



An
Bord
Pleanála

Board Direction
BD-016328-24
ABP-317342-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/05/2024.

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

Reasons and Considerations

The site of the proposed development is located within a rural area of strong urban influence and is therefore required to be assessed against Objective RP 5-4 of the Cork County Development Plan 2022-2028. Specifically the applicant is required to demonstrate compliance with one of five categories of housing need set out. The applicant is evidently seeking to demonstrate compliance with category 'd', being 'persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation' and while documentary evidence was submitted in part, there is no evidence on file that the proposed house is for the applicant's first home for their permanent occupation as also set out in this category. Accordingly, the Board was not satisfied that the applicant demonstrated compliance with one of the required categories of housing need within the meaning of Objective RP 5-4. The proposed development would be contrary to stated policy of the Cork County Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.

Notes

1. In deciding not to attach the inspector's recommended refusal reason number one, largely on the proposed development being injurious to the visual amenities, the Board noted the proposed house is designed as a modest single storey contemporary house with a traditional vernacular form. The Board was satisfied that when taken in conjunction with the siting and the submitted landscape proposals, the house represented an appropriate design response that would integrate appropriately into the sloped site and would align with the principles set out in the 'Cork Rural Design Guide: Building a new house in the countryside.' Accordingly, the Board did not share the view of the inspector, notwithstanding the receiving landscape designated a 'high value landscape', that the house would form a discordant and obtrusive feature on the landscape.
2. In deciding not to attach the inspector's recommended refusal reason number two, the Board did not share the view of the inspector, that when taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive density of development served by private domestic wastewater treatment systems (DWWTS) in the area. In this regard, the Board noted the guidance set out in Section 5.4.1 and 6.1 of the EPA Code of Practice (Domestic waste water treatment systems (DWWTS), population equivalent ≤ 10) (2021) with respect to the assessment of cumulative loading from on-site DWWTS and where the impact from cumulative loading should be assessed in areas with a density of DWWTS greater than six per hectare in areas of 'extreme' or 'high' groundwater vulnerability. The Board was satisfied that the while the DWWTS would be sited in an area of 'high' groundwater vulnerability, the density of houses within the area was not greater than six per hectare. Otherwise, the Board noted and was satisfied that the soil parameters and depth of soil encountered as set out in the submitted site characterisation form adequately demonstrated the suitability of the site for safe effluent disposal of treated effluent and that the minimum separation distances from the DWWTS as set out in Table 6.2 of the EPA Code of Practice would be met on the site.

Board Member

Patricia Callear.

Patricia Callear

Date: 16/05/2024