

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

**Cork County**

**Planning Register Reference Number: 11/04318**

An Bord Pleanála Reference Number: PL04.238886

**APPEAL** by Alan O'Flynn care of 6 Greendale Road, Maryborough Woods, Maryborough Hill, Rochestown, County Cork against the decision made on the 13<sup>th</sup> day of April, 2010 by Cork County Council to refuse permission.

**PROPOSED DEVELOPMENT:** Construction of a two-storey dwellinghouse with bored well, bio treatment unit and all necessary ancillary site works at Castlelands, Kinsale, County Cork.

## **DECISION**

**REFUSE permission for the above proposed development based on the reasons and considerations set out below.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **REASONS AND CONSIDERATIONS**

1. The site occupies an open elevated, prominent position in a designated scenic landscape overlooking Kinsale Harbour and the Bandon estuary and designated scenic route A62 where the development would be unduly obtrusive on the landscape and would be out of character with and seriously detract from the amenities of the surrounding designated Scenic Landscape and designated Scenic Route. Furthermore, the landscape mitigation measures proposed would be at variance with the open aspect of this elevated scenic area. It is considered that the proposed development, by reason of its siting and design, would be at variance with the design objectives and guidelines as set out in the Cork County Development Plan, 2009 and the Cork Rural Design Guide, 2003. The proposed development, which would be visually prominent, would seriously detract from the visual and scenic amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.
  
2. Having regard to the location of the site within a designated scenic area, it is considered that the applicant has not demonstrated an exceptional housing need in line with objective RCI 10-1 of the Cork County Development Plan, 2009 for a house at this sensitive rural location. It is considered that the proposed development would be contrary to the objectives of the plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the proposed development which would involve development in close proximity to Ringrone Castle Tower House, a protected structure RPS 723 and within the zone of archaeological potential of four interconnected recorded monuments, RMP Number CO125:001 Ringrone Castle Tower House, RMP Number CO125-002(01 02) Ringrone Church and Graveyard and RMP Number CO125:003 Holy Well, it is considered that the groundworks/ground disturbance within this archeologically sensitive area would have a detrimental impact on subsurface archeological features associated with these monuments. Furthermore, the proposed development would seriously injure and adversely affect the character and setting of the protected structure and would have a negative impact on the context and setting of the archaeological monuments. The proposed development would be contrary to the objectives of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2011.**