



An  
Bord  
Pleanála

**Board Direction**  
**BD-004970-20**  
**ABP-305133-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/01/2020.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

### **Reasons and Considerations**

1. The proposed development would generate additional traffic, including turning movements to and from the site which is located along the heavily trafficked National Secondary Road N72, at a point where the general speed limit of 80 kph applies. In this regard, the proposed development, by itself, and by the precedent that a grant of permission would create, would endanger public safety by reason of traffic hazard, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development would militate against national policy on the control of access to national roads, as set out in *Spatial Planning and National Roads: Guidelines for Planning Authorities*, published by the Department of the Environment, Community and Local Government in January 2012, which seeks to preserve the level of service and carrying capacity of national roads, to protect public investment in same, and to control frontage development that adversely affects road safety. Furthermore, the proposed development would be inconsistent with Objective TM 3-1 of Cork County Development Plan 2014,

which seeks to restrict individual access points in order to protect the substantial investment in the road network, to improve carrying capacity, efficiency and safety, to prevent the premature obsolescence of the network, and to avoid the creation of additional access points from new development or the generation of increased traffic from existing access points onto national roads to which speed limits greater than 50kph apply. The proposed development would be contrary to these 2012 Ministerial Guidelines and contrary to the relevant objective of the statutory development plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.

**Note 1:**

The site of the proposed development is located within land designated 'Town Greenbelt' in the Cork County Development Plan 2014. Policy RCI 4-2 notes that the rural areas of the Greater Cork Area and the Town Greenbelt areas are under significant urban pressure for rural housing. Furthermore, the subject site is located in an area that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in a rural area. Having regard to the documentation submitted with the application, the Board was not satisfied that the applicant has a demonstrable economic or social need to live in this rural area, nor that the housing needs of the applicant could not be met in a neighbouring urban settlement. The Board therefore considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. However, as this would constitute a new issue within the context of the appeal itself and having regard to the substantive reasons for refusal set out above, the Board decided not to pursue this matter further under the current appeal.

**Note 2:**

Having regard to the documentation submitted with the application and appeal, including detail on the shallow depth of bedrock on site and the siting of the proposed wastewater treatment system immediately to the rear of an existing dwelling, and considering the likely requirement for a treatment system at this location to be significantly engineered and to require significant regular maintenance, the Board considered that on the basis of the information submitted with the application and appeal, that the proposed development may be prejudicial to public health. However, as this would constitute a new issue within the context of the appeal itself and having regard to the substantive reasons for refusal set out above, the Board decided not to pursue this matter further under the current appeal.

**Note 3:**

Having regard to the substantial scale of the proposed dwelling, at some 276.7 square metres, with a building length of some 32.7 metres, to the elevated nature of the site and notwithstanding the proposed change of ground level, the Board considered that the proposed dwelling would constitute a discordant form of house design and siting at this location to the rear of an existing dwelling, which would be inconsistent with the general provisions of Cork County Development Plan 2014 Objective RCI 6-1, 'Design and Landscaping of New Dwelling Houses in Rural Areas', which encourage new dwelling house design that respects the character and pattern of existing places and that fits appropriately into the landscape. However, as this would constitute a new issue within the context of the appeal itself and having regard to the substantive reasons for refusal set out above, the Board decided not to pursue this matter further under the current appeal.

**Board Member**

**Date:** 20/01/2020

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Chris McGarry