

An
Bord
Pleanála

Board Order
ABP-314529-22

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 22/04888

APPEAL by Ger and Marie Sheehy of 16 The Laurels, Castlepark, Mallow, County Cork against the decision made on the 11th day of August, 2022 by Cork County Council to refuse permission.

Proposed Development To construct a proposed dwelling house, garage, treatment unit, new entrance and all ancillary site works, all at Kilcanway, Killavullen, Mallow, County Cork.

Decision

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

Reasons and Considerations

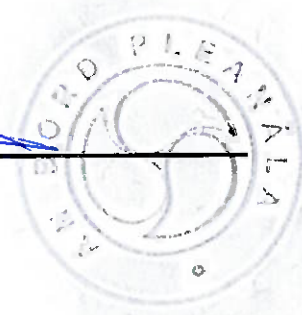
Having regard to the location of the site in a 'Rural Area under Strong Urban Influence', designated in the Cork County Development Plan 2022 – 2028 as an area which is under significant urban pressure for rural housing, as set out in Objective RP 5-4 of the Plan, to the absence of supporting documentary evidence on the file demonstrating a local housing need based on the applicants' social and/or economic links to this particular rural area, in terms of compliance with the categories of housing need, as set out in Objective RP 5-4, to National Policy Objective 19 of the National Planning Framework (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, and to the location of the site within a rural area identified as being 'an area under strong urban influence' in accordance with the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in 2005, the Board is not satisfied, on the basis of the information on the file, that the applicants' proposal constitutes a genuine rural generated housing need as required by Objective RP 5-4 of the current County Development Plan, or comes within the scope of either economic or social housing need criteria, as set out in the National Planning Framework, or that the applicants have demonstrated that they are persons who are an intrinsic part of the rural community in accordance with the provisions of the "Sustainable Rural Housing Guidelines for Planning Authorities". It is considered that the proposed development, in the absence of any identified locally based need for a house at this location, would contravene Policy Objective RP 5-4 of the Cork County Development Plan 2022 - 2028, would result in a haphazard and unsustainable form of development in an unserved area, 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 would undermine the settlement strategy, as set out in the Development Plan.

Furthermore, based on the information submitted with the application and the appeal, the Board is not satisfied that exceptional health circumstances requiring the applicants to live at the proposed site or close to family support in the rural area have been demonstrated, as required by Objective RP 5-10 of the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.


Liam Bergin

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



Dated this 20th day of October 2023.