

An
Coimisiún
Pleanála

Commission Order
ABP-322411-25

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 254226

Appeal by Kieran O'Donovan and Caroline O'Donovan care of Barnes Murray de Bháill of The Old Forge, Innishannon, County Cork against the decision made on the 10th day of April 2025 by Cork County Council to refuse permission for the proposed development.

Proposed Development: Construction of a two-storey split-level detached dwelling house, construction of a single-storey detached domestic outbuilding (for use as plant room and bin store), the construction of a single storey detached domestic garage, the construction of a site entrance, the installation of a new connection to public water mains, the installation of a wastewater treatment unit and associated soil polishing filter, and all ancillary works at Cullenagh, Courtmacsherry, 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 objectives of the Cork County Development Plan 2022-2028, the nature, scale and design of the development, the location of the site within the development boundary of the settlement of Courtmacsherry, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact the character of the area or seriously injure the visual or residential amenities of the area, and would be acceptable in terms of traffic safety and convenience. It is considered that the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Coimisiún considered the wording of development plan objectives HE 16-21, GI 14-9 and GI 14-13 of Volume 1 and DB-02 of Volume 5, which seek to protect and enhance the attractive coastal setting and landscape character of the village, and determined conclusively that no material contravention of these objectives would arise. These objectives (which are considered reasonable) are all general in wording and allow for an overall judgement to be made on the balance of presented evidence. In this case the Coimisiún determined that the proposed development would not detract from the visual amenities and character of this coastal area by virtue of the design of the proposed development which includes a split level form which is stepped to follow the natural sloping topography of the site, the siting of the proposed development which does not negatively impact the skyline or ridgeline, the proposed landscaping and muted palette of materials which will assist in the assimilation of the proposal into the receiving landscape.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2.
 - (a) Full visibility shall be made available for 70 metres on either side of the entrance from a point two metres back in from the edge of the road carriageway.
 - (b) The vehicular entrance serving the proposed development shall comply with the requirements of the planning authority for such works.
 - (c) Prior to commencement of development, drawings, and details in accordance with this condition shall be submitted for the written agreement of the planning authority.

Reason: In the interest of traffic safety and visual amenity.

3. The proposed garage/shed building shall not be sold, let, or otherwise transferred or conveyed as an independent building, save as part of the dwelling. The garage shall be for domestic use only and shall not be used for human habitation or for any commercial purpose. No Water Closet (WC) shall be within the building and the proposed WC shall be omitted, and this floor area shall be used as part of the garage.

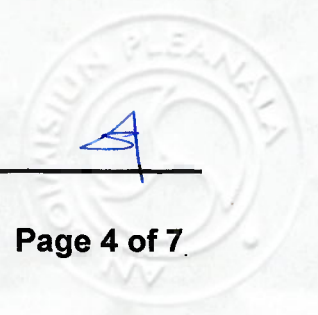
Reason: In the interests of clarity and orderly development.

4. The landscaping scheme, shown on the Proposed Landscape Plan drawing, as submitted to the planning authority on the 14th day of February 2025, shall be carried out within the first planting season following substantial completion of external construction works. Any plants, trees or hedging 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 order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

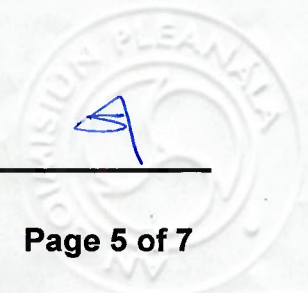
5. Prior to the commencement of development, the developer shall enter into a connection agreement with Uisce Éireann to provide for a service connection to the public water supply.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.



6. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency 2021.
- (b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.



7. Prior to commencement of development, details of the proposed surface water drainage measures shall be submitted to, and agreed in writing with, the planning authority and shall comply with the requirements of the planning authority for such works.

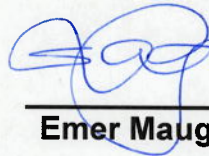
Reason: In the interests of traffic safety and to prevent flooding or pollution.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual amenity.

9. The developer shall pay to the planning authority a financial contribution 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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.



Emer Maughan

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 12th day of August 2025.