



Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: 18/06110

Appeal by Hannah and Jamie Walsh and others care of M.G. Robinson Architectural and Planning Consultant of Woodlawn, Brigown, Mitchelstown, County Cork against the decision made on the 17th day of December, 2018 by Cork County Council to grant subject to conditions a permission to Denis Myers care of Reidy Drawing Services of Ballinakill West, Newtown, Charleville, County Cork for development comprising retention of demolition of dwellinghouse, retention and completion of dwellinghouse under construction, retention of hardcore area around dwellinghouse and planning permission for installation of a wastewater treatment system at Ballyarthur, Mitchelstown, County Cork in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for retention of demolition of dwellinghouse in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the condition set out below.

REFUSE permission for retention and completion of dwellinghouse under construction, retention of hardcore area around dwellinghouse and planning permission for installation of a wastewater treatment system based on the reasons and considerations marked (2) under.

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)

Having regard to the completed demolition works at the site, to the information submitted with the planning application regarding the structural quality and condition of the dwellinghouse since demolished, it is considered that, subject to compliance with the condition set out below, the retention of demolition of the dwellinghouse would not seriously injure the amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for the retention of the demolition of dwellinghouse, the Board considered that, having regard to the information set out in the planning application in relation to works already carried out at the site to date, including the removal of the dwellinghouse, and to information set out in the planning application regarding the structural quality and condition of the dwellinghouse, the Board concluded that a grant of permission should issue for the retention of the demolition of the dwellinghouse.

Condition

This permission relates solely to the retention of demolition of the dwellinghouse previously on site, as described in the statutory notice, and confers no permission for any other aspect of development, either proposed or for retention on site.

Reason: In the interest of clarity.

Reasons and Considerations (2)

1. The site is located within a stronger rural area as set out in the 'Sustainable Rural Housing Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in April, 2005 and in an area where the relevant provisions of the Cork County Development 2014, RCI -1 (discourage urban generated housing in rural areas), RCI-2 (facilitate those with a rural generated housing need), apply. The site is also within the greenbelt surrounding Mitchelstown. The Cork County Development Plan, 2014 notes that greenbelt areas are under significant urban pressure for rural housing. Policy GB1-2 of the Fermoy Municipal District Local Area Plan, 2017, provides for a potential allowance for a limited number of individual houses providing the proposal is in accordance with the proper planning and sustainable development of the area. Having regard to the Ministerial Guidelines and to the totality of applicable development plan policy, and to the documentation submitted with the planning application and the appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area. It is therefore, considered, that the applicant does not come within the scope of the rural housing need criteria as set out in the Guidelines and in national policy, including the National Planning Framework, for a house at this location. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the overarching national policy, having regard also to the relevant provisions of the Cork County Development Plan, 2014. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that, taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive concentration of individual wastewater treatment systems in the area. The Board is not satisfied on the basis of the information submitted with the planning application and the appeal that the proposed development would not have an adverse effect on groundwater. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

Chris McGarry

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

Dated this day of 2019.