

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Cork County**

**Planning Register Reference Number: 15/06007**

An Bord Pleanála Reference Number: PL 04.246209

**APPEAL** by Tom Carthew of Clogheenduane, Ballinhassig, County Cork against the decision made on the 2<sup>nd</sup> day of February, 2016 by Cork County Council to grant subject to conditions a permission to John O'Neill and Ann Marie Donovan O'Neill of 'The Barn', Clogheenduane, Ballinhassig, County Cork in accordance with the plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Construction of a two-storey dwelling and associated site works at Clogheenduane, Ballinhassig, 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 appeal site is located in a rural area under strong urban influence as identified in the current Cork County Development Plan wherein it the policy of the Council to restrict housing development to certain limited categories of applicants, including persons who are considered to have exceptional health circumstances. Based on the information submitted with the application, and taking into consideration the nature and extent of the existing and previous property in the ownership of the applicants, the Board is not satisfied that the applicants have demonstrated a need to construct a new dwelling at this location and that the applicant's needs cannot be met by alterations to the existing accommodation. The proposed development would, therefore, contravene materially the objective of the development plan with regard to the provision of sustainable rural housing and would militate against the preservation of the rural environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the soil conditions, the proximity of the stream to the northern site boundary, the proximity of the floodplain, and the location of the site within an area identified by the Environmental Protection Agency as being at very high risk from domestic wastewater pollution, the Board is not satisfied that the proposed development, taken in conjunction with existing development in the vicinity, would not result in an excessive concentration of development served by individual effluent treatment systems in the area. The proposed development, would, therefore, be prejudicial to public health.

3. Having regard to the location of the proposed dwelling, its relationship to the existing dwellings to the south, and the mass and scale of the proposed development, it is considered that the proposed development would be out of character with the pattern of development in the area and would militate against the preservation of the rural amenities of the area. The proposed development would, therefore, seriously injure the residential amenities of the area and be contrary to the proper planning and sustainable development of the area.

---

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

**Dated this            day of            2016.**