



An
Bord
Pleanála

Inspector's Report

ABP-320144-24

Development	Construction of a two-storey dwelling house and all associated site works.
Location	Castleroberts, Adare, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2225
Applicant	Christine Lane
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Brian Smith
Observer(s)	None.
Date of Site Inspection	2 nd of May 2023
Inspector	Siobhan Carroll

1.0 Introduction & Background

- 1.1. I refer to correspondence dated 15th of July 2024, which outlines that the Board had previously made a decision on this appeal by order dated 13th of November 2023 and under appeal reference number ABP 314155-22. The correspondence confirms that this decision was quashed by order of the High Court and the case was remitted by that Court back to the Board for a new decision. The appeal has now been reactivated under ABP Ref: 320144-24.
- 1.2. Having regard to the High Court Order in this case, the quashing of the previous Board decision and the passage of time, the Board considered that it was appropriate in the interests of justice to now request relevant parties under Section 131 and 137 of the Planning and Development Act 2000 (as amended) to make any further general submissions/observations in relation to the appeal.
- 1.3. All parties were invited to make a submission in relation to the matters raised above on or before the 12th of August 2024. This report considers the submissions made on foot of the request and should be read in conjunction with my original assessment set out within the Inspectors Report dated 22nd of May 2023 in respect of ABP Ref: 314155-22.

2.0 Response to Board's Correspondence

Appellant Response

- 2.1. Under Order JR 2024.000060 the High Court quashed the previous decision by An Bord Pleanála in respect of ABP Ref: 314155-22. The letter issued by the An Bord Pleanála to the appellant states, *"Having regard to the High Court Order in this case, the quashing of the previous Board decision and the passage of time, the Board considers it appropriate in the interest of justice to now request....further observations."*
- 2.2. The appellant states that they requested the submission of documentation from An Bord Pleanála in relation to the Judicial Review. However, that they were informed that documents are confidential. The appellant states that they are therefore unaware of its contents.

- 2.3. The appellant refers to the Sustainable Rural Housing - Guidelines for Planning Authorities and objective HS02. They state that the planning objective refers to a “demonstrable economic or social need to live in a particular rural area.” The appellant does not consider that the applicant provided evidence of demonstrating such economic or social need.
- 2.4. The guidance refers to this applying to those who wish to build “their first home” in the area. Given the passage of time the Board need to be satisfied that this “first home” criterion remains the case.
- 2.5. The appellant notes that several existing houses are currently for sale in proximity to the site. Therefore, they suggest that there is not a need to build additional housing.
- 2.6. In relation to matter of ribbon development the Board held twice that building on the site would constitute ribbon development.
- 2.7. The appellant cited a decided appeal ABP 309962-21 for another rural location in Co. Limerick, with reference to the matter of ribbon development. The Board Direction stated, *“the Board noted that areas characterised by ribbon development will exhibit characteristics such as a high density of almost continuous road frontage type development and that “whether a proposal will exacerbate such ribbon development or could be considered will depend inter alia, the type of rural area and circumstances of the applicant.”* It is further noted that *“the addition of this proposed development at this rural location would result in five dwellings along a short stretch of local road and it was determined that such a proposal would be contrary to the proper planning and sustainable development of the area.”*
- 2.8. The use of 250 metres is noted as being an example in the Planning Guidelines. The clear meaning as previously interpreted by the Board is to avoid five or more houses “along a short stretch of road”. The appellant considers this is the case with the application.
- 2.9. The appellant refers to the matter of road safety. They stated that since the application was made that several accidents have occurred within 150 metres of the proposed site. This has led to Limerick City and County Council installing significant new signage in the area to alert motorists of the dangers. It is noted that there is a contiguous white line along this section of the local road the L-1420. The appellant considers that the issue of road safety should be re-examined.

- 2.10. In conclusion, they request that the Board refuse permission. Should the Board decide to grant permission they ask that the mitigation measures which were suggested in their previous submission be considered.

3.0 Assessment

- 3.1. I have reviewed the points made in the submission from the appellant as summarised in Section 2 above. The points raised are summarised under the following headings.
- Rural housing policy
 - Ribbon development
 - Traffic safety
- 3.2. The issues raised are addressed in brief as follows and should be read in conjunction with my original assessment set out within the Inspectors Report dated 22nd of May 2023 in respect of ABP Ref: 314155-22.
- Rural housing policy
- 3.3. The appellant has raised the issue of compliance with rural housing policy. They contended that the applicant has not demonstrated an economic or social need to live in the local rural area. The matter of compliance with rural housing policy was fully addressed in the original assessment set out in the Inspectors Report dated 22nd of May 2023 in respect of ABP Ref: 314155-22. Specifically in respect of the applicant's compliance with the qualifying criteria set out under Objective HO O20 of the Limerick Development Plan 2022-2028. Accordingly, I am satisfied that the applicant meets the qualification criteria to build a rural dwelling at this location in accordance with the provisions of the Development Plan and the provisions contained in the Rural Housing Guidelines.
- Ribbon development
- 3.4. The matter of ribbon development was raised by the appellant. They cited a decided appeal ABP 309962-21 referring to a rural site at Farnane, Cappamore, Co. Limerick. In the case of that appeal the Planning Inspector in their report stated that the issue of ribbon development arises where a number of road frontage houses are

permitted along a public road, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage. The Inspector in that case concluded that the site comprises an infill site with two existing houses located to the north-east and one house to the south-west and that the issue of ribbon development does not arise in this instance. The Board in their decision on that case did not agree with the Inspector and concluded that the receiving environment of the proposed development displays the characteristics of ribbon development and that it would contribute to and exacerbate undesirable ribbon development at that specific location.

- 3.5. In relation to the appeal site at Castleroberts, Adare, Co. Limerick I addressed the issue of ribbon development in the original assessment set out in the Inspectors Report dated 22nd of May 2023 in respect of ABP Ref: 314155-22. In that assessment I noted that the report of the Planning Officer in respect of the application and that they determined that the dwelling proposed on site would be the fourth in a stretch of 250m and that therefore ribbon development was not considered an issue. The assessment of the Planning Officer highlighted that due to the location and configuration of the site that no further infill site would be created as a result of the proposed development.
- 3.6. In relation to the matter of ribbon development, I note the site context, that it is situated immediately to the south of two existing detached houses. To the north of these dwellings there is a grassed field with frontage of circa 97m. To the north of this field there is a detached dwelling and circa 36m to the north of this dwelling there is an agricultural shed.
- 3.7. Therefore, regarding the issue of ribbon development I would concur with the assessment of the Planning Officer that the proposed dwelling if permitted would result in the location of a fourth property along that stretch of the local road and given the configuration of the site and proposed siting of the dwelling within the larger field that the proposed development would not create an infill site. I would also note that there is no housing in the vicinity of the appeal site on the opposite side of the local road. Accordingly, I consider that the issue of ribbon development does not arise in this instance.

- Traffic safety

3.8. I note the concerns raised by the appellant in relation to traffic safety. They refer to several vehicle accidents in the area. While this noted, it is not directly relevant to the planning application. The matter of the proposed vehicular access was fully addressed in the original assessment set out in the Inspectors Report dated 22nd of May 2023 in respect of ABP Ref: 314155-22.

4.0 Recommendation

4.1. Taking into account my assessment as out set out in this addendum report, in conjunction with my original assessment, Inspector's report ABP Ref: 314155-22 dated 22nd of May 2023, my recommendation to the Board regarding the application before it remains broadly the same. I recommend that planning permission be granted.

5.0 Reasons and Considerations

5.1. Having regard to the to the provisions of the Limerick Development Plan 2022-2028, the pattern of development in the area and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

6.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on 20th of June 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the

development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2.

- (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

- 3. Prior to the commencement of development, the details of the proposed boundary treatment shall be submitted to the Planning Authority for their written agreement.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

- 4. The site shall be landscaped, using only indigenous deciduous plants and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All existing trees and hedgerow be retained except the extent that its removal is necessary to provide for the site entrance and sightlines.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

5.

(a) The effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 27th day of January 2022, and in accordance with the requirements of the document "Wastewater Treatment Manual: Treatment Systems for Single Houses", Environmental Protection Agency (current edition). Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority within six months of the date of this Order.

(b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development and to prevent pollution.

7.

(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent pollution.

8. Details of the materials, colours and textures of all external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development.

Reason: In the interest of visual amenity.

9. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 hours to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Siobhan Carroll
Planning Inspector

29th of August 2024