



Planning and Development Acts 2000 to 2020

Planning Authority: Cork County Council

Planning Register Reference Number: 20/05437

APPEAL by J.P. and Shakira D'arcy care of Barrie Hastings of "Barav", 9 Ashdale, Cluain Ard, Ballyleary, Cobh, County Cork against the decision made on the 1st day of September, 2020 by Cork County Council to refuse permission.

Proposed Development: Permission for (1) construction of a single storey dwellinghouse and associated site works, and (2) retention of (i) existing mobile home [26.1 square metres] located on the site as habitable purposes on a temporary basis until such time as the proposed dwelling is occupied, (ii) existing on-site domestic wastewater treatment and disposal system, (iii) existing bored well, and (iv) existing vehicular entrance. The existing uncompleted storage structure (granted under planning register reference number 3310/1982) is to be demolished and the proposed dwellinghouse is to take its place, all at Ballybrassil, Cobh, 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 site of the proposed development is located within the Metropolitan Green Belt in the Cork County Development Plan 2014-2020, and in an “Area Under Strong Urban Influence” 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. Furthermore, the subject site is located in an area that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, 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 appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live at this site within this rural area, or that the applicant’s housing need could not be met within a town or settlement. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines, in national policy for a house at this location, or the Cork County Development Plan. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the over-arching national policy, and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to condition number 2 attached to the permission granted under planning register reference number 96/1686, the site is the subject of an agreement under which “no further housing shall be carried out”. The applicants propose to construct a dwellinghouse upon the site and so this dwellinghouse would materially contravene this condition. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to (a) the absence of a demonstrable housing need for the proposed dwellinghouse, and (b) the extant housing sterilisation agreement upon the site, it is considered that to grant permission for retention of (i) the mobile home on the site, (ii) the on-site domestic wastewater treatment and disposal system, (iii) the bored well, and (iv) the vehicular entrance in the western boundary of the site would, in principle, be premature. Furthermore, it remains to be demonstrated that items (ii) and (iii) would be compatible with safeguarding public health and, as item (iv) has a sub-standard northerly sightline, its compatibility with road safety has yet to be achieved. In these circumstances, the retention of all these items would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2021.