



An
Bord
Pleanála

Inspector's Report

ABP-321848-25

Development	Refurbishment of derelict dwelling; construction of an extension; installation of a new waste water treatment system and all associated site works.
Location	Nontariff, Cappamore, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	24277
Applicant	Michael Ryan
Type of Application	Permission.
Planning Authority Decision	Refused permission
Type of Appeal	First Party
Appellant	Michael Ryan
Observers	None
Date of Site Inspection	9/4/2025
Inspector	Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The subject site is located within the rural townland of Tinnatarrif, Cappamore, County Limerick. It is situated circa 4.4km to the south-west of the village of Cappamore and 1.5km to the east of the N24.
- 1.2. The appeal site is located on the western side of the local road. The site is roughly rectangular in shape and has a stated area of 0.24 hectares. It contains the subject property which comprises stone gables with a flat roof erected over a structure. The western section of the structure contains an enclosed room with the eastern section of the structure open where a section of the original wall was removed. There are two agricultural sheds to the northern side of the site. To the south of the site there is a single storey property which is served by a separate pedestrian gate and a vehicular gate immediately to the south of the site.

2.0 Proposed Development

- 2.1. Permission is sought for the re-construction of sections of exterior walls, re-roof and refurbish existing derelict farmhouse dwelling, construct a new extension, upgrade existing entrance for improved sightlines and install a new wastewater treatment and disposal system and all associated works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Limerick City and County Council decided to refuse permission by Order dated 16th of January 2025.
- 3.1.2. Permission was refused for the following reason;
 1. Having regard the submitted documentation and supporting information, the Planning Authority considers that the existing structure on the site is not a dwelling house as described in the description of development. The Planning Authority considers that the most recent use of the existing structure is for storage purposes and not as a dwelling. Therefore, the current proposal does not comply with Objective HO O22 Refurbishment/Replacement of Traditional

Rural Dwellings set out in the Limerick Development Plan 2022-2028 and is contrary to proper planning and sustainable development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. Further information was requested regarding the following;

1. It appears the building for which permission is sought to extend and refurbish is currently being used as a storage shed and is not a dwelling as stated in the description of development. Provide a photographic survey of the building in question to demonstrate it is a dwelling house.

3.2.3. Planning Report dated 13/1/2025 - Following the submission of a response to the further information the Planning Authority determined that the building in question is currently in use as a storage shed and is no longer a dwelling. It was noted that while the building may have formerly been a dwelling that the use has changed. A refuse of permission was recommended.

3.2.4. Other Technical Reports

3.2.5. Environment Section - No objection subject to the attachment of a condition in respect of the installation of the onsite treatment system and polishing filter.

3.3. Prescribed Bodies

3.3.1. Uisce Eireann - No Objection in principle.

3.4. Third Party Observations

3.4.1. The Planning Authority did not received any submissions/observations in relation to the planning application.

4.0 Planning History

- None

5.0 Policy Context

5.1. National Planning Framework

- 5.1.1. The National Planning Framework is a planning framework to guide development and investment over the coming years. It empowers each region to lead in the planning and development of their communities, containing a set of national objectives and key principles from which more detailed and refined plans will follow.
- 5.1.2. National Policy Objective 19 - 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 demonstratable 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 settlement;
 - 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.

5.2. Climate Action Plan 2025

- 5.2.1. The Climate Action Plan 2025 (CAP25) is the third annual update to Ireland's Climate Action Plan.
- 5.2.2. The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

5.3. National Biodiversity Action Plan 2023 - 2030

- 5.3.1. Ireland's 4th National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature.

5.4. Limerick Development Plan 2022 – 2028

- 5.4.1. Chapter 4 refers to Housing
- 5.4.2. Section 4.4 refers to Rural Housing
- 5.4.3. Objective HO O22 – Refurbishment/Replacement of Traditional Rural Dwellings - It is an objective of the Council to seek the retention and sympathetic refurbishment, with adaptation if necessary, of traditional dwellings in the countryside in sympathy with the character of the existing building. This will be encouraged in preference to their replacement. Planning permission will generally only be granted for replacement of a dwelling where it is demonstrated that it is not reasonably capable of being made structurally sound, or otherwise improved and where the building is not of architectural merit. In this instance, consideration will be given to the replacement of an existing dwelling with a new dwelling at the same location, subject to appropriate design, scale of building and normal planning considerations. Local rural housing need shall not apply in this instance.

5.5. Natural Heritage Designations

- 5.5.1. Lower River Shannon SAC (Site Code 002165) is situated circa 468m to the north of the appeal site at the closest point.
- 5.5.2. Slievefelim to Silvermines Mountains SPA (Site Code 002145) is located approximately 5.6km to the north-east of the appeal site.
- 5.5.3. Phillipstown Marsh SAC (Site Code 001847) is located circa 14.6km to the east of the appeal site.
- 5.5.4. Lower River Suir SAC (Site Code 002137) is located approximately 16.4km to the east of the appeal site.

5.6. EIA Screening

- 5.6.1. See Forms 1 and 2 in Appendices 1 and 2 attached below. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, or an EIA determination therefore is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been submitted by O'Connell Planning and Design Services on behalf of the applicant Michael Ryan. The issues raised are as follows;

- The site is described as containing the remains of a semi derelict dwelling. It is stated that the roof of the original property was removed in the early 2000's as it became dangerous. A flat roof was constructed in its place. A section of the front wall was also taken down as it was unstable and unsafe.
- It is stated that what remains today is approximately half of the old dwelling which comprises an enclosed space used for children's play which has a roof and doorway within the original structure and the remaining section is used by the applicant for temporary storage.
- The Planning Authority refused permission stating that they consider that the existing structure is not a dwelling house and does not comply with Objective HO O22.
- Objective HO O22 refers to - Refurbishment/Replacement of Traditional Rural Dwellings. It is an objective of the Council to seek the retention and sympathetic refurbishment, with adaptation if necessary, of traditional dwellings in the countryside in sympathy with the character of the existing building. This will be encouraged in preference to their replacement. Planning permission will generally only be granted for replacement of a dwelling where it is demonstrated that it is not reasonably capable of being made structurally sound, or otherwise improved and where the building is not of architectural

merit. In this instance, consideration will be given to the replacement of an existing dwelling with a new dwelling at the same location, subject to appropriate design, scale of building and normal planning considerations. Local rural housing need shall not apply in this instance.

- It is stated that the subject property was formerly a dwelling house and that the cottage was the home of the applicant's uncle. The appeal includes a number of historic photographs the property.
- It is stated that the applicant sought to maintain the structure in a safe manner and retain as much of the structure as possible. They highlight that the gable end closest to the public road along with the chimney is still in place. It is submitted that a portion of the old dwelling is in use as a playroom and that it is a habitable space.
- Therefore, they contend that the property is correctly described as a dwelling and that it is compliant with the provisions of Objective HO O22. It is the applicant's objective to comply with Objective HO O22 as they propose to refurbish the existing property and construct a modest extension.
- In conclusion, they request that the proposed development be granted for the reasons set out in the appeal.

6.2. Planning Authority Response

- None received

7.0 Assessment

Having examined the application details and all other documents on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issue in this appeal to be considered is as follows:

- Compliance with development plan policy

7.1. Compliance with development plan policy

- 7.1.1. The Planning Authority refused permission for the proposed development comprising the re-construction of sections of exterior walls, the re-roof and refurbish existing derelict farmhouse dwelling, the construct a new extension, upgrade existing entrance for improved sightlines and install a new wastewater treatment and disposal system and all associated works. Permission was refused on the basis that the Planning Authority considered that the most recent use of the structure was for storage purposes and not as a dwelling house and as such that it did not comply with the provisions of Objective HO O22 of the Limerick Development Plan 2022-2028.
- 7.1.2. Objective HO O22 sets out that it is an objective of the Council to seek the retention and sympathetic refurbishment, with adaptation if necessary, of traditional dwellings in the countryside in sympathy with the character of the existing building.
- 7.1.3. The first party have set out in the appeal that the subject property was formerly a dwelling house and that the cottage was the home of the applicant's uncle. A number of photographs were included with the appeal which indicated the historic use of the property as a dwelling which featured a thatched roof. It is submitted in the appeal that a portion of the old dwelling is in use as a playroom and that it is a habitable space. The Planning Authority in their assessment of the proposal required further information to establish the current use of the structure. They requested the submission of a photographic survey of the building to demonstrate that it is a dwelling house. The response to the further information submitted to the Planning Authority stated that the house fell into dereliction and that it was partially used for storage purposes.
- 7.1.4. The submission also included a number of photographs of the existing structure which showed the gable wall of the structure and also the interior of the structure. I note that report of the Planning Officer following the submission of further information stated that the photographs provided did not show the true context of the building and that they did not demonstrate the current use.
- 7.1.5. Accordingly, the crux of the appeal relates to the use of the subject property. From the details provided on file, it would appear that the use of the property as a dwelling house ceased when it became derelict and that the building was used or partially used for storage purposes. As detailed in the appeal the roof was removed in the

early 2000's and replaced with a flat roof and a section of the front wall of the property was removed due to it being structurally unsound. The first party have stated in the appeal that a portion of the old dwelling is in use as a playroom which they state is a habitable space.

- 7.1.6. It does not appear that the current use or recent use of the building has been as a dwelling in term of the building being occupied by a person or persons residing there. On inspection of the site, when viewed from the front of the site it was evident that there were toys located in the eastern section of the building which is open where a section of the original wall was removed. However, I would not agree with the assertion of the first party that this constitutes a habitable use of the property. Therefore, I would concur with the assessment of the Planning Authority that the existing structure on the site is not a dwelling house as described in the description of development.
- 7.1.7. As the application is not in accordance with policy in relation to Objective HO O22 which refers to the Refurbishment/Replacement of Traditional Rural Dwellings then the issue of local rural housing would apply. In conclusion I would determine that having regard to the derelict nature of the pre-existing house and on the basis of the documentation submitted on file that the applicant has failed to demonstrate that the subject proposal would come under the provisions of the Objective HO O22 of the Limerick Development Plan 2022 – 2028.

8.0 AA Screening

- 8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000, as amended.
- 8.1.2. The subject site is located approximately 468m, at the closest point from Lower River Shannon SAC (Site Code 002165). Slievefelim to Silvermines Mountains SPA (Site Code 002145) is located circa 5.6km to the north-west of the appeal site. Phillipstown Marsh SAC (Site Code 001847) is located circa 14.6km to the east of the appeal site. Lower River Suir SAC (Site Code 002137) is located approximately 16.4km to the east of the appeal site,
- 8.1.3. The proposed development comprises the re-construction of sections of exterior walls, re-roof and refurbish existing derelict farmhouse dwelling, construct a new

extension, upgrade existing entrance for improved sightlines and install a new wastewater treatment and disposal system and all associated works.

8.1.4. No nature conservation concerns were raised in the planning appeal.

8.1.5. No streams/watercourses are identified on site.

8.1.6. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European site. The reason for this conclusion is as follows:

- The small scale and nature of the development.
- The distance to the nearest European sites, and the absence of any hydrological or other pathways.
- Taking into account the screening report of Limerick City and County Council.

8.1.7. I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

8.1.8. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000, as amended, is not required.

9.0 Recommendation

9.1.1. I recommend that the planning application be refused permission for the following reasons and considerations.

10.0 Reasons and Considerations

1. Having regard to the derelict nature of the pre-existing house and on the basis of the documentation submitted on file which indicates that the most recent use of the building is for storage purposes and not as a dwelling, it is considered that the applicant has failed to demonstrate that the subject proposal would come under the provisions of the Objective HO O22 of the Limerick Development Plan 2022 – 2028 which refers to Refurbishment/Replacement of Traditional Rural Dwellings. The proposal would therefore be contrary to the proper planning and sustainable development of the area.

Siobhan Carroll
Planning Inspector

2nd May 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP 321848-25		
Proposed Development Summary	Permission is sought for the re-construction of sections of exterior walls, re-roof and refurbish existing derelict farmhouse dwelling, construct a new extension, upgrade existing entrance for improved sightlines and install a new wastewater treatment and disposal system and all associated works.		
Development Address	Tinnatarriff, Cappamore, Co. Limerick.		
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 ✓	Tick if relevant and proceed to Q2.	
	No	Tick if relevant. No further action required	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓	Part 2, Class 10(b)(i) construction of more than 500 dwellings	Proceed to Q3.
No			Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		The proposed development does not equal or exceed the 500 dwelling threshold,	EIA Mandatory EIAR required

No	✓		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	The proposed development is below the 500 dwelling threshold. The proposed development is for the refurbishment of 1 no. dwelling unit.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	✓	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP- 321848-25
Proposed Development Summary	Permission is sought for the re-construction of sections of exterior walls, re-roof and refurbish existing derelict farmhouse dwelling, construct a new extension, upgrade existing entrance for improved sightlines and install a new wastewater treatment and disposal system and all associated works.
Development Address	Tinnatarriff, Cappamore, Co. Limerick.
<p>The Board carried 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.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The nature and size of the development comprising the refurbish existing derelict farmhouse dwelling and development of an existing with on-site effluent treatment system is not exceptional in the context of the existing rural environment. The proposed development will not result in the production of any significant waste, emissions or pollutants. Localised construction impacts will be temporary. The development, by virtue of its type (residential), does not pose a risk of major accident and/or disaster.
Location of development	The development is situated in a rural area with a residence located to the south and also a

(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	residence located on the opposite side of the road to the south-east. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the County Development Plan.	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There is no real likelihood of significant effects on the environment arising from the proposed development. There is no real likelihood of significant cumulative effects having regard to existing or permitted projects.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	✓
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	

There is a real likelihood of significant effects on the environment.	EIAR required.	
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Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)