

Submission to Draft Kerry County Development Plan

on behalf of Jane Dennehy

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1. Introduction

This submission on the Draft Kerry County Development Plan (KCDP) has been prepared by McCutcheon Halley, on behalf of Jane Dennehy, and relates to suggested amendments to the policies and guidance contained Volume 6: Development Management Standards & Guidelines, specifically relating to the reuse of existing structures as ancillary/granny flat accommodation.

This submission follows an earlier submission our client made on the issues paper of the Draft KCDP and is set out as follows:

- Introduction
- Relevant Content of Draft Plan
- Request
- Rationale
- Conclusion

We ask that the contents of this submission are given due consideration in the preparation of the upcoming Kerry County Development Plan 2022 – 2028.

2. Relevant Content of Draft Plan

With regard to granny/family flat type development, the Draft KCDP 2022-2028 outlines a similar approach to that outlined in the current KCDP, with Section 1.5.6.4 of Volume 6.1 Development Management Standards and Guidelines outlining the following in relation to 'Dependent Relative Accommodation (Urban and rural)':

The creation of an ancillary, subsidiary, dwelling unit to be occupied for habitable purposes, is generally acceptable, provided such proposals can demonstrate a bona fide need for such a unit and that:

- *It is not a separate detached unit, and it is possible to provide direct access to the remainder of the house.*
- *There shall be no permanent subdivision of the garden.*
- *The unit shall not be let or sold, other than as part of the overall property, and shall revert to being part of the original house when no longer occupied.*
- *That the proposal does not impact adversely on either the residential amenities of the existing property or the residential amenities of the area.*
- *The design should ensure that the unit forms an integral part of the main dwelling unit capable of reintegration for single family use.*

3. Request

The purpose of this submission is to request the following amendment to Section 1.5.6.4 of the Draft KCDP 2022-2028:

The creation of an ancillary, subsidiary, dwelling unit to be occupied for habitable purposes, is generally acceptable, provided such proposals can demonstrate a bona fide need for such a unit and that:

- ***Where same is proposed to be constructed, it is not a separate detached unit, and it is possible to provide direct access to the remainder of the house. The reuse of an existing structure within the curtilage of the main dwelling may be considered by the Council where an adequate standard of accommodation can be demonstrated.***
- *There shall be no permanent subdivision of the garden.*
- *The unit shall not be let or sold, other than as part of the overall property, and shall revert to being part of the original house when no longer occupied.*
- *That the proposal does not impact adversely on either the residential amenities of the existing property or the residential amenities of the area.*
- *The design should ensure that the unit forms an integral part of the main dwelling unit capable of reintegration for single family use.*

[proposed additional text identified in blue]

4. Rationale

Recent national policy guidance promotes the concept of compact development as well as the re-use of existing structures and derelict buildings for new uses including residential (where appropriate) and places a focus on protecting rural areas from unsustainable overdevelopment. Having regard to same we consider that the policies proposed in the Draft KCDP regarding ancillary granny flat/family accommodation as well as the reuse of existing built structures do not go far enough. There is a distinct opportunity being missed in the Draft KCDP relating to the reuse of existing structures and consider that the policy approach is overly restrictive and does

not have regard to more sustainable forms of development including the reuse of some existing and often underutilised structures.

Kerry County Council already encourages the renovation and restoration of existing structures and the completion of derelict and vacant buildings in the rural countryside for use as permanent primary residences. In this regard the policies and supporting text elsewhere in the Draft KCDP refer to the reuse of existing vernacular/traditional/heritage dwellings and building stock (see Chapter 5 Rural Housing). While we acknowledge the value of traditional and vernacular buildings and dwellings, we content that there is a greater stock of existing buildings that do not fall within these categories, that are already permitted and constructed. The reuse and repurposing of these existing built structures have the potential to meet many of the key requirements for ancillary family accommodation without the need for additional construction. It would not be unreasonable to apply the same principles referenced in Chapter 5 of the KCDP to other types of residential use including ancillary dependant relative accommodation, subject to the proper planning and sustainable development criteria of the area and being in sympathy with the character of the main dwelling unit and surrounding area.

The current Draft KCDP gives no consideration to the potential reuse of other existing build stock which does not come within these identified categories, nor their potential value they offer in relation to the protection of the landscape and rural built environment. Throughout the county there is a significant number of underutilised buildings which have the potential, if developed correctly, to avoid the requirement for the construction of additional structures. Also, consideration must be had for the needs of all people and their ability to achieve what the policy requires of them in relation to dependent relative accommodation. Not every person with an identified need for dependent relative accommodation has the economic capacity to extend their existing dwelling. Surely where the need for such accommodation is confirmed, consideration should be given to the reuse of existing structures in these circumstances. We consider that the new KCDP should acknowledge the thrust of national policy with regard to sustainable development and encourage the reuse of such structures as ancillary accommodation where it is deemed feasible to provide accommodation that is of an adequate and habitable standard.

Notwithstanding this, the current requirement for such accommodation to be provided as an extension of the main dwelling is overly restrictive and there is no identifiable benefit to same, particularly when planning mechanisms exist to address the potential concerns of the Planning Authority. Where such structures are satisfactorily identified as being subordinate to the main dwelling, conditions can be applied to ensure any proposed developments to re-use existing structures satisfies a number of planning performance criteria including entering into a Section 47 Agreement between the property owner and the Council to control use of such accommodation, and ensure it is only used in association with the main dwelling. This would offer comfort to the Planning Authority that said

development could not be advertised as an independent dwelling for the purposes of sale or let and could not be subdivided in such a manner.

Furthermore, the reuse of existing structures represents a more sympathetic design approach to landscape protection, negating the need for additional development, construction and material usage. In recent times, there has been a focus on sustainable development, minimising waste and material usage wherever possible. We consider that reuse of existing structures has a key role to play in this regard, particularly in relation to ancillary development such as granny flat accommodation. The reuse of existing structures would ensure that the proposed development is integrated visually rather than introducing a new structure into the landscape. This is a particularly relevant point in rural areas and areas of high landscape value where the capacity to accommodate change reduces.

The re-use of existing structures within the curtilage of the main dwelling, as opposed to extending existing dwellings and increasing the built form on properties, would be a more efficient and sustainable use of land and would prevent unnecessary development from encroaching visually on the character of the area. There is a risk that new buildings or extensions would not integrate with their surroundings and could potentially hinder or obstruct views. The re-use of a structure that is already existing would avoid this and would also provide the opportunity to significantly improve buildings that are derelict or have the potential to go into disrepair and negatively impact the landscape and residential amenity.

The re-use of existing built structures, which are already established in the landscape, to facilitate necessary dependant relative accommodation ancillary to the main dwelling unit will facilitate the provision of more sustainable development and effective use of land in line with national policy guidance. It is therefore submitted that the policy objectives in the forthcoming development plan relating to provision for dependant relative accommodation be amended to allow more flexibility to re-use existing separate structures within the curtilage of main dwelling unit subject to proper planning and sustainable development principles.

5. Conclusion

We submit that the forthcoming Draft KCDP 2022-2028 should have full regard to national policy which:

- Promotes re-use of existing buildings including derelict/disused buildings;
- Protects rural areas by avoiding unsustainable over-development;
- Protects landscape amenity and environmental qualities.

With regard to the above and in the context of providing more sustainability led development, we consider that the Section 1.5.6.4 of the Draft KCDP 2022-2028 should be amended to acknowledge the role of existing structures in the facilitation of dependent relative accommodation by incorporating the a following additional text:

The creation of an ancillary, subsidiary, dwelling unit to be occupied for habitable purposes, is generally acceptable, provided such proposals can demonstrate a bona fide need for such a unit and that:

- ***Where same is proposed to be constructed***, it is not a separate detached unit, and it is possible to provide direct access to the remainder of the house. ***The reuse of an existing structure within the curtilage of the main dwelling may be considered by the Council where an adequate standard of accommodation can be demonstrated.***
- *There shall be no permanent subdivision of the garden.*
- *The unit shall not be let or sold, other than as part of the overall property, and shall revert to being part of the original house when no longer occupied.*
- *That the proposal does not impact adversely on either the residential amenities of the existing property or the residential amenities of the area.*
- *The design should ensure that the unit forms an integral part of the main dwelling unit capable of reintegration for single family use.*

[proposed additional text identified in blue]

This change would facilitate the re-use of physically separate buildings that are ancillary and subordinate to the existing main dwelling, without the need for extension of the main dwelling.

We respectfully request the Planning Authority gives consideration to the issues raised in this submission and we trust that our submission will be taken into account during the preparation of the proposed amendments to the Draft KCDP 2022-2028. We thank you for the opportunity to engage with the Council in relation to these matters and trust that due consideration will be given to the issues raised herein.