roadway running up the side of the site from the L-82832-1. It is provided that this is to be the main access route to the dwellings. The site is located off the public road and is accessed via a narrow unsurfaced track (cul-de-sac) which serves existing dwellings and agricultural holdings.
- 1.3. There is an old derelict stone house and outbuildings in triangular formation on site. These appear to be historic, in poor (ruinous) condition and not habitable. It appears that it is some time since these buildings (some of which are only partially roofed) were in residential use. There is a grassed area to the rear, western side of the site. There are hedgerows and trees along the rear (northern) and western site boundaries.
- 1.4. There is a gated entrance to the buildings from the laneway. There is also a gated entrance to the site to the west of the buildings from the laneway. These are not splayed/recessed entrances and the laneway is unsurfaced along the frontage of the site. The Site Layout Plan shows that the proposed entrance to the buildings for refurbishment is to be via the latter. On the drawings this is described as 'Existing agricultural track'. This did not appear so onsite, with the agricultural track via the laneway to the west of the site.
- 1.5. The site is within an archaeological zone and the ruins of Kilcross Church, are standing on the western side of the laneway/track.

2.0 Proposed Development

- 2.1. Permission is sought to renovate existing derelict dwelling and attached outbuilding to habitable space and installation of sewerage facilities and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 10th of January 2023 Kilkenny County Council refused permission for the proposed development for the following reason:

The public roads which serve the proposed development are seriously deficient in terms of width, alignment, visibility and unable to cater for increased traffic. The proposed development is serviced by Local Tertiary Roads (L-82832 & L-82833) and a network of similar substandard roads. It is considered that additional traffic generated by proposed development would lead to accelerated deterioration of the road network and would result in a traffic hazard endangering public safety and obstruction of road and would therefore be contrary to the proper planning and sustainable development for the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner had regard to the locational context of the site, planning history and policy and to the internal reports. They noted that no submissions were made. Their Assessment included the following:

- They note the planning history of previous refusals for traffic safety reasons.
- They note internal reports, including from the Area Engineer and that they had no objections subject to conditions.
- That the site is located within an identified area of archaeological potential. The site location appears to be a historic settlement.

- That a packaged wwts and polishing filter is proposed and that the Environmental Officer has expressed no objections subject to conditions.
- They have regard to relevant planning policy in the Kilkenny CDP 2021-2027.
- They note that a Construction Management Plan, Building Survey/Photographic Report and Archaeological Impact Assessment accompanies the planning application.
- That the proposed development is for conversion/renovation of an existing derelict dwelling and outbuilding to a 4 bed dwelling which is considered acceptable in principle and to result in the restoration of vernacular and traditional buildings in this rural area.
- They note the comments of the Kilkenny Conservation Officer requesting F.I and consider that the proposal would not seriously injure the amenities of the area or of property in the vicinity.
- The Planners Report noted the comments of the Area Engineer who did not object to the proposed development.
- They concluded that the previous refusal reasons under P22/256 has been addressed and overcome. Having regard to the Conservation Officer Report they recommended that F.I be sought.

However, while the Planning Officer recommended that F.I be sought the A/Senior Planner had concerns regarding the roads issue and noted that the site contains a ruinous building. They noted the Area Engineer comments regarding the road being at capacity and provided that the proposed development should be considered as a new development which would generate new traffic movements and would endanger public safety by reason of traffic hazard. They recommended refusal.

3.3. **Other Technical Reports**

Area Engineer

They have regard to the narrow local roads network in the area, and to previous refusals. They noted this proposal is for refurbishment of an old house and is not a new development and that the applicant is making improvements for other road

users. However, they stress that the road is at capacity and would not recommend any new developments. Taking these considerations into account they provide they have no objections to the proposed development subject to recommended conditions.

Environment Section

They have no objections to the proposed development subject to recommended conditions including relative to the proposed wwts, surface water drainage and construction and demolition waste.

Conservation Section

While the reuse of a vacant building is to be welcomed, they consider that the refurbishment omits some elements and others proposed are not appropriate. They recommend that F.I be submitted to include a comprehensive assessment of the original fabric be submitted and a best energy practice approach for its upgrade. Also, that the recommendations of the AIA that archaeological test trenching evacuation be undertaken by an archaeologist etc be undertaken in full.

3.4. Prescribed Bodies

Department of Housing, Local Government and Heritage

They note that the proposed development is within a zone of notification for a number of recorded monuments and provide details of these. That it is possible that there maybe unknown archaeological features/deposits associated with the monument and that these maybe disturbed during the course of groundworks required for the proposed development. They recommend that archaeological test trenching be carried out on the site covering the proposed percolation area and other areas deemed necessary by the archaeologist and National Monuments Service. They recommend archaeological conditions be included.

3.5. Third Party Observations

The Planner's Report notes that none were received.

4.0 Planning History

The Planner's Report refers to the following recent applications that have been refused on and within 1km of the subject site:

Subject site:

- Reg.Ref.22/256 – Permission refused to Michael Barcoe & Aine Crowdle by the Council to renovate existing derelict dwelling and attached outbuilding to habitable space and installation of sewerage facilities and all associated site works for the following reason:

The public roads which serve the proposed development are seriously deficient in terms of width, alignment, visibility and unable to cater for increased traffic. The proposed development is serviced by Local Tertiary Roads (L-82832 & L-82833) and a network of similar substandard roads. It is considered that additional traffic generated by proposed development would lead to accelerated deterioration of the road network and would in the absence of satisfactory measures to upgrade the access roads and improve sightlines and visibility result in a traffic hazard endangering public safety and obstruction of road and would therefore be contrary to the proper planning and sustainable development of the area.

Sites within proximity- Kilcross, Inistioge

- Reg.Ref.13/586 – Permission granted by the Council for the Construction of a house and all associated works at Kilcross, Inistioge Co. Kilkenny but subsequently refused by the Board Ref. PL10. 243292 relates. In summary this was refused for reasons of traffic hazard and inadequate road network and lack of demonstrate local need. A copy of the Board's decision is included in the history Appendix.
- Reg. Ref. 18/831 – Permission refused for the construction of a bungalow style dwelling, detached garage, onsite effluent treatment system, new entrance and all associated site development works. Reasons for refusal included regard to the substandard local road network and traffic hazard.
- Reg.Ref.18/863 – Permission refused by the Council for the construction of a fully serviced dwelling house, site entrance and all associated works.

Reasons for refusal included haphazard pattern of development, would endanger public safety by reason of traffic hazard.

- Reg.Ref.18/864 – Permission refused by the Council for the construction of a fully serviced dwelling house, site entrance and all associated works. Reasons for refusal included haphazard pattern of development, would endanger public safety by reason of traffic hazard.
- Reg. Ref.19/41 – Permission refused by the Council for the erection of a dwelling house with treatment system and soil polishing filter and all associated site works. Reasons for refusal included haphazard pattern of development, would endanger public safety by reason of traffic hazard.

5.0 Policy Context

5.1. Project Ireland 2040, National Planning Framework (NPF) 2018

Section 5.3 refers to the growth and development of rural areas and the role of the rural town as a catalyst for this. It is recognised that the Irish countryside is, and will continue to be, a living and lived-in landscape focusing on the requirements of rural economies and rural communities, based on agriculture, forestry, tourism and rural enterprise, while at the same time avoiding ribbon and over-spill development from urban areas and protecting environmental qualities.

Objective 19 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. It further states that in rural areas elsewhere, it is an objective to 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.

5.2. Section 28 Guidelines

Sustainable Rural Housing Guidelines for Planning Authorities 2005

This seeks to encourage and support appropriate development at the most suitable locations. A distinction to be made between 'Urban Generated' and 'Rural Generated' housing need.

Section 3.2.3 concerns Rural Generated Housing and gives an example of Persons who are an intrinsic part of the rural community and Persons working fulltime or part-time in rural areas. This includes reference to people who have lived most of their lives in rural areas and are building their first homes.

Section 3.3 is concerned that the consideration of individual sites will be subject to normal siting and design considerations. These include the following:

- Any proposed vehicular access would not endanger public safety by giving rise to a traffic hazard.
- That housing in un-serviced areas and any on site wastewater disposal systems are designed, located and maintained in a way, which protects water quality.
- The siting of the new dwelling integrates appropriately into its physical surroundings.
- The proposed site otherwise accords with the objectives of the development plan in general.

5.3. Other Environmental

EPA Code of Practice for Domestic Wastewater Treatment Systems 2021

This Code of Practice (CoP) purpose is to provide guidance on domestic wastewater treatment systems (DWWTSs) for single houses or equivalent developments with a population equivalent (PE) of less than or equal to 10. It sets out a methodology for site assessment and selection, installation and maintenance of an appropriate DWWTS.

EU Water Framework Directive

The EU Water Framework Directive (WFD) creates a framework for the protection of all waters including rivers, lakes, estuaries, coastal waters and groundwater, and their dependent wildlife/habitats, under one piece of environmental legislation.

5.4. **Kilkenny County Development Plan 2021-2027**

Volume 1 – Kilkenny County

Volume 2 – Kilkenny City

Volume 1 - Chapter 4 – The Core Strategy sets out the overall development strategy for the county including the rural area: *RPO 27 of the RSES requires that the Core Strategy identifies areas under urban influence and sets the appropriate sustainable rural housing response which facilitates the provision of single housing whilst having regard for the viability of smaller towns and rural settlements.* These areas under urban pressure have been identified and contained in Figure 7.1 Rural Development Strategy.

Rural Housing

Section 7.8 provides the Rural Settlement Strategy. This notes that an important element of the strategy is the development of new homes in small towns and villages. Figure 7.1 provides a Map showing the Rural Housing Strategy and this notes that the village of Inistioge and that the site is within an ‘Area Under Urban Influence’. Section 7.8.3 provides the Rural Housing Policies

The Council will ensure that the provision of one-off houses in rural areas does not undermine the vibrancy and vitality of the town or settlements in rural areas while accommodating the dispersed rural living traditions of the rural areas of County Kilkenny.

Rural Generated Housing: *Housing needed in rural areas within the established rural community by persons from that community or whose occupation is intrinsically linked with that particular rural area as defined in Section 7.8.4 Categories of Rural Compliance below.*

County Kilkenny can be divided into two broad categories as follows:

1. Areas under Urban Influence
2. Other rural areas

It is the Council’s objective for areas of urban influence to facilitate the rural generated housing requirements of the local rural community (as identified in this section) while on the other hand directing urban (non-rural) generated housing to

areas zoned and identified for new housing development in the city, or towns and villages.

The site is within an 'Area under Urban Influence' and in such areas the Council will permit (subject to other planning criteria) single houses for persons where the following stipulations are met:

- 1. Persons with a demonstrable economic need to live in the particular local rural area for example:
 - a. employed full-time in rural-based activity such as farming, horticulture, forestry, bloodstock or other rural-based activity in the area in which they wish to build or whose employment is intrinsically linked to the rural area in which they wish to build, such as teachers in rural schools or other persons who by the nature of their work have a functional need to reside permanently in the rural area close to their place of work, provided that they have never owned a house in a rural area.**
- 2. Persons with a demonstrable social need to live in a particular local rural area.
 - a) Persons born within the local rural area, or who have lived a substantial period of their lives in the local rural area (minimum 5 years), who have never owned a rural house and who wish to build their first home close to the original family home. Persons born in the area without having lived for the minimum of 5 years must be able to demonstrate strong family and social connections to the area to demonstrate a demonstrable social need.*
 - b) Returning emigrants who do not own a house in the local area and wishes to build their first permanent home for their own use in a local rural area in which they lived for a substantial period of their lives (5 years), then moved away or abroad and who now wish to return to reside near other family members.**

All applicants for one-off rural housing will need to demonstrate compliance with the qualifying criteria of one of the above categories unless otherwise specified as being located within an area where the Rural Housing Policy does not apply.

Refurbishment and Replacement Dwellings in rural areas

Section 7.8.5 notes: *The Council will encourage and facilitate the appropriate refurbishment of existing housing stock and other structures in rural areas and in certain limited case the replacement of existing dwellings subject to the criteria below:*

Development Management Requirements:

- For refurbishment of structures the emphasis should be on the retention, refurbishment and reuse of the structure as part of the development proposal.
- For refurbishment the scale and architectural treatment of proposed works should be sympathetic to the character of the original structure and the surrounding area including adjoining or nearby development.
- In the case of replacement dwellings, to require proof that the original structure was last used as a dwelling and was a habitable dwelling so as not to invoke the policies under Section 7.8.3 Rural Housing Policies.
- In cases where retention or reuse of the existing dwelling is not technically feasible, the size and scale of any replacement dwelling should reflect the site's characteristics and context and shall accord with best practice in rural house design.

Section 9.3.7 refers to the Vernacular Built Heritage. *The vernacular built heritage consists of buildings and settlements historically created by local people from local materials and resources to meet local needs following local traditions. The response to the local environment gave rise to construction techniques which vary from region to region, often with great subtlety. This includes that: Vernacular styles of architecture and their importance in modern buildings in the countryside is discussed and illustrated in the publication 'County Kilkenny Rural Design Guide'.*

Of note: *The Council will apply the conservation principles and guidelines in practice as set out in the ICOMOS Charter on the Built Vernacular Heritage (Mexico 1999) when considering proposals to adapt vernacular buildings to meet contemporary living standards and needs.*

Development Management Requirements are given.

Other issues

Section 7.8.6 refers to the 'Rural House Design Guidance' as an instrument to develop best practice in design and siting of one-off rural housing.

Further guidance is given in Section 13.22 Rural Housing which refers to consultation with the Kilkenny Rural Design Guide.

Section 12.11.5 and Section 12.11.10 provides the Regional and Local Road Objectives.

Section 13.22.1 refer to access and sightlines including relative to local roads.

Section 13.22.2 to the criteria for Wastewater treatment systems.

5.5. Natural Heritage Designations

The site is located c.0.5kms north of the River Barrow and River Nore SAC.

5.6. EIA Screening

Having regard to the modest scale of the development, and the separation from any environmentally sensitive sites, there is no real likelihood of significant effects on the environment arising from the 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

BM Byrne + McCabe Design Ltd Architectural and Engineering Services have submitted a First Party Appeal on behalf of the applicants Michael and Aine Crowdle. They note that the refusal was based on a roads reason and their Grounds of Appeal include the following:

- They note that their previous application Reg.Ref.22/256 was refused for a similar roads reason. Before they submitted their current application, they had met with the roads engineers on site and had agreed improvement works that their clients would do to improve the road.

- The agreed works was to create two number full passing bays and also increased width for a further three places to pass on the road. The proposal would also benefit the existing road network by creating these additional passing bays. Michael's home place where he lives with his parents is on the same road so the only increase in traffic will be during construction. They propose to carry out the works to the passing bays before the works commence on site.
- They note that Section 7.8.5 of the Kilkenny CCDP 2021-2027 seeks to encourage and facilitate the appropriate refurbishment of the existing housing stock and other structures in the rural areas. They consider that this is valid to consideration of their application.
- They note that the Area Engineer, the Environment Section and the DCHG (Archaeology) had no objections subject to conditions. That the Conservation Officer recommended the submission of F.I.
- They note that the building is not a Protected Structure and that the applicant's objective is to sympathetically repair and restore the building using the current building materials with the use of traditional materials such as lime mortar, lime plaster etc.
- They provide a response to the issues raised relative to the proposed renovations in the Council's Conservation Officer's F.I request.
- They refer to design and budgetary issues and note that planning permission has to be obtained before they can get a mortgage for the proposed works.
- They agree that the design must be carried out with the original fabric in mind and best energy practice. That the comprehensive assessment should be part of the submission for building control under the BCMS Guidelines.
- They will do the existing plans as they have them to carry out the design.
- They intend to reuse the existing slates and match them where possible. They believe this could be conditioned as part of the planning permission.
- They have no issue omitting the rigid concrete ring beams from wall tops as requested.

- Due to their client's budget and the fact that this is not a P.S they feel that uPVC should be allowed. There is a fixture of fenestration on the original building. They will be getting a new front door as the existing is beyond repair.
- They note the external finishes on the existing elevations and have regard to those proposed.

Conclusion

The applicants want to restore this structure as sympathetically as possible but within the budget they have. They provide details of Michael's farming connections and local need to reside in this area (including a map showing his homeplace). They note that while he looked at getting a site in the area he was told that new builds in the area would not be permitted so he had to look at alternatives. This property is an existing structure and Section 7.8.5 seeks to encourage the appropriate refurbishment of existing housing stock and other structures in the rural area.

6.2. Planning Authority Response

There is no response from the Planning Authority on file.

6.3. Observations

None noted.

7.0 Assessment

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

- Compliance with Planning Policy
- Design and Layout and Impact on the Character of the Area
- Access and Road Safety
- Drainage issues

- Appropriate Assessment

7.2. Compliance with Planning Policy

- 7.2.1. The Planning Authority has assessed this proposal under Section 7.8.5 of Volume 1 of the Kilkenny City and County Development Plan 2021-2027. This provides for 'Refurbishment and Replacement Dwellings in rural areas. *The Council will encourage and facilitate the appropriate refurbishment of existing housing stock and other structures in rural areas and in certain limited cases the replacement of existing dwellings subject to the criteria outlined.* A list of Development Management Requirements for such criteria is given and is quoted in the Policy Section above. Of note this also includes: *Where an original structure was not habitable, if an applicant can demonstrate that their proposals will ensure the sensitive restoration of vernacular and traditional buildings in the rural area, thereby respecting and maintaining the integrity and scale of the original building, and does not compromise any other development management considerations, such proposals shall not be subject to the policies in Section 7.8.3 Rural Housing Policies that applies to new dwellings (see also Section 9.3.6 Vernacular Built Heritage).*
- 7.2.2. Having viewed the buildings on site, they are in poor condition and while the formation /layout of the original character buildings/vernacular is still there the building is not habitable and is in a derelict/ruinous state. It is noted that while it is a historic structure, it is not a Protected Structure, nor included on the NIAH list. Regard is had to the issues of Design and Layout, Access and Parking and Drainage in this Assessment below. It is noted that the Planner's report does not consider the issue of local need. However, I would consider that in view of it not being a habitable house, that the issue of the Applicant's local need to reside in this area, needs to be established and further consideration is given to this below.
- 7.2.3. The Settlement Strategy has regard to Rural Generated Housing Need. This is a matter of compliance with rural settlement strategy which requires consideration of not just local but also regional and national planning provisions that deal specifically with this matter. National Policy Objectives 18 and 19 of Project Ireland 2040, refer. As noted in the Policy Section above, Objective 18 seeks to develop a programme for new homes in small towns and villages. Objective 19 seeks that: "In rural areas

under urban influence, to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in the 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”.

- 7.2.4. Regard is also had to the Sustainable Rural Housing Development Guidelines 2005 where the strategy indicates that there should be a presumption against urban generated one-off housing in rural areas adjacent to towns. The site is located in an area classified as being under “Stronger Urban Influence” as identified in the Guidelines. Section 3.2.3 refers to Rural Generated Housing. This includes reference to “people who have lived most of their lives in rural areas and are building their first homes”. It refers to ‘Persons who are an intrinsic part of the rural community’ and ‘Persons working full or part time in rural areas’. Section 4.3 of the Guidelines refers to Assessing Housing Circumstances.
- 7.2.5. Section 7.8 of the Kilkenny City and County Development Plan 2021-2027 provides the Rural Housing Settlement Strategy. Fig. 7.1 ‘Rural housing Strategy’ provides a Map showing the site within an Area under Urban Influence as per the Council’s Rural Housing policy. The site is in the rural area c.1km northeast of the village of Inistioge, which is a popular tourist destination.
- 7.2.6. Section 7.8.3 provides the Rural Housing Policies. This includes regard to the distinction between Urban Generated Housing (to be accommodated in towns and villages) and Rural Generated Housing. Section 7.8.4 provides Categories of Rural Compliance and Qualifying criteria. For Areas under Urban Influence, this is divided into ‘Persons with a demonstrable economic need to live in the particular local rural area’ i.e persons who by nature of their work have a functional need to reside permanently in the rural area close to their place of work, provided that they have never owned a house in the rural area. Or it could be ‘Persons with a demonstrable social need to live in a particular local rural area’.
- 7.2.7. The details submitted as part of the First Party Appeal show the location of the applicant Michael’s family home and farm c. 400m to the northeast of the site. This includes that Michael assists in running the family farm and will eventually be taking over the running of the family farm and this is an ideal location. That he has looked to get a site on the family farm but was advised that new builds would not be

permitted in the area and to look for alternatives. This is why he looked at this property as an existing structure for refurbishment. Thus, it would appear from the information submitted that Michael has a local need to reside in this area.

7.3. Design and Layout

- 7.3.1. The Site Layout Plan shows the context of the existing buildings to be renovated and of the proposed building. In summary the proposed works consist of the renovation of a former 2 storey dwelling and integration of outbuilding for habitable space. The application form provides that the area of the site is 0.202ha. That the g.f.s of the existing buildings is 188.22m². The g.f.s to be retained, and that for demolition is described as N/A. The g.f.s for the proposed works is also given as 188.22m².
- 7.3.2. The Council's Conservation Officer notes that the existing group of buildings is part of the vernacular in the area and its retention and reuse is welcome. They note that it is not a P.S nor included on the NIAH list. It is noted that the existing house is 'Y' shaped in plan with outbuilding (approx. ½ roofed) forming the eastern side of the courtyard, the front boundary wall has a pebble dash finish, with entrance gate piers and wrought iron gate along the southern perimeter.
- 7.3.3. They provide that the sheltered form of the building culminating in a small front courtyard is common in vernacular farmsteads. That the presence of the lime kiln indicates that the settlement was an important one: while such were commonly dotted around the countryside, they were placed in strategic locations. They note that a previous application Reg.Ref.22/256 was refused and note heritage in the area. Regard is had to the archaeology of the area in the appropriate section below.
- 7.3.4. The application includes a Building Survey Report (BM Byrne+McCabe Designs architecture and engineering services). This provides a brief noting the building history including that the building is shown on the 1829 OS Maps. That the main house is two storey with two sheds in which they are incorporating into a single house. They submit that the main dwelling was lived in up to 1995 (no documentary evidence has been submitted in support of this). That the existing garden was left to grow without being maintained and the front elevation of the building cannot be seen with the overgrown nature of the vegetation. A description is provided of the building structure, relative to the group of buildings. I would consider from having viewed the

site that significantly less than 80% of the roof of the building complex as a whole remain intact. I would concur that the buildings are in poor condition.

- 7.3.5. A description is given of the reconstruction works to provide the new proposed habitable dwelling. They conclude that based on the building survey and the proposed works outlined in this report that this building can be reconstructed to a habitable state by following their proposal. That the concept for the building is to utilise as many of the existing openings as possible, also installing new openings using modern technology. It appears that the existing outbuilding along the eastern site boundary is to be retained. This outbuilding, forms a stone wall along this boundary proximate to the adjacent cottage, which is occupied to the east.
- 7.3.6. The floor plans show an outline of the existing derelict dwelling (shown in green) and of the outbuildings (shown in blue). An Area Breakdown is given which provides that the ground floor is to be 138.8m² and the first floor 49.42m² i.e. 188.22m². The proposed renovated house is shown c.6.5m in height with a slate roof plaster finish, and uPVC windows and doors. I would note that the existing buildings are in ruinous condition and the proposed buildings while in a relatively similar footprint would appear to be a modern interpretation and would not particularly be sympathetic or reflect the character of the existing group of vernacular buildings.
- 7.3.7. The Conservation Officer noted that while the reuse of a vacant building is welcome the omission of qualified personal to assess and compile solutions for a traditionally constructed building is of concern. They noted that there are many elements which have been omitted, while other elements are not appropriate. They recommend that detailed F.I be submitted to ensure the safety of the inhabitants and avoid sanitising the vernacular of the building. This includes that current plans and elevations have been omitted and that these should be submitted. It is noted that their detailed F.I request was not made as the proposal was refused by the Council.
- 7.3.8. The First Party response endeavours to address the Conservation Officer's comments. They note that the building is not a P.S nor included in the national inventory. That the applicants want to sympathetically renovate the building with best practice in mind. They submit that it is difficult to provide specific design details and without knowing a budget that it is hard to submit a comprehensive assessment. They include a response that more detailed plans as to methodology will be

submitted pending planning permission. They submit that as this is not a P.S that uPVC windows and doors should be allowed. Also, having regard to the Conservation Officer's concerns regarding external finishes, that they are proposing to use lime plaster on the front elevation and to retain stone walls on the single storey section. That the stove will then be replastered using a lime plaster mix.

7.3.9. Reference is also had to the Construction Management Plan (CMP) submitted. This has regard to the impacts on the amenity of the area at constructional and operational phases. If the Board decides to permit, I would recommend, the inclusion of a condition regarding the use of quality external finishes (along with the exclusion of uPVC) and that a Construction and Environmental Management Plan be submitted.

7.3.10. Section 9.3.6 of the Kilkenny CCDP 2021-2027 refers to The Vernacular Built Heritage and has regard to the importance of vernacular buildings in the countryside. Development Management requirements include to promote the refurbishment of vernacular heritage areas as per development management standards set out under Section 7.8 Rural Settlement Strategy of this Plan. Section 7.8.5 includes: *For refurbishment the scale and architectural treatment of proposed works should be sympathetic to the character of the original structure and the surrounding area including adjoining or nearby development.* Reference is also had to the County Kilkenny Rural Design Guide, which includes regard to form, shape and massing, landscape and sustainable design. While the reuse/refurbishment of a vacant and historic (non-habitable) building is recommended, in this case I would be concerned that the proposed works would alter the character of the vernacular group of buildings and result in a dwelling, which as shown on the plans submitted that does not reflect nor is sympathetic to the character of the original structure.

7.4. Access and Roads

7.4.1. The Council's reason for refusal for the proposed development is concerned that the proposed local roads network is seriously deficient in terms of width, alignment and visibility and is unable to cater for increased development. I noted this on the site visit, that the proposed development is located off the public road, serviced via an unsurfaced track and that the local roads network in this hilly terrain, above and

c.1km from the R700 linking Inistioge towards New Ross, is seriously deficient. Having regard to the Planning History it is noted that there are several refusals in the area on the grounds of impact on public safety and traffic hazard.

- 7.4.2. The access to the site via the narrow local road network is via an unsurfaced laneway. As shown on the Site Layout Plan it is proposed to use the existing gated entrance to the west of the group of buildings. It appears that this access route, forms part of an agricultural track through the lands, although it is noted that there is another unsurfaced track outside of the red line boundaries to the west of the site. That part of the laneway to the east is surfaced to serve the existing houses. I would recommend that if the Board decides to permit that it be conditioned that this surfaced section be continued to serve the site frontage and access to the site.
- 7.4.3. The Council's Area Road Engineer noted that the proposed refurbishment development is located on a Local Tertiary Road (L-82833), which leads to the Local Secondary Road (L-8326). That the speed limit on the Local Tertiary Road is 80kph and the road is approx. 3m wide. They note that the applicant has submitted sightlines for the Local Tertiary Road of 70m in both directions measured to the near side road edge at a set-back of 2.4m. That the sighting and stopping distance required to sight a vehicle turning right into the proposed entrance is 70m in both directions.
- 7.4.4. They note (as shown on the passing bay drawing submitted that the applicant is proposing to construct 2 new passing bays along with upgrading 3 other passing bays on the L8326 which they provide will be a benefit to all users of this road. Also, that this section of the road is the most treacherous and the passing bays will be a huge improvement. They refer to the previous refusals in the area on traffic hazard grounds including relative to the subject site and consider that as this is not a new development and the applicant is making improvement for all road users that they would not object in this case. However, they stress that this road is at capacity and would not recommend any new developments. They recommended conditions.
- 7.4.5. The Planning Authority conclusion considered that in view of the ruinous state of the existing dwelling that it cannot be considered as creating a precedent for adding additional traffic on these lanes (L8326-5, L82832 and L82833). That although there are now proposals for passing bays on local road L8326-5, this road remains

substandard and that additional traffic that may arise from new house using this road would cause danger and further traffic hazard. They did not consider that there is a change in circumstances and recommended refusal.

- 7.4.6. The First Party response has regard to the planning history and considers that this proposal would benefit the existing road network by creating these additional passing bays. That Michael's home place where he lives with his parents is on the same road so the only increase in traffic will be during construction. They propose to carry out the works to the passing bays before the works commence on site.
- 7.4.7. It is also of note that a letter has been submitted from the landowner giving permission to the applicants for the renovation and restoration of his property and to alter the boundary to his lands and to create passing bays.
- 7.4.8. Having regard to all of these considerations, and visited the site, I would be concerned that this proposal is technically creating a new entrance (old ruinous building has not been in use as a dwelling for some time) for what would result in an access to a new dwellinghouse on a substandard road network that the Council's reason for refusal has not been overcome.

7.5. **Archaeological issues**

- 7.5.1. An Archaeological Impact Assessment for the proposed development by Tobin O'Neill Archaeological Services has been submitted. They note that this related to an F.I request relative to the previous application Reg.Ref.22/256. The purpose of this report is to assess the potential archaeological impact of the proposed development on any potential sub-surface historical or archaeological remains and to propose, where appropriate, a mitigation strategy to preserve any remains *in situ* or by record.
- 7.5.2. The AIA provides that the immediate vicinity of the site represents an early modern hamlet or small village with numerous stone buildings displaying cut stone windows, doors and arches. A church, graveyard and holy well are a small distance from the site. The proposed development site is located within the zone of archaeological notification for the church and graveyard in Kinross. Table 1 shows the RMPS- within 1km of the PDS. They also note that the site is within c.1.35kms of the historic town of Inistioge. They refer to Historic Mapping and note this includes the buildings now in a ruinous condition onsite.

- 7.5.3. The DHLGH notes that the proposed development site is within the zone of notification for recorded monuments for Kinross Church and Graveyard (ref. no. given) that are subject to statutory protection in the Record of Monuments and Places established under Section 12 of the National Monuments (Amendment) Act 1930-2014. That it is possible that hitherto previously unknown archaeological features/deposits associated with this monument, may be disturbed during the course of groundworks required for the proposed development.
- 7.5.4. They noted that they are in receipt of the AIA submitted and that in this report it is recommended that a suitably qualified archaeologist carry out a programme of Archaeological Test Trenching on the site covering the proposed percolation area and other areas deemed necessary by the archaeologist and the National Monuments service. They provide that the Department agrees with this recommendation. They recommend that an archaeological condition be included. If the Board decides to permit, I would recommend the inclusion of an archaeological condition.

7.6. **Drainage**

- 7.6.1. Section 13.22.2 of the Kilkenny CCDP 2021-2027 requires that site will be assessed in accordance with the EPA Code of Practice, *Domestic Waste Water Treatment Systems (Population Equivalent <10)* 2021 or any subsequent revisions or replacement. That the person carrying out the assessment must be suitably qualified. Also, that water and wastewater systems for new rural development shall be located within the subject site.
- 7.6.2. This appears as an unserviced site in the rural area. However, the application form notes that there is a water supply connection to the public mains (the existing meter no. is given). The Site Layout Plan shows the proposed location of the new wastewater treatment system in the central section of the site and the percolation area in the northwestern (rear) part of the site, and a soakaway closer to the buildings on site. A section through the percolation area has been submitted. The location of septic tanks and percolation areas on the adjoining sites has not been shown.

- 7.6.3. A Site Characterisation Form has been submitted. This notes that the Aquifer Vulnerability is Extreme (LI) and the status of the groundwater body is good. The groundwater protection response is given as R2¹. Appendix E of the CoP 2021 notes the Groundwater Protection responses -Table E1 refers. It is stated that there are no significant sites archaeological etc within 200m of the site. That the site is potentially suitable for a wwts and acceptable subject to normal good practice. In this respect I would refer to Table 1 of the Archaeological Impact Assessment Report, which notes that the site is within a zone of archaeological potential. However, if the Board decides to permit I would refer to the recommended archaeological trenching and monitoring condition.
- 7.6.4. It is of note that Table 6.4 of the 2021 EPA CoP provides the percolation values relative to the type of treatment system. This notes for secondary treatment systems and soil polishing filters the percolation value range is 3-75. The Site Characterisation Form provides that the depth from ground surface to bedrock is 1.6m (sandstone till). A number of 'T' tests were carried out and a surface value of 22.00 and surface-test value of 36.00 was recorded. It is stated that the site is suitable for secondary treatment system and soil polishing filter. As shown on the Site Layout Plan it is proposed to provide a percolation area 90m² soil polishing filter.
- 7.6.5. The Planner's Report noted that a packaged wwts and polishing filter is proposed. That the site suitability assessment was carried out by an approved site assessor. That the Kilkenny Environmental Officer has expressed no objections subject to conditions. If the Board decides to permit, I would recommend that the appropriate conditions be included relative to the proposed wwts.

7.7. Appropriate Assessment

- 7.7.1. Having regard to the nature and scale of the development and to the nature of the receiving environment and separation distance from the nearest designated site, no appropriate assessment issues arise, and it is considered that the development would be unlikely to have a significant effect individually or in combination with other plans or projects on any European sites.

8.0 Recommendation

- 8.1. I would recommend that permission be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. This proposal would result in the creation of a new vehicular entrance for the use of a habitable dwelling (from the former derelict buildings on site) in an area where the local road network and that serving the site is seriously deficient and substandard in terms of width and vertical and horizontal alignment. The access road is considered to be unsuited to any further new development and the traffic generated by the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users. The proposed development would, accordingly, be contrary to the proper planning and sustainable development of the area.
2. The proposed design would result in a habitable dwelling, which would not facilitate the appropriate refurbishment and architectural treatment of the existing group of derelict historic vernacular buildings, nor be sympathetic to the character of the original structures on site and the surrounding area. As such it would be contrary to Section 7.8.5 (Refurbishment and Replacement Dwellings in rural areas) and to Section 9.3.6 (Vernacular Built Heritage) of the Kilkenny City and County Development Plan 2021-2027. The proposed development would, accordingly, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Angela Brereton
Planning Inspector

8th of March 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-315710-23		
Proposed Development Summary	To renovate existing derelict dwelling and attached outbuilding to habitable space and installation of sewerage facilities and all associated site works.		
Development Address	Kilcross, Inistioge, Co. Kilkenny.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	No further action required - No
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?			
Yes		Class.....	EIA Mandatory EIAR required
No	No		Proceed to Q.3
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]?			
		Threshold	Comment (if relevant)
			Conclusion
No	No	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	N/A	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____