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**Planning and Development Act 2000, as amended**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 25/05370**

**Appeal** by Brian Rattray and Elaine Flynn against the decision made on the 1<sup>st</sup> day of December, 2025 by Cork County Council to grant, subject to conditions, a permission to James and Emer Murphy in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (1) A new part single storey, part two-storey detached dwelling; (2) a single storey link from the main dwelling to; (3) a single storey home office and commercial Beauty Salon with two number treatment rooms; (4) a detached single storey domestic garage; (5) a new wastewater treatment unit; and all associated site works, all at Gortnahomna More, Castlemartyr, 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 and to the location of the proposed development within the settlement boundary of Castlemartyr on lands zoned 'Existing Residential/Mixed Residential and Other Uses (ER)', to the nature, design and layout of the proposed development, and to the pattern of development within the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have an adverse impact on the residential amenity of property in the vicinity, would not result in an adverse impact on the visual amenity of the area or the character of the adjoining Castlemartyr Architectural Conservation Area, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission considered the arboriculture reports submitted by the applicants and the appellants, and agreed with the planning authority that it would be appropriate for the development as proposed by the applicants in the revised drawings submitted to the planning authority on the 3<sup>rd</sup> day of November 2025, to be moved southwards on site by a further two metres, which would result in an overall distance of four metres between the proposed structure and the northern boundary.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 3<sup>rd</sup> day of November 2025, 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. The proposed development shall be amended as follows:
  - (a) The proposed dwelling and commercial unit shall be relocated in order to maintain a four-metre separation distance from the northern boundary.
  - (b) The layout of the internal road shall be modified, as necessary, in order to accommodate the requirements of 2(a) above.

Revised drawings showing compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of biodiversity and visual amenity.

3. The entrance design shall comply with the detailed requirements of the planning authority and all such details shall be agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the commercial unit shall be restricted to that of a beauty salon (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

**Reason:** To protect the amenities of property in the vicinity.

5. (a) Details of the materials, colours and textures of all the external finishes to the proposed buildings, including boundary treatments, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Details of the signage associated with the proposed beauty salon shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) No other advertisement or advertisement structure (other than what is agreed within 5(b) above) shall be erected or displayed on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

6. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

**Reason:** In the interest of traffic safety.

7. (a) The 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 Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )” Environmental Protection Agency, 2021.
- (b) Treated effluent from the 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 Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )” – 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 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.

8. Site development and building works shall be carried out only between the hours of 0700 to 1900 from Mondays to Friday inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

9. The domestic garage shall be used solely for non-habitable ancillary domestic and private purposes only.

**Reason:** In the interest of clarity.

10. 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.



MaryRose McGovern

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.

Dated this 28<sup>th</sup> day of April 2026.

