



Planning and Development Acts 2000 to 2019

Planning Authority: Cork County Council

Planning Register Reference Number: 19/05433

APPEAL by John O'Connor of 'Cnoc Na mBlath', Old Abbey, Waterfall, Near Cork, County Cork against the decision made on the 24th day of July, 2019 by Cork County Council to refuse permission.

Proposed Development: Single storey dwelling with proprietary treatment plant at Ballyleigh, Waterfall, Near Cork, 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 the Metropolitan Cork Greenbelt, as identified in the Cork County Development Plan, 2014 and outside the development boundary of nearby settlements. Furthermore, the site is located in an area that is designated as under strong urban influence, as set out in the Sustainable Rural Housing Guidelines 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 for dwellings in rural locations. In addition, it is national policy, as set out in the National Planning Framework, under National Policy Objective 19, 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”. On the basis of the documentation submitted with the planning application and the appeal, including the lack of any agricultural or other rural-based employment which would necessitate the applicant living in a rural location, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area, or that his housing need could not be satisfactorily met in an established smaller town or village/settlement centre. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria, in relation to the Metropolitan Cork Greenbelt, as set out in the Cork County Development Plan, 2014, including Objectives RCI 5-2, RCI 5-3 and RCI 5-4, would not represent rural-generated housing need in accordance with the Guidelines, and would, accordingly, be contrary to these Ministerial Guidelines, and would be contrary to the over-arching national policy as set out in the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development, by reason of its location, would constitute backland development, would result in a piecemeal and haphazard pattern of development and would set an undesirable precedent for similar development in the area. Furthermore, the proposed development would form an obtrusive feature in the landscape, particularly when viewed from the south and northwest, due to the elevated nature of the site, and would ultimately be injurious to the scenic, visual and rural character of the area and would seriously detract from this character, particularly as the proposed development could not be successfully assimilated into the rural landscape because of its location. The proposed development would, therefore, be contrary to Objectives GI 6-1 and RCI 6-1, as set out in the Cork County Development Plan, 2014, and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Taken in conjunction with existing development in the vicinity, it is considered that the proposed development would consolidate an unwarranted and excessive concentration of haphazard rural housing in an un-zoned rural area, which would lead to an erosion of the rural and landscape character of this area, contrary to the specific purpose and character of the Greenbelt lands, and, therefore, would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2019.