



Planning and Development Acts 2000 to 2019

Planning Authority: Cork County Council

Planning Register Reference Number: 18/05004

APPEAL by Joe Sheehy of Ballinacurra, Kinsale, County Cork against the decision made on the 11th day of March, 2019 by Cork County Council to grant subject to conditions a permission to Maebh Toomey and Conor Healy care of Robert Wright of The Gables, Sallyport, Kinsale, County Cork.

Proposed Development: Construction of a new dwellinghouse, a new detached domestic garage, new vehicular entrance, new wastewater treatment and disposal system and all ancillary site works at Ballinacurra, Kinsale, 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. Having regard to the location of the site within an area 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 policy to distinguish between urban-generated and rural-generated housing need, and to the National Policy Objective 19 as set out in the National Planning Framework adopted by the Government, in relation to rural areas under urban influence, wherein it is policy 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”, it is considered that the applicants have not demonstrated that they come within the scope of the rural housing need criteria as set out in the Guidelines, and also that they have not demonstrated an economic or social need to live in this rural area in accordance with the national policy, notwithstanding the provisions of the Cork County Development Plan 2014. Furthermore, 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, in the absence of any definable or demonstrable based

need for the house in this rural area, would contribute to the encroachment of random rural development in the area, and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, contravene the Ministerial Guidelines, would be contrary to national policy, and to the proper planning and sustainable development of the area.

2. The felling of 0.3 hectares of woodland and the excavation of the site, to accommodate the proposed development, would significantly interfere with the character, value, distinctiveness and sensitivity of the landscape, would contravene Policy Objective HE 2-5 and GI 6-1 of the Cork County Development Plan 2014 and would detract from the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Terry Ó Niadh
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.