



An
Bord
Pleanála

Inspector's Report ABP 319253-24

Development	Permission for restoration, alteration and refurbishment of a former vernacular style dwelling house to include proposed extension, new effluent treatment system and percolation area and all associated site works
Location	Drumcah, Inniskeen, Dundalk, Co. Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	23488
Applicant	Michael Hoey
Type of Application	Permission
Planning Authority Decision	To refuse permission
Type of Appeal	First Party
Appellant	Michael Hoey
Observers	None
Date of Site Inspection	19 th May 2024
Inspector	Trevor Rue

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.2. Natural Heritage Designations	7
5.3. EIA Screening	7
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.2. Planning Authority Response	9
7.0 Assessment.....	9
8.0 Recommendation.....	12
9.0 Reasons and Considerations.....	12

1.0 Site Location and Description

- 1.1. The application site lies about 13 kilometres to the west of Dundalk and within about 300 metres of the boundary with Co. Monaghan, which runs to the west and north.
- 1.2. The site, whose area is variously stated as 0.2171, 0.266 and 0.278 hectares, comprises the curtilage of a T-shaped former dwelling with an internal floor area of about 104 square metres. There is a disused outbuilding to the front and south east of the dwelling. The remnants of an old shed are located further to the south east in the vicinity of the entrance gate.
- 1.3. Access to the site is via a narrow laneway which runs south westwards and then north westwards from the public road for a total distance of about 450 metres. There are substantial modern dwellings and agricultural buildings along the laneway.

2.0 Proposed Development

- 2.1. It is proposed to restore and/or refurbish the core area of the former dwelling for residential use. The western and eastern ends of the building and the rear return would be removed, as would all the remaining internal walls. The existing outbuildings would also be removed.
- 2.2. The natural stone walls to the front and rear of the remaining building would be reconstructed and/or repointed. A new eastern gable wall would be built. The ridgeline would be increased to 5.831 metres and new blue/black natural slates would be hung. The floor area to be retained would amount to 67.5 square metres.
- 2.3. A lateral extension with a floor area of 49.5 square metres would be added. Its walls would be constructed using timber cladding or a lime-based render. Most of the extension would have a pitched roof with metal sheeting or natural slates. A flat-roofed structure containing an entrance hall would be built between the retained fabric and the bulk of the extension.
- 2.4. It is proposed to refurbish the existing site entrance, to install a new effluent treatment system and percolation area, to erect a new post-and-wire boundary fence, to retain existing mature trees and to carry out new planting and landscaping.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 15th February 2024, the Council decided to refuse permission for the following reason:

Policy objectives BHC 42, BHC 44 and HOU 49 and of the Louth County Development Plan 2021-2027, as varied promote, where feasible, the protection, retention, sympathetic maintenance and appropriate revitalisation and use of vernacular built heritage, in both urban and rural areas, which contribute to the streetscape and landscape character and to encourage the re-use and adaption of existing historic buildings in a manner compatible with their character. Section 13.9.12 of the Development Management Guidelines stipulates that all external structural walls and internal walls of such vernacular buildings be substantially intact and that the building be capable of being renovated/ refurbished without demolition. The proposed development pertains to the remnants of a stone structure, which does not possess any intact walls or a roof and as such does not contribute to the landscape character, and which the Planning Authority is not satisfied can feasibly be restored.

The development, which would provide for a new one-off dwelling house in this rural area where rural qualifying criteria applies, does not meet with the requirements of the policy objectives as set out above pertaining to vernacular buildings and would also contravene policy objective HOU 41 of the Louth County Development Plan 2021-2027, as varied which seeks to manage the development of rural housing in the open countryside by requiring applicants to demonstrate compliance with the Local Needs Qualifying Criteria relative to the Rural Policy Zone. Therefore, the proposal is contrary to the proper planning and sustainable development of the area and would set an undesirable precedent for other similar unacceptable developments in the county.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. The planning report of 13th February 2024 provided the reasoning for the authority's decision. It contained the following observations and assessment:

- The subject structure is currently in a state of almost total ruin, with no roof, only partial walls, no windows and a large amount of vegetation growing on and within it. It is likely that it was a vernacular house in the past but it is not habitable and has clearly not been in use as a dwelling for a considerable time. The outbuildings on the site are also in a very poor state with extensive growth of ivy and bushes. The existing elevations shown on the submitted drawing are not reflective of the structures on the ground and make them appear more substantial and intact than they actually are.
- The subject structure does not fall within the definition of a habitable dwelling in Section 2 of the Planning and Development Act 2000. A restoration/renovation project inevitably involves a building that has fallen into a state of disrepair which may compromise some intrinsic features of a dwelling. However, in this instance the structure does not exhibit any of the essential characteristics of a dwelling (including intact roof, window and door openings, external walls, chimney and internal room divisions). Residential use is long abandoned. The development description in the application and public notices acknowledges that the structure is a former, rather than an existing, dwelling.
- A structural report by a building surveyor was not provided with the application. It appears that a substantial amount of wall removal and relocation is proposed, which could adversely impact on the vernacular character of the structure.
- As the structure is not eligible for renovation and extension and as it has not been demonstrated that the applicant meets the qualifying criteria for a new dwelling in this rural area, the development is not acceptable in principle.

Other Technical Reports

- 3.2.2. The Council's Placemaking and Physical Development Section recommended that permission be granted subject to conditions relating to matters such as disposal of surface water, surface materials, protection of the public road and working hours.
- 3.2.3. The Council's Waste Management and Environment Section was satisfied that there would be no threat of environmental pollution from the proposed development. It recommended that permission be granted subject to conditions.

4.0 Planning History

4.1. None

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Map 3.2 of the Louth County Development Plan 2021-2027 shows the application site located in Rural Policy Zone 2, area under strong urban influence.
- 5.1.2. Policy Objective HOU 41 in Chapter 3 of the Plan is to manage the development of rural housing in the open countryside by requiring applicants to demonstrate compliance with the local needs qualifying criteria relative to the Rural Policy Zone.
- 5.1.3. Section 3.18 of the Plan states that any applicant proposing to restore, renovate or adapt a vernacular building for residential use will not be required to demonstrate a rural housing need.
- 5.1.4. Policy Objective HOU 48 is to encourage the sensitive refurbishment of existing vernacular dwellings and buildings and generally resist the demolition and replacement of these buildings in order to protect the traditional building and housing stock and preserve the built heritage in the rural parts of the county. Policy Objective HOU 49 is to require applications for refurbishment of vernacular dwellings/buildings to comply with the standards and criteria set out in Section 13.9.12.
- 5.1.5. Section 13.9.12 of the Plan requires a building survey or engineer's report from a suitably qualified professional to be included with any application to refurbish or extend a vernacular dwelling or building, confirming that all external structural walls and internal walls are substantially intact and that the building is capable of being renovated/refurbished without demolition. It also requires a construction management plan prepared by an appropriately qualified professional to be included with any such application, setting out how the building will be protected from collapse during the renovation and refurbishment.
- 5.1.6. It is stated in Section 9.8 of that the Plan that the Council will encourage and promote the re-use of vernacular buildings rather than their replacement, while recognising the need for such buildings to evolve and survive. Policy Objective HBC 42 is to promote,

where feasible, the protection, retention, sympathetic maintenance and appropriate revitalisation and use of the vernacular built heritage, including thatched cottages and other structures in both urban and rural areas, which contribute to the streetscape and landscape character and deter the demolition of these structures. Policy Objective HBC 44 is to encourage the re-use and adaption of existing historic buildings in a manner compatible with their character.

5.2. Natural Heritage Designations

- 5.2.1. Maps 8.1 and 8.2 of the County Development Plan indicate that the application site is not in or close to any European site of nature conservation importance. The nearest such sites are the Dundalk Bay Special Area of Conservation (SAC) and the Dundalk Bay Special Protection Area (SPA), which are over 10 kilometres away.

5.3. EIA Screening

- 5.3.1. Having regard to its nature, size and location, the proposed development is not likely to give rise to significant environmental effects. The requirement for submission of an environmental impact assessment report and the carrying out of environmental impact assessment may therefore be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- The property belongs to the applicant who farms 130 acres in this area. The dwelling is located on a mature secluded site on his farm. He wishes to restore it to be fit for contemporary living, as if it is left in its current state it will be lost to the elements within a number of years. He envisages that the house would eventually be passed on to one of his two young sons.
- The house dates back to the 1800s and appears on an historical 6-inch map. It has traditional load-bearing random-rubble stone walls, some timber up-and-down sash windows and a corrugated steel roof. It was constructed by local people using local materials and reflects the history and character of the location. The large mature beech trees round the site were planted to create

seclusion and shelter. The form, scale, materials and orientation of the cottage contribute positively to the local landscape.

- The external and internal walls of the building are substantially intact. Although the walls in areas are covered in ivy and vegetation, their structural integrity is substantially intact. Localised areas such as window and door heads need to be replaced as timber has been affected by wet rot. However, the building is capable of being renovated and extended without demolition.
- The proposal meets the policy objective to protect, retain, maintain, revitalise and use vernacular built heritage and would also reduce the carbon footprint. Materials from remnants of outbuildings to be removed would be used in the restoration of the cottage.
- The proposed extension would be simple and linear in form to match the existing pattern. The break between the original house and the extension would enable the history of the building to be read. The overall floor area would be 117 square metres, which is modest.
- Louth County Council has granted planning permission for similar developments relating to properties in the same condition. Six instances were cited, five of which related to buildings described as vernacular.
- A structural report from the applicant's agent, who is a chartered building surveyor with 30 years' experience of structural/pre-acquisition surveys, is appended to the appeal statement. He was satisfied that the external and internal walls are substantially in a stable condition.
- Inspection revealed that the northern end of the building has a single-skin corrugated roof on timber bearers. The remainder of the roof which was in natural slate has been removed. The existing part of the cottage would be provided with a new cut-timber roof following the line of the existing gable walls with natural-slate roof coverings. A ring beam would be provided at eaves level for additional strength.
- The surveyor stated that the external and internal loadbearing walls are of traditional solid brick and random rubble. There are cracks in the external walls but nothing to suggest any significant structural movement or heave. They

appear to be historical settlement cracks and would be filled/repaired to specification. The external walls have extensive vegetation growth that would need to be removed and the walls prepared for a new render finish. The heads to the windows and doors would be reconstructed using concrete and a new damp-proofing system would be installed.

- The existing ground floor would be removed and replaced with an insulated concrete floor. The timber windows are in poor condition or in places removed and would need to be replaced. The electrical, mechanical, sanitary installation and joinery would also need replaced. The surveyor was of the opinion that the external walls are substantially in place and structurally sound for renovation.

6.2. Planning Authority Response

- The approved developments referred to in the appeal statement all related to fully intact, albeit derelict, houses with their walls and roofs in place. Unlike the structure on the application site, they were not in a state of ruin. The developments are not comparable and do not set any kind of precedent.
- The appellant's structural report does not establish that the structural remains of the former vernacular dwelling meet the requirements of Section 13.9.2 of the Development Plan as being capable of being renovated without the need for demolition.
- Strong precedent has recently been set by An Bord Pleanála in its decision to refuse permission for restoration and extension of a cottage at Brownstown, Monasterboice, Co. Louth **(315647-23)**. That was a similar proposal for works to a derelict house in a ruinous state.

7.0 Assessment

7.1. Issues

- 7.1.1. Having inspected the site and considered in detail the documentation on file for this First Party appeal, it seems to me that the main planning issue is whether the development is acceptable in principle in the countryside. I must also consider

whether an appropriate assessment (AA) is required pursuant to the European Union Habitats Directive (92/43/EEC).

7.2. Acceptability in Principle

- 7.2.1. The Louth County Development Plan 2021-2027 requires applicants for planning permission for houses in Rural Policy Zone 2, where the application site is located, to demonstrate compliance with local needs qualifying criteria. By way of exception, applicants proposing to restore, renovate or adapt a vernacular building for residential use are not required to demonstrate a rural housing need.
- 7.2.2. It can be inferred from Policy Objective HBC 42 that the rationale for promoting, and making an exception for, the appropriate revitalisation of vernacular buildings in rural areas is that they contribute to the character of the landscape. Applications for refurbishment of vernacular dwellings must, however, comply with the standards and criteria set out in Section 13.9.12 of the Plan.
- 7.2.3. There is no explicit policy requirement that, in order for a restoration scheme to qualify for planning permission, a vernacular building must be currently in residential use or currently habitable. It is not a requirement that residential use has not been abandoned. There is no reference in policy to the essential characteristics of a dwelling, such as an intact roof, a chimney or window and door openings.
- 7.2.4. The key criteria set out in the Development Plan are that all external structural walls and internal walls are substantially intact and that the building is capable of being renovated and refurbished without demolition and will be protected from collapse during the proposed works. It is not the structural integrity of the walls that must be substantially intact but the walls themselves. Something that is intact is complete and has not been damaged or changed. The qualifying word “substantially” allows for some impairment provided it is not large in amount or degree.
- 7.2.5. Both parties provided information about other planning applications for restoration of old buildings for residential use in Co. Louth. However, it seems to me that no two structures are identical and each proposal requires individual assessment.
- 7.2.6. The structure to which this application relates bears little resemblance to that depicted on the existing elevations submitted by the applicant. The planning authority report correctly described the structure as in a state of almost total ruin and overgrown by

vegetation. The structure, far from making a positive contribution to the local landscape, is a degrading feature within it.

- 7.2.7. Whereas the appeal statement asserts that the external and internal walls of the building are substantially intact, the appended surveyor's report makes the different claim that the walls are substantially in a stable condition. Both statements sit uneasily with the comment elsewhere in the applicant's evidence that if the structure is left in its current state it will be lost to the elements within a number of years.
- 7.2.8. I found I was unable to enter the site but got a clear view from the entrance gate. A portion of the structure is roofed in corrugated sheeting, which seems to be a relatively recent addition. The western end of the front wall has been rendered, perhaps to assist its stability but with the effect of obscuring the original building materials. Several cracks are visible in the rendered wall. The middle part of the wall is plainly of random-rubble construction and has a pronounced sag. Further to the east, there are two free-standing pillars where the door may have been. I am satisfied that the front wall has suffered significant change and damage and is not substantially intact.
- 7.2.9. The appeal statement asserts that the building is capable of being renovated and extended without demolition. The actual proposal involves the demolition of all the internal walls and both gable walls. The submitted existing floor plan indicates that the external walls (including those of the rear return) have a total perimeter length of 57.7 metres. The proposed floor plan indicates that only 21.6 metres of existing external wall would be retained in the course of the proposed works. A construction management plan, setting out how the building would be protected from collapse during the renovation and refurbishment, has not been provided as required by policy.
- 7.2.10. The foregoing analysis leads to the conclusion that, having regard to Policy Objectives HBC 42, HOU 48 and HOU 49 of the Development Plan, the proposed development is not an appropriate scheme for revitalisation of a vernacular building and that it does not comply with the standards and criteria set out in Section 13.9.12 of the Plan.
- 7.2.11. As the application does not accord with policy relating to restoration of vernacular buildings, it must be regarded as a proposal for a new dwelling in Rural Zone 2. No evidence has been presented to demonstrate compliance with the relevant local needs qualifying criteria. I therefore find that the development is not acceptable in principle in the countryside and that the planning authority's objections are well founded.

7.3. Appropriate Assessment Screening

- 7.3.1. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom and the distance from any European site, it is possible to screen out the requirement for the submission of a Natura impact statement and the carrying out of an AA at an initial stage.

8.0 Recommendation

- 8.1. I recommend that planning permission be refused.

9.0 Reasons and Considerations

- 9.1. Having regard to the Louth County Development Plan 2021-2027 and in particular Policy Objectives HBC 42, HOU 48 and HOU 49 and Section 13.9.12, it is considered that the proposed development is not an appropriate scheme for revitalisation of a vernacular building. The development relates to a ruined structure, which does not contribute to the landscape character of the area. The front wall has suffered significant damage and is not substantially intact. It is proposed to demolish most of the structure's existing fabric, including both gable walls and all the internal walls. A construction management plan, setting out how the building would be protected from collapse during the proposed renovation and refurbishment, has not been provided.
- 9.2. The development, which would provide for a new one-off dwelling, would also contravene Policy Objective HOU 41 of the Louth County Development Plan 2021-2027, which requires applicants to demonstrate compliance with local needs qualifying criteria. The proposal is therefore contrary to the proper planning and sustainable development of the area and would set an undesirable precedent for other similar unacceptable developments in the county.

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.



TREVOR A RUE

Planning Inspector

22nd May 2024