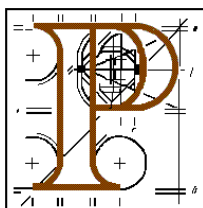


An Bord Pleanála



Inspector's Report

Development: Construction of dwelling house at Ballinvriskig, Upper Glanmire, Co. Cork.

Planning Application

Planning Authority: Cork County Council

Planning Authority Reg. Ref.: 15/6447

Applicant: John McElhinney

Type of Application: Permission

Planning Authority Decision: Refuse Permission

Planning Appeal

Appellant(s): As above

Type of Appeal: First Party V Refusal

Observers: None

Date of Site Inspection: 5th April 2016

Inspector: Kenneth Moloney

1.0 SITE DESCRIPTION

The appeal site is located in a rural area north west of Glanmire and approximately 5.5 km north of Cork City. The appeal site is located in close proximity to a junction between a minor road and a regional road (R614) and in the immediate area of the subject site there is a small concentration established rural houses. These houses are generally single storey in height. However beyond this small concentration of rural houses the predominant land use is agriculture.

The appeal site is currently in agricultural use for the purpose of grazing livestock. The size of the appeal site is approximately 0.32 ha (0.7904 acres) and the shape of the appeal site is irregular.

There is an established house on the adjoining site to the immediate south of the appeal site. This house includes an extension and the gable wall of this extension adjoins the northern boundary of the appeal site.

The gradient of the appeal site slopes downwards towards the north. There is a dense hedgerow along the front (west) boundary and also along the southern boundary behind the aforementioned extension.

2.0 PROPOSED DEVELOPMENT

The proposed development is for the construction of a dwelling house, treatment system, widening of existing entrance from main road, new entrance stone pillars and all associated site works.

The overall floor area of the proposed house is 322 sq. metres and the house is two-storey in height. The layout of the proposed house is H-block (shaped). The floor plan of the ground floor is to comprise of living space and home office and the first floor level consists of four bedrooms.

The front block of the proposed house is externally finished in natural dry stone. Whereas the rear block is finished in smooth plaster render. The external design of the proposed house is contemporary in character with large window opes.

The maximum height of the proposed house is approximately 7.6 metres above ground level.

The proposed house is to be served by a domestic waste water treatment plant and a private well. The proposal also includes vehicular access onto the public road and boundary landscaping.

3.0 PLANNING AUTHORITY'S DECISION

The Planning Authority decided to refuse planning permission for the following reasons;

1. The proposed development would be within the Metropolitan Cork Greenbelt as designated in the Cork County Development Plan 2014. The reasons for and aims of this designation are detailed in Objectives RCI 5-2 and RCI 5-4 of the County Development Plan and it is considered that the proposed development materially contravenes these objectives and would therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the additional traffic movements generated by the proposed development along a Regional Road, together with the need to remove existing hedgerows to achieve the required sightlines, would seriously injure the visual amenities of the area and would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Internal Reports: There is one internal report on the file:

- Area Engineer; - No objections subject to conditions. The sightline provision should be revised to 100m from a 3m setback onto this busy regional road.

Objections: There are no third party objections on the planning file.

Submissions: There is a submission from Irish Water who have no objections.

4.0 PLANNING HISTORY

- L.A. Ref. 07/11522 – Planning Permission refused for 10 no. houses.

5.0 DEVELOPMENT PLAN

The operational development plan is the Cork County Development Plan, 2014 – 2020.

Section 4.4 of the County Development Plan sets out the ‘Categories of Rural Generated Housing Need’ and the appeal site is located within the Metropolitan Cork Greenbelt.

Policy Objective RCI 4-1 sets out the categories of housing need that are compliant with this area.

The relevant policies in relation to the proposed development include;

Policy RCI 5-1 – Maintain Greenbelt

Policy RCI 5-4 – Exceptions over a period of time will eventually erode the Greenbelt

Policy RCI 6-4 – Occupancy Conditions

Chapter 13 relates to Green Infrastructure and Environment and the following policies are relevant;

Policy GI 6-1 – Landscape

Policy GI 8-1 – Greenbelt

6.0 NATIONAL POLICY

Sustainable Rural Housing Guidelines

The subject site is located within an ‘Area under Strong Urban Influence’ as identified in Map 1: Indicative Outline of the NSS rural areas types in the DOEHLG Sustainable Rural Housing Guidelines for Planning Authorities, 2005.

7.0 GROUNDS OF APPEAL

M. Byrne, architecture, lodged an appeal on behalf of the applicant John McElhinney. The main grounds of appeal are summarised as relating to the following; -

Refusal Reason

- The applicant’s connection to the local area has been clearly demonstrated in the Supplementary Application form SF1.
- The applicant’s solicitor confirms same.
- The applicant’s employer confirms the applicant is employed in the local area since leaving school.
- The applicant attended national and secondary school locally.
- The applicant’s employer has relocated since the original application to facilitate an expansion.
- The applicant is a strong member of the local GAA Club.
- Planning permission (L.A. Ref. 07/4071) was granted for an 8th dwelling house in a 250m stretch a mere 27m from the road edge.
- The proposed development will have far less impact in terms of ribbon development than that permitted under L.A. Ref. 07/4071.
- Planning permission (L.A. Ref. 08/4190) was granted for a 6th dwelling house in a 250m stretch a mere 18m from the road edge. This dwelling is located 450m south of the appeal site. The proposed development poses a far less impact in terms of visual impact and ribbon development.
- A new location for the proposed house is proposed within the applicant’s landholding and this is detailed on submitted drawing A_1496c-alternative site layout.
- The proposed house is stepped back a further 15m back from the road edge. The revised dwelling house is now located 65m from the road edge.
- The proposed planted earthen berm along the northern boundary is now extended. This will provide additional screening.

- The finished floor level of the dwelling house will be reduced from 134mm to 133mm.
- It is submitted that the existing roadside dwelling house immediately south of the applicant's dwelling house is mainly used to assemble aluminium windows.
- The applicant is prepared to enter agreement to sterilise lands.
- The sterilisation of lands and the extreme bends to the north of the applicant's site negates the opportunity for future development in the area.
- Drawing reference p/1496/m_Record Place Map records the location of the applicant's family home.
- The applicant is prepared to enter agreement to sterilise lands.
- The proposal does not undermine the overall Greenbelt objectives.
- It is submitted that having regard to the modifications outlined above the proposal is in fact in compliance with the objectives RCI 5-2 of the Cork Country Development Plan.

Refusal Reason 2

- It is submitted that the removal of the hedgerow only amounts to 10 metres and is therefore not significant.
- It is proposed to relocate the sight entrance by 5 meters to the south.
- The current stone pillar will be retained and made good and form a new entrance pillar as per drawing a/1496/a_Sight Line Drawing 1.
- Having regard to the relocated entrance only a mere 10m of roadside ditch is required to be removed to achieve a sightline distance of 100m.
- A further 11m triangular section can simply be pared back to achieve the remainder of the site line.
- It is contended that the stone finish of the proposed house will integrate well with the area.
- A revised landscape plan is demonstrated in a/1496/d_Landscape layout around the entrance and also the access driveway provides 3 layers of screening which further assists in reducing visual impact.
- The proposed design meets and the National Roads Authority Publish the Design Manual for Roads and Bridges (DMRB).
- The Area Engineer in a pre-planning meeting confirmed that a 90m sightline provision is acceptable looking north as the road falls away and vehicles ability to break when travelling uphill is greatly increased.
- 100m is easily accessible as per drawing a/1496/a_Sight Line Drawing 2.
- The maximum sightline distance looking north is 124m while looking south the maximum distance is 200m.
- Design Manual for Roads and Bridges (DMRB) is referred to in the calculation drawing of drawing a/1496/a_Sight Line Drawing 1 and drawing a/1496/a_Sight Line Drawing.
- A full electronic topographical survey was completed in the preparing of these sightline calculations.
- There are precedents, referred to above, where Cork County Council has granted permission for more intrusive developments where existing hedgerows were removed in their entirety.

- The proposed sightline provisions are greater than those granted under L.A Ref. 07/4071 and L.A. Ref. 08/4190.

8.0 ASSESSMENT

The main issues to be considered in this case are: -

- 8.1 Principle of Development
- 8.2 Ribbon Development
- 8.3 Access
- 8.4 Hedgerow Removal
- 8.5 Appropriate Assessment

Firstly, however the Board will note that, the Planning Authority's first reason for refusal stated that the proposal would "materially contravene" the policy objectives of the County Development Plan. Although the Board is constrained by Section 37(2) of the Planning and Development Act 2000 – 2010, the proposed development is not, in my view, a material contravention of the Cork County Development Plan, 2014 – 2020, and the approval of the proposal, should the Board be so minded, is not of a significance which undermines the provisions or relevant objectives of the Development Plan.

8.1 Principle of Development

A key consideration in this appeal relates to the applicant's rural housing need in the area and as such whether this housing need complies with the provisions of the Cork County Development Plan, 2014 – 2020, and the Sustainable Rural Housing Guidelines, 2005.

In accordance with the information on the file the applicant is 21 years old and his family home, where he has lived all his life, is situated approximately 600 – 700 metres south of the appeal site. The applicant works locally in Sarsfield Court Industrial Estate for Unique Fitout, which is a family run business. Sarsfield Court Industrial Estate is situated approximately 2.5km north-east of the appeal site and the applicant is employed as site manager. The applicant attended primary and secondary school locally. All these personal details are confirmed in a Solicitor's letter, from Pdraig J. Sheehan Solicitors, which is attached to the appeal submission. The applicant jointly owns the lands marked in blue in the submitted rural place map. The lands are jointly owned with other family members and the overall size of the subject site amounts to 11 acres and this landholding was acquired jointly by the applicant in 2005. The land is currently used for agriculture and is farmed by a third party. The applicant also indicates that he has strong local ties to the area including membership of the G.A.A. Club.

I would note that Figure 4.1 of the Cork County Development Plan, 2014 – 2020, sets out the rural area types and the appeal site is located in the area

designated 'Metropolitan Cork Greenbelt'¹. Section 4.4.3 of the Cork County Development Plan, 2014 – 2020, sets out the criteria required to be met in order to be considered eligible for a one off rural house in the 'Metropolitan Cork Greenbelt'. The local need criterion includes the following;

- *Farmers, including their sons and daughters who wish to build a first home for their permanent occupation on the family farm.*

This is not the case.

- *Persons taking over the ownership and running of a farm on a full-time basis, who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.*

This is not the case.

- *Other persons working full-time in farming, forestry, inland waterway or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.*

This is not the case.

- *Landowners including their sons and daughters who wish to build a first home for their permanent occupation on the landholding associated with their principle family residence for a minimum of seven years prior to the date of the planning application.*

On the basis of the information available it is evident that the applicant is the son of a local family and is himself (applicant) a joint landowner of more than 7 years. However I would have some concerns. The applicant is one of four owners of the plot of land and although not stated it is possible that these other landowners are siblings. Policy RCI 4-1: states that there is a maximum of two houses that can be granted permission on a single landholding since the County Development Plan came into operation. There is no information available on the file as to whether the applicant's siblings are living elsewhere in rural houses on the family landholding or whether it is the intention that these siblings will apply for planning permission in the future. This, in my view, would have a bearing on whether the applicant fully complies with the category.

¹ There is a discrepancy between Figure 4.1 of the County Development Plan and the County Development Plan Maps on the website www.corkcoco.ie. The appeal site is included within The Metropolitan Cork Greenbelt in Figure 4.1 however the online maps indicate that the appeal site is outside the Metropolitan Cork Greenbelt.

Overall I would consider that the applicant has not adequately demonstrated a rural housing need to live on the appeal site as proposed. I acknowledge the locations of the applicant's family home and his place of work however this does not address the fact that there is likely to be large housing supply in local built-up areas, which are a short distance from the appeal site and in some instances an equal distance to the applicant's place of work as the distance from the appeal site to his place of work.

In considering whether the applicant would have sufficient local housing need to justify a rural house in this area I would have regard to Section 3.2.3 of the Sustainable Rural Housing Guidelines, 2005. The Guidelines consider that *persons who are an intrinsic part of the rural community* and *'persons working full or part time in rural areas'* as having rural generated housing need. The site is designated as a 'rural area under strong urban influence' in the NSS rural area types map attached to the Sustainable Rural Housing Guidelines. The Guidelines describe these areas as being within the catchment or within commuting distance of larger towns and cities and are under pressure for development due to this proximity and exhibiting pressure on infrastructure such as the local road network. The national guidelines recognise that where a genuine housing need arises from a demonstrable need to live in the countryside that, where proper planning and development standards apply, such a need should be accommodated.

I would conclude that although the applicant has connections to the local area that having regard to the location of his employment and the nature of the employment that the applicant would not have an exceptional rural housing need to live in this rural area. This local area, according to the national guidelines, due to its proximity to the immediate environs or close commuting catchment of Cork city which is experiencing considerable pressure for development of housing. On this basis I would concur with the local authority and conclude that the applicant does not have an exceptional housing need to live in this rural area.

Ribbon Development

I noted from a visual inspection of the area that there is a line of four houses immediately south of the appeal site and on the opposite of the public road there is a line of four houses.

The Sustainable Rural Housing Guidelines, 2005, recommend against the creation of ribbon development due to road safety, future demands for provision of public infrastructure as well as visual impacts. The guidelines state that ribbon development is referred to as that which is *'located on the edges of cities and towns and will exhibit characteristics such as high density of almost continuous road frontage type development, where 5 or more houses exist on any side of a given 250 metres of road frontage'*. The Guidelines further state that whether a given proposal will exacerbate such ribbon development will depend on (a) the type of rural area and the circumstances of the applicant, (b) the degree to which the proposal might be

considered infill, (c) the degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.

I would note that should planning permission be granted for the subject appeal then there would be potentially a line of five houses within 140 metres. There is already a line of 4 houses located on the opposite side of the public road within 100 metres. As referred to above the appeal site is located within the Metropolitan Cork Green Belt and County Development Plan Policy Objective RCI 5-2(a) is relevant at this instance. This policy states in relation to the Green Belt that *'maintaining the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built up areas, to focus attention on lands within settlements which are zoned for development and provide for appropriate land uses that protect the physical and visual amenity of the area'*.

I would consider that given the existing housing in the area that areas of ribbon development would coalesce as a result of the proposed development. I would therefore consider that the proposed development would exacerbate ribbon development in the area, would be contrary to County Development Plan Policy objective RCI 5-2(a) and would set an undesirable precedent for other such development in the area and would be contrary to the proper planning and sustainable development of the area.

Access

The proposed development provides for a sightline provision from the proposed vehicular entrance of 90m in either direction from a set-back distance of 3 meters. The report from the Area Engineer recommends that this sightline distance is extended to 100m and this can be achieved by lowering the roadside vegetation to a 1m height or removing this vegetation entirely.

I would acknowledge that the roadside vegetation adds to the rural character of this local area and this was a concern of the Area Planner in recommending the second refusal reason.

The appeal submission in addressing the Local Authority's second refusal reason demonstrates in submitted drawing 'Sight Line Drawing 2' a sightline provision of 100m in either direction. This sightline provision would therefore be adequate having regard to the Area Engineers report. The appeal submission also states that it would be possible to extend the sightline provision in a northern direction to 124m and in a southern direction to 200m.

I would conclude that on the basis of the information on the file, including the report from the Area Engineer, and from a visual observation of the area that the sightline provisions would be acceptable.

Hedgerow Removal

The Area Planner outlines concerns regarding the hedgerow removal required in order to obtain the sightline provision from the proposed vehicular entrance.

I noted from my site inspection that the relevant hedgerow is mature and does make a contribution to the landscape character of the area. I would also note Policy GI 6-1: 'Landscape' which states that it is an objective to '*discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments*'.

However I would note that the appeal site or its immediate environment is not afforded any landscape protection in accordance with the provisions of the County Development Plan. The County Development Plan allows for protection of landscape in areas designated 'High Value Landscape' and in areas designated with 'Scenic Routes'. However none of these designations would apply to the appeal site.

The submitted appeal submission includes a revised sightline drawing, i.e. 'Sight Line Drawing 2'. This drawing proposes moving the vehicular entrance 5 meters further south in the interest of limiting hedgerow removal. Overall the amount hedgerow impacted upon is approximately 10 metres in length.

I would not concur with the local authority's second reason for refusal on the basis that there is no landscape protection afforded to the appeal site, or the immediate locality, and the minor scale of the hedgerow removal having regard to the revised drawing, i.e. Sight Line Drawing 2

Appropriate Assessment

Having regard to the nature and scale of the development proposed, to the nature of the receiving environment and the likely effluents arising from the proposed development I recommend that no appropriate assessment issues arise.

9.0 RECOMMENDATION

I have read the submissions on the file, visited the site, had due regard to the development plan and all other matters arising. I recommend that planning permission be refused for the reasons set out below.

REASONS AND CONSIDERATIONS

1. The proposed development is located in an area designated as a rural area under strong urban influence in the Sustainable Rural Housing Guidelines for Planning Authorities (Department of Environment, Heritage and Local Government 2005) and within the Metropolitan Cork Greenbelt as designated in the Cork County Development Plan, 2014 - 2020. National and local policy seeks to restrict housing in unserviced rural areas to applicants who have demonstrated a genuine

need to live in such areas. The applicant has not demonstrated an exceptional rural housing need in relation to the subject site, the proposed development would consolidate a pattern of urban sprawl and lead to demands for the uneconomic provision of public services in an unserved rural area and would be contrary to Policy Objective RCI 5-1 of the Cork County Development Plan, 2014 - 2020, and therefore, be contrary to the proper planning and sustainable development of the area.

2. It is the policy of the planning authority as set out in the current County Development Plan to control urban sprawl and ribbon development. This policy is considered to be reasonable. The proposed development would be in conflict with this policy because, when taken in conjunction with existing and permitted development in the vicinity of the site, it would consolidate and contribute to the build-up of ribbon development in an open rural area. This would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Kenneth Moloney
Planning Inspector
21st April 2016