



An
Bord
Pleanála

Inspector's Report ABP-305933-19

Development	Construction of single storey dwelling, garage, entrance, effluent treatment system and associated site works.
Location	Ballinglanna, Glanmire, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	19/5924
Applicant(s)	Kieran Murphy
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party -v- Decision
Appellant(s)	Kieran Murphy
Observer(s)	None
Date of Site Inspection	30 th January 2020
Inspector	Hugh D. Morrison

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
4.0 Planning History.....	4
5.0 Policy and Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations	5
5.3. EIA Screening	5
6.0 The Appeal	6
6.1. Grounds of Appeal	6
6.2. Planning Authority Response	7
6.3. Observations	7
6.4. Further Responses.....	7
7.0 Assessment.....	7
8.0 Recommendation.....	12
9.0 Reasons and Considerations.....	12

1.0 Site Location and Description

- 1.1. The site is located just to the east of the M8 and 1km to the east of the southern bridge over the Glashaboy River in Glanmire. This site lies on the eastern side of the LS-6995, in a position near to its junction with the L2999, a local road that runs on an east/west axis and which is accompanied by ribbon development. It maintains a frontage of 71m with the LS-6995.
- 1.2. The site itself comprises a field of regular shape that extends over an area of 0.72 hectares. This field rises at a gentle gradient from its NW corner to its NE corner. It is bound by fencing and hedgerows and along its southern boundary it abuts a row of residential properties, i.e. part of the ribbon development referred to above.

2.0 Proposed Development

- 2.1. The proposal would entail the siting of a three-bed bungalow (175.4 sqm) in the SE quadrant of the site. This bungalow would be “L” shaped in plan view. Its two arms would be of rectangular form under a double pitched roof and they would be connected by a flat roofed element. The arms would provide day time and night accommodation respectively and the said element would contain a hallway and ancillary spaces. The former would have a render finish under a slated roof, while the latter would have a stone finish under a zinc roof.
- 2.2. The proposed bungalow would be served by an access, which would be sited towards the centre of the site’s frontage with the adjoining local road. This access would be formally laid out and it would connect to a meandering driveway, which would lead ultimately to a freestanding garage (23.8 sqm) beside the bungalow.
- 2.3. The proposal would be connected to the public water mains. Foul water would be handled by means of an on-site treatment system, i.e. the Euro-Bio 6 WWTP with a buried Euro-Xylit Packaged Tertiary Treatment System, and surface water would drain to soak pits.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason:

The site is located within an area designated as Prominent and Strategic Metropolitan Greenbelt Areas requiring Special Protection, as per the 2014 County Development Plan, where it is an objective to preserve such areas from development as per Objective GI 8-1. The site is situated within a strategic, largely undeveloped gap of the Metropolitan Cork Greenbelt and having regard to the open nature of the landscape in this area and the lack of housing development along this road, it is considered that the proposed development would add to an existing problem of excessive rural housing development in the immediate and wider area by way of extending an existing ribbon of housing development further northwards and onto the adjoining local road by reason of the development itself. Therefore, to permit the proposed development would materially contravene Policy Objective GI 8-1 of the said Plan and would be contrary to proper planning and sustainable development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See decision.

3.2.2. Other Technical Reports

- Irish Water: No objection: Standard advice.
- Cork County Council:
 - Area Engineer: No objection, subject to conditions.
 - Liaison Officer: No comments.

4.0 Planning History

- 15/05960: Single storey dwelling house and part attic development: Refused for the same reason as the current application.

5.0 Policy and Context

5.1. Development Plan

Under the Cork County Development Plan 2014 – 2020 (CDP), the site is shown as lying in the Prominent and Strategic Metropolitan Green Belt Area and, under the Cobh Municipal District Local Area Plan 2017 (LAP), in the County Metropolitan Cork Strategic Planning Area.

Objective RCI 4-1 of the CDP sets out criteria for assessing rural housing proposals in the Prominent and Strategic Metropolitan Green Belt Area.

Objective GI 8-1 of the CDP addresses development in the Prominent and Strategic Metropolitan Green Belt Area in conjunction with Figure 13.3. It states:

Protect those prominent open hill tops, valley sides and ridges that define the character of the Metropolitan Cork Green Belt and those areas which form strategic, largely undeveloped gaps between Green Belt settlements. These areas are labelled MGB1 in the Metropolitan Green Belt map (Figure 13.3) and it is an objective to preserve them from development.

The site lies within MGB1.

5.2. Natural Heritage Designations

- Great Island Channel SAC & pNHA (001058)
- Cork Harbour SPA (004030)
- Cork Lough pNHA (001081)
- Douglas River Estuary pNHA (001046)
- Dunkettle Shore pNHA (001082)

5.3. EIA Screening

Under Items 10(b)(i) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2019, where more than 500 dwelling units would be constructed, the need for a mandatory EIA arises. The proposal is for the development of a 0.72-hectare site to provide 1 new build dwelling unit. Accordingly,

it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Reason for refusal

- Attention is drawn to similar proposals for sites in the Prominent and Strategic Metropolitan Green Belt Area, which were permitted, e.g.
 - 16/4664: Lackenroe, Glounthaune,
 - 17/5817: Killahora, Glouthaune, and
 - 17/4699: Brooklodge East, Glanmire.

Precedence

- Attention is drawn to permission that was granted to 13/6352 for a dwelling house to the north of the subject site and off the same stretch of road in the Prominent and Strategic Metropolitan Green Belt Area. The applicant in this instant had a comparable rural housing need to that of the current applicant.
- Under 15/4190 the above cited site was the subject of a change of house design application, which was permitted. The case planner reported that the dwelling house would “intrude somewhat into the strategic gap in the green belt”, whereas in the current applicant’s case a similar intrusion was judged to be unacceptable.

Ribbon development and other local rural applications

- The case planner’s statement that the proposal would “extend ribbon development” is challenged on the basis that the site would be accessed from a different road to that of the adjacent row of dwelling houses and yet it would not be a stand alone one as it would fit in comfortably with the said dwelling houses.

- Again, attention is drawn to comparable dwelling houses elsewhere in similar circumstances that were permitted: 17/7392 and 18/5554, both of which are in Kilcoolishal, Caherlag, Glanmire.

Positive points contained in the case planner's report

- These are summarised, along with the absence of objection from consultees and neighbours.
- The only concern is that which is cited in the reason for refusal and yet this decision was reached without the case planner engaging with the comparable cases cited above.

The applicant has also submitted a personal statement, in which he summarises his own circumstances.

6.2. **Planning Authority Response**

None

6.3. **Observations**

None

6.4. **Further Responses**

None

7.0 **Assessment**

7.1. I have reviewed the proposal in the light of national planning guidelines, the CDP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Rural Settlement Policy,
- (ii) Green Belt and access
- (iii) Water, and

(iv) Stage 1 Screening for AA.

(i) Rural Settlement Policy

- 7.2. Under the CDP, the site is shown as lying within the Rural Housing Policy Area Type known as the Metropolitan Green Belt. Objective RCI 4-1 of this Plan states that “The Metropolitan Cork Green Belt is the area under strongest pressure for rural housing.” It goes on to set out criteria against which it can be established whether an applicant is a candidate for a dwelling house in this Green Belt.
- 7.3. The applicant has submitted information that indicates that he has always resided in his parents’ dwelling house, which is situated to the south of the site and in the Green Belt, too. His parents own this site. He has also submitted information that indicates that he went to school locally, is involved in local sporting activities, and works in nearby Little Island.
- 7.4. In the light of the foregoing information, the Planning Authority took the view that the applicant qualifies as a candidate under criterion (d) of the aforementioned Objective, which states the following: “Landowners including their sons and daughters who wish to build a first time home for their permanent occupation on the landholding associated with their principal family residence for a minimum of 7 years prior to the date of the planning application.”
- 7.5. National planning guidelines address the question of candidature for a new rural dwelling house most recently under National Policy Objective (NPO) 19 of the National Planning Framework (NPF), which states the following:

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 demonstrable 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 settlements.

Thus, this Objective cites two core considerations that would justify the provision of a single dwelling house in a rural area such as the one in question, i.e. demonstrable economic or social need to live therein.

- The applicant's place of work is a bank in Little Island, which is identified as a "main town" in the Cobh Municipal District Local Area Plan (LAP) 2017, and so he does not have a need to reside in a rural area for economic/employment purposes.
- The applicant has outlined his social circumstances. In this respect, my understanding of Objective NPO 19 is that it "raises the bar" by requiring that there be a demonstrable social need to live in a rural area. I consider that this test is not reflected in the provisions of the aforementioned criterion (d) and, as it is set out in the NPF, it takes precedence over the CDP.

7.6. In essence, the applicant's case appears to rest on the desirability of a dwelling house on the subject site, whereas, under Objective NPO, he would need to demonstrate the necessity of such residence. This Objective also refers to the need to have regard to the viability of smaller towns and rural settlements. In this respect, Glanmire and Little Island are examples of nearby towns in which housing is available and in which new housing is being provided.

7.7. I, thus, conclude that the applicant is not a candidate for a dwelling house on the site.

(ii) Green Belt and access

7.8. Under Figure 13.3 of the CDP, the site is shown as lying within one of the Prominent and Strategic Metropolitan Green Belt Areas. The accompanying Objective GI 8-1 of this Plan states that these Green Belt Areas form strategic largely undeveloped gaps between settlements and so they should be preserved from development.

7.9. The Planning Authority based its reason for refusal on the aforementioned Objective, which it stated would be materially contravened by the proposal, as it would lead to an encroachment into the Green Belt of existing ribbon development to the south onto the adjoining local road, the LS-6995.

7.10. The applicant has critiqued the said reason for refusal. In this respect, he draws attention to the siting of the proposed bungalow, which would be in a position adjacent to the rear gardens of the two dwelling houses at the western end of the ribbon development in question. He therefore contends that it would be "read" in conjunction with these dwelling houses rather than as a continuation of ribbon

development “around the corner” onto the LS-6995. He also draws attention to similar proposals to his own, which have received permission on sites within the Prominent and Strategic Metropolitan Green Belt Areas. He thus contends that precedent exists for his proposal, especially in the light of the comparable dwelling house to the north of the site, which was granted permission under applications 13/6352 and 15/4190.

- 7.11. The applicant has submitted a site layout plan, which shows that the proposed site entrance would be sited in a position towards the centre of the site’s frontage with the LS-6995. This entrance would be formally laid out with gates, gate posts, splayed side walls, and a vehicle refuge and it would connect with a driveway to the proposed bungalow. The requisite sightlines would entail the removal of hedgerows and trees from along the site’s frontage. Replacement tree planting is proposed within the site behind the said sightlines.
- 7.12. Objective GI 8-1 is concerned with maintaining the openness of the Green Belt and so the relative visibility of development is not necessarily of the essence. That said, I acknowledge that the proposed bungalow would be sited in a position whereby its encroachment into the Green Belt would be limited. However, it would be in an elevated position and the alterations to the site’s roadside frontage would inevitably give it a profile from the local road, albeit one that would ease in time if replacement planting were to become established. Beyond these considerations, the site entrance and the removal of existing hedgerows and trees from the site’s frontage would mean that the presence of the development would continue to be evident and with it the suburbanisation of the local road, which would otherwise retain its rural character within the Green Belt.
- 7.13. During my site visit, I observed the dwelling house to the north, which the applicant refers to. This dwelling house appears to have been recently constructed and its presence, when viewed from the local road, is quite stark. It reads as forming part of a cluster with adjacent farm buildings rather than ribbon development. Nevertheless, this dwelling house illustrates the inevitable impact of new development upon a rural area and the resulting incremental loss in the openness of the Green Belt.
- 7.14. I conclude that the proposal would encroach upon the openness of the Green Belt and its presence would lead to the suburbanisation of a rural area.

(iii) Water

- 7.15. The proposal would be served by a new connection to the public water mains. Irish water has raised no objection in this respect.
- 7.16. The applicant has submitted a completed site characterisation form. While the commentary on the 1.7m deep trial hole does not classify the type of material encountered, an accompanying note refers to “high rock Level”. T and P values of 7.58 min/25mm and 11.31 min/25mm were recorded/calculated.
- 7.17. The applicant has submitted a site layout and sections (drawing no. 101), which shows the position of the trial hole adjacent to the northern boundary of the site and the presence of T and P holes across the western portion of the site. The proposed Tertiary WWTP polishing filter and dispersion layer would be sited in the SW quadrant of the site.
- 7.18. I note that the site is a large one for a single dwelling house at 0.72 hectares. I note, too, that the completed site characterisation form contains gaps and the rationale for the dispersed nature of the trial pit and T and P holes has not been explained. Likewise, a site specific design for the proposed WWTP has not been submitted. Accordingly, in all of these circumstances, I am concerned that the applicant has not demonstrated sufficiently that the site would be suitable for a WWTP that would discharge to ground water. I, therefore, consider that it would be premature to accept the proposed arrangements in this respect.
- 7.19. Surface water from the proposal would discharge to soak pits.
- 7.20. The OPW’s flood maps do not show the site as being the subject of any identified flood risk.
- 7.21. I, therefore, conclude that the applicant has submitted sufficient information upon which to establish that the proposed means of handling foul water on the site would be satisfactory.

(iv) Stage 1 Screening for AA

- 7.22. The site does not lie in any Natura 2000 site. While the Cork Harbour SPA lies 1 km to the east of this site, I am not aware of any source/pathway/receptor routes between it and this or any other Natura sites in the wider area.

7.23. Having regard to the nature and scale of the proposal and the nature of the receiving environment, no Appropriate Assessment issues arise, and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. That permission be refused.

9.0 Reasons and Considerations

1. The site of the proposal is located within the Metropolitan Green Belt, which, under Objective RCI 4-1 of the Cork County Development Plan 2014 – 2020, is the area under strongest pressure for rural housing in the County. Under National Policy Objective 19 of the National Planning Framework, it is national policy to facilitate the provision of single housing in the countryside, in such areas, based on the core consideration of demonstrable economic or social need to live in a rural area and having regard to siting and design criteria and the viability of smaller towns and rural settlements.

Having regard to the location of the subject site, within the catchment of Cork City and its proximity to smaller settlements, and also having regard to the documentation submitted with the application, specifically, concerning (a) the applicants' work, which is not an agricultural based activity, and his place of employment in Little Island, and (b) the social circumstances of the applicant, the Board is not satisfied that the applicant has demonstrated an economic and social need to live at this specific rural location, or that the applicant's housing need could not be satisfactorily met in a smaller town or settlement.

Accordingly, to permit this proposal, in these circumstances, would contravene National Policy Objective 19 of the National Planning Framework and so be contrary to the proper planning and sustainable development of the area.

2. The site of the proposal is located within a Prominent and Strategic Metropolitan Green Belt Area, which, under Objective GI 8-1 of the Cork County Development Plan 2014 – 2020, is a strategic, largely undeveloped gap between settlements which is to be preserved from development. The proposed bungalow and its accompanying access arrangements from the adjoining local road would result in both encroachment upon the openness of the said Green Belt and a loss of its rural character through its suburbanisation. Accordingly, this proposal would materially contravene the said Objective and, as such, be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

14th February 2020