

An
Bord
Pleanála

Board Order
ABP- 313718-22

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 22/04587

Appeal by Jerome and Alice Good care of Patrick A Cashman Associates of Farren House, Cork Road, Midleton, County Cork against the decision made on the 10th day of May 2022 by Cork County Council to refuse permission.

Proposed Development: Construction of a storey and a half dwellinghouse, together with domestic effluent treatment plant and all associated site development works at White Bay, Trabolgan, Whitegate, 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:

- (a) the location of the site within a rural area identified as being a 'Rural Area under Strong Urban Influence' in accordance with the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government in April, 2005 and the Cork County Development Plan 2022-2028,
- (b) National Policy Objective 19 of the National Planning Framework (February 2018) which seeks 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,
- (c) the provisions of the Cork County Development Plan 2022-2028 and specifically Objective RP 5-4, which facilitates the provision of rural housing for local rural people building in their local rural area, and
- (d) the absence of documentary evidence on the file outlining the location of the applicants' existing dwelling and need to live in this rural area,


the Board is not satisfied, on the basis of the submissions made in connection with the application and the appeal, that the applicant comes within the scope of either economic or social housing need criteria as set out in the overarching National Guidelines or the definition of a local rural person in accordance with the relevant criteria set out in the Development Plan.

The proposed development, in the absence of any identified locally based need for a house at this location, would result in a haphazard and unsustainable form of development in an serviced area, 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 undermine the settlement strategy set out in the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The site is designated as High Value Landscape in the Cork County Development Plan 2022-2028 where it is an objective (GI 14-9: Landscape) of the Plan to protect the visual and scenic amenities of County Cork's built and natural environment and to protect skylines and ridgelines from development. This designation and policy are considered reasonable. Having regard to its design and siting, it is considered that the proposed development would detract to an undue degree from the rural character of the area, would seriously injure the visual amenities of the area, would be contrary to the provisions of the Development Plan and would constitute an undesirable precedent for development of this nature in a scenic, sensitive rural landscape. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed development is located off the pedestrian access to White Bay beach which is inadequate in terms of width and structural condition to accommodate vehicular traffic movements likely to be generated by the proposed development. The proposed development would, therefore, endanger public safety by reason of traffic hazard.

4. The Board is not satisfied that the regular maintenance required for the proposed on-site wastewater treatment system, including de-sludging, necessitating vehicular access to the site, could be achieved in a satisfactory manner. It is considered, therefore, that the proposed development would be prejudicial to public health.

A handwritten signature in blue ink is written over a circular seal. The seal features the text 'AN BORD PLEANÁLA' around the perimeter and a stylized logo in the center. A horizontal line is drawn across the signature and seal.

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

Dated this 8 day of September 2023