

**An
Bord
Pleanála**

**Board Order
ABP-309185-21**

Planning and Development Acts 2000 to 2020

Planning Authority: Cork County Council

Planning Register Reference Number: 20/05952

APPEAL by Tony Kelleher and others care of Gordon Warner of Inchydoney, Clonakilty, County Cork against the decision made on the 16th day of December, 2020 by Cork County Council to grant subject to conditions a permission to Vincent O'Donovan care of CMG Architectural Design Technology and Building Surveying of Haus Bergsee Hillside, Aghada, Midleton, County Cork.

Proposed Development: Construction of a single storey dwellinghouse with effluent treatment unit and percolation area, detached garage, access to main roadway and all associated site works; all at Ballyfin, Cloyne, County Cork,

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

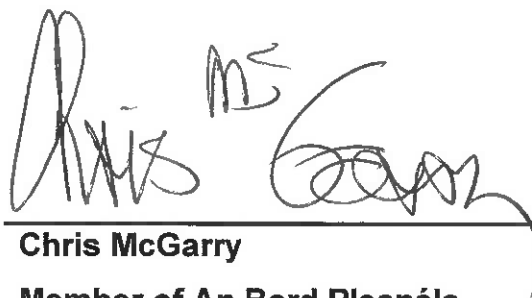
Matters Considered

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

The site of the proposed development is located within 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 and within a rural area under strong urban influence as designated within the Cork County Development Plan 2014. 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 documentation submitted with the application and appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area or that the applicant's housing need cannot be met in a town or rural 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 and in national policy for a house at this location and that the proposed development 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, be contrary to the

Ministerial Guidelines and to the over-arching national policy and having regard to the provisions of the Cork County Development Plan 2014, and would be contrary to the proper planning and sustainable development of the area.



Chris McGarry



Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 7th day of May 2021.