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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 21/00079**

**APPEAL** by John O'Driscoll of Colla West, Schull, County Cork against the decision made on the 31<sup>st</sup> day of March, 2021 by Cork County Council to grant subject to conditions a permission to Paula Fleming and Per-Frederick Hagermark care of Doyle McDonogh Nash Architects of 21 Patricks Hill, Cork.

**Proposed Development**

Construction of a part single storey and part two storey dwelling of 192 square metres, a shed of 15 square metres, effluent treatment unit, pumping chamber and percolation area, new vehicular entrance and all associated site works at Colla West, Schull, 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. As set out under section 4.5 of the Sustainable Rural Housing Guidelines, the key to protecting water quality in the context of providing new dwellings in un-sewered rural areas is to ensure that new development is guided toward sites where acceptable wastewater treatment and disposal facilities can be provided, avoiding sites where it is inherently difficult to provide and maintain. The proposed development would be prejudicial to public health because it is considered that the site, by reason of the high water table, topography and size, is unsuitable for the treatment of septic tank effluent, notwithstanding the use of a proprietary wastewater treatment system. It is considered that the proposed development would be contrary to the site selection guidance set out in the Sustainable Rural Housing Guidelines and would not be in accordance with the proper planning and sustainable development of the area.

2. On the basis of the information provided with the application and the appeal and the Board's determination on the general unsuitability of the site for wastewater treatment and disposal, and in the absence of an Appropriate Assessment Screening Statement, the Board cannot be satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on Roaringwater Bay and Islands Special Area of Conservation (Site Code: 000101) or any other European site, in view of the site's conservation objectives. In such circumstances, the Board is precluded from granting permission.
  
3. The Board considered the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005, which seek to distinguish between urban generated housing and rural generated housing need and the need for identification of suitable sites and noted 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. The Board is not satisfied that the applicant has established a demonstrable economic or social need to live at this specific site in this rural area. The proposed development would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would be contrary to the Ministerial Guidelines and to the overarching provisions of the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. Under policy RCI 6-1 of the Cork County Development Plan 2014 it is policy to encourage new dwellinghouse design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape. It is considered that the proposed development by reason of its detailed design and the position of the house at an elevated point on a narrow site which has limited opportunities for landscaping, would be out of character and would fail to integrate appropriately into the landscape. The proposed development would be contrary with the provisions of the current development plan for the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

*DR. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this 15<sup>th</sup> day of July 2021

