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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 18/06743**

**APPEAL** by Alan and Esther Duggan care of John O'Brien of Monadrishane, Kilworth, County Cork against the decision made on the 8<sup>th</sup> day of March, 2019 by Cork County Council to refuse permission.

**Proposed Development:** Construction of dwelling, domestic garage, effluent treatment system with tertiary percolation/polishing filter and construction of dual entrance as shown and demolition of existing garage on site at Ballyoran Townland, Castlelyons, County Cork.

**Decision**

**REFUSE permission for the above proposed development in accordance with 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 subject site is located within a 'Greenbelt' which is an area under significant pressure for rural housing, as identified in the Cork County Development Plan 2014, and in an area that is under strong urban influence in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April 2005, wherein it is the policy to distinguish between urban-generated and rural-generated housing need. In addition, it is a specific objective of the National Planning Framework, adopted by the Government, in rural areas under urban influence, to "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...having regard to the viability of smaller towns and rural settlements". Having regard to the documentation submitted with the application and the appeal, and, in particular, the nature and location of their employments, the Board is not satisfied that the applicants have a demonstrable economic or social need to live in this rural area. It is considered, therefore, that the applicants do not come within the scope of the housing need criteria as set out in the Cork County Development Plan, 2014 or in national policy for a house at this rural location, and the Board is not satisfied that the applicants' housing needs could not be satisfactorily met in an established smaller town or village/settlement centre. The proposed development would, therefore, be contrary to these Ministerial Guidelines, to policy RCI 5-8 of the Cork County Development Plan, and to the national policy, and contrary to the proper planning and sustainable development of the area.

2. Having regard to the high water table, as shown in the Site Suitability Report submitted to the planning authority on the 16<sup>th</sup> day of October, 2018, and to the size and slope of the site, it is considered that, based on the information submitted, the site cannot be adequately drained by means of a wastewater treatment system. Having regard to the proximity of the proposed wastewater treatment system to existing private wells and to the proliferation of existing wastewater treatment systems in the immediate vicinity of the site, it is considered that the proposed development would pose a pollution risk to groundwater and would, therefore, be prejudicial to public health.

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**Philip Jones**

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

**Dated this            day of            2019.**