



Planning and Development Acts 2000 to 2021

Planning Authority: Cork County Council

Planning Register Reference Number: 21/04238

APPEAL by Nancy O'Sullivan of Rathduane, Rathmore, County Cork against the decision made on the 3rd day of September, 2021 by Cork County Council to grant subject to conditions a permission to Elaine O'Sullivan care of Brendan O'Connell and Associates of 11 Market Place, Tralee, County Kerry.

Proposed Development: Construction of a private two-storey dwelling, garage and all associated site works served with treatment unit and polishing filter at Rathduane, Rathmore, County Cork.

Decision

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

Reasons and Considerations

1. Having regard to the location of the site in close proximity to and within easy access of several towns and villages in the district, to the pattern of development in the vicinity comprising a ribbon of development, to the policy objectives of the Kanturk-Mallow Municipal District Local Area Plan 2017 which seek to direct new residential development into the towns and villages in the area, and to the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities issues by the Department of Environment, Heritage and Local Government in 2005 and the National Policy Objectives of the National Planning Framework (February 2018), which seek to facilitate genuine rural housing needs in accordance with the core principle of demonstrable economic or social need to live in a rural area, to avoid overdevelopment of rural areas and to have regard to the viability of smaller towns and villages in facilitating the provision of single houses in the countryside, it is considered that the applicant has not demonstrated a genuine rural housing need to live in this local rural area as set out in the Cork County Development Plan 2014 and in National policy, and the Board is not satisfied that her housing need could not be met within an established settlement. The proposed development, in the absence of any identified locally based need for the house, 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 and the viability of smaller rural settlements. The proposed development would, therefore, be contrary to the national and local policies for rural housing development and to the proper planning and sustainable development of the area.



2. Having regard to the soil conditions, evidence of ponding on the site, and the proximity to an open drain, the Board is not satisfied, on the basis of the submissions made in connection with the application and appeal, that the site can be drained satisfactorily by means of a septic tank, notwithstanding the proposed use of a proprietary wastewater treatment system with a polishing filter. In addition, it is considered that the presence of an existing septic tank within the site which serves an adjoining dwellinghouse that is outside the control of the applicant would give rise to an additional risk of pollution and that, taken in conjunction with the existing development in the vicinity, would result in an excessive concentration of development served by septic tanks in the area. The proposed development would, therefore, be prejudicial to public health

3. It is considered that the proposed development would endanger public safety by reason of a traffic hazard because the site is located alongside a busy regional road at a point where the road is substandard in width and where there is a considerable number of existing entrances and the traffic turning movements generated by the development would interfere with the safety and free flow of traffic on the public road. The proposed development would also contravene Objective TM 3-2 of the Cork County Development Plan 2014 which seeks to limit access to regional roads in order to preserve the level of service and carrying capacity of the road network and to protect the public investment in the road. The proposed development would, therefore, be contrary to the proper planning and sustainability of the area.



John Connolly
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 24th day of MAY 2022.