

An
Bord
Pleanála

Board Order
ABP-319076-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 236346.

Appeal by Scott Vickery care of David King Planning Street of Collorus, Lauragh, Kenmare, County Kerry against the decision made on the 26th day of January, 2024 by Cork County Council to refuse permission for the proposed development.

Proposed Development: Permission for a detached dwelling, new vehicular entrance, new potable well, new bio filtration treatment unit and all associated site works at Ballinrea Road, Ballinrea Townland, Carrigaline, County Cork.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the provisions of the Cork County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development, would not seriously injure the character or the visual amenities of the area, in particular the Metropolitan Greenbelt as identified in figure 5.1 Rural Housing Policy Area Types, and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board was satisfied the applicant meets the exceptional rural housing need requirements of RP 5-3 of the Cork County Development Plan 2022-2028 in that the applicant is the son of a local farmer and intends to construct a home, with his partner, on the family land for their permanent occupation and take over the running of the farm on a full-time basis. The number of houses on the landholding within the Metropolitan Greenbelt will not exceed two as per the exceptional requirements of RP 5-3 and the proposed development meets an exceptional individual housing need in line with Objective RP5-12 (b) of the Cork County Development Plan 2022-2028. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board acknowledge the objectives of the Cork County Development Plan, 2022-2028, that seek to protect the character of the Metropolitan Greenbelt. However, in relation to reason number one, the proposed development of one dwelling to be occupied by the applicant was not considered to represent urban sprawl and would not exacerbate suburban style development in the area and would meet the exceptional individual housing need outlined in Objective RP5-12 (b) and would therefore not materially contravene the Cork County Development Plan 2022-2028. In

relation to reason number two, the Board was satisfied the proposed development constitutes an exceptional rural housing need in compliance with RP 5-3 of the Cork County Development Plan 2022-2028 for the applicant to build a home on his family farm given that the applicants sole income is from farming and he intends to reside on the family land from where he will manage the farm on a full-time basis. The number of houses on the landholding within the Metropolitan Greenbelt will not exceed two as per the exceptional requirements of RP 5-3 of the Cork County Development Plan 2022-2028. In relation to reason number three, the Board was satisfied the design and siting of the proposed development represented a contemporary design on an appropriate low point location on the site that will be well screened on the landholding and would not contravene policy objective GI 14-9 of the Cork County Development Plan 2022-2028. Finally in relation to the fourth reason, the proposed access to the single house on the site by the applicant will not represent a significant intensification of local road use and would not endanger public safety by reason of traffic hazard. The proposed development would therefore comply with the rural housing need policies of the Cork County Development, 2022-2028, and as such the principle of the proposed development is acceptable.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by plans and particulars submitted to An Bord Pleanála on 19th day of February 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicants' stated housing needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.

3. Details of the materials, colours, and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The proposed domestic garage shall be used for purposes incidental to the enjoyment of the dwellinghouse and shall not be used for any commercial/trade/industrial or residential use.

Reason: In the interest of orderly development.

5. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

6. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

7. Site development and building works shall be carried out only between the hours of 0700 and 1900 Mondays to Fridays, inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of properties in the vicinity.

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
 - (i) Existing trees, hedgerows, specifying which are proposed for retention as features of the site landscaping

- (ii) The measures to be put in place for the protection of these landscape features during the construction period
- (iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species.
- (iv) Details of screen and roadside planting.
- (v) A timescale for implementation of the landscaping scheme.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

9. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including construction parking, noise management measures and off-site disposal of construction/demolition waste.

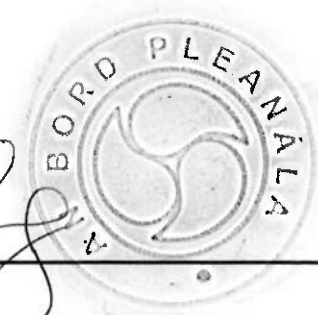
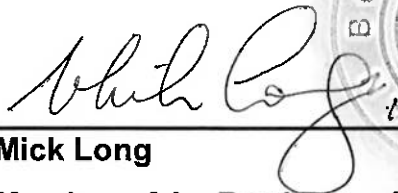
Reason: In the interest of public safety and residential amenity.

10. All public service cables for the proposed development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

11. The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Mick Long

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

Dated this 1st day of October 2024.