



An
Coimisiún
Pleanála

Commission Order
PL-500693-WC-26

Planning and Development Acts 2000, as amended

Planning Authority: Cork County Council

Planning Register Reference Number: 25/6349

Appeal by Joan O'Leary against the decision made on the 19th day of December 2025 by Cork County Council to refuse permission for the proposed development.

Proposed Development: (1) Retention Planning Permission for renovation works to an existing vernacular dwelling including the repairing and rebuilding of stonework and construction of a new roof. (2) Planning Permission to (a) demolish existing stone lean-to (b) construct a single storey extension to the existing building, (c) construct a new site entrance off the public road, (d) installation of a septic tank and percolation area and all associated site works, all at Shanavagh, Ballydehob, County Cork.

Decision

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

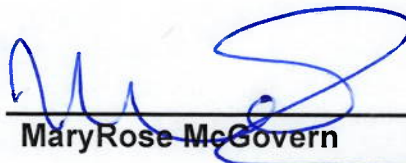
Reasons and Considerations

Having regard to the location of the subject site within a highly scenic area of High Value Landscape Area, as set out in the Cork County Development Plan 2022 - 2028, Section 5.12.2 of the Plan, and Objective RP5-30 (Redevelopment or Replacement of an Uninhabitable or Ruinous Dwelling) which sets out certain criteria to be satisfied by proposals for the renovation, redevelopment, or replacement of existing uninhabitable or ruinous dwellings, and having regard to the totality of the information on the appeal file, and the absence of adequate details from the applicant regarding the precise condition of the structure prior to the works undertaken, the Commission was not satisfied that the applicant satisfactorily demonstrated that the original walls of the subject structure were substantially intact, prior to the works now proposed to be retained, or that the criteria set out by Objective RP5-30 were satisfied. The Commission, therefore, considers that the proposed development would materially contravene Objective RP5-30 of the Cork County Development Plan 2022 - 2028. The development proposed to be retained, and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Furthermore, having regard to the location of the subject site in an area of High Value Landscape and within a rural area categorised as a Tourism and Rural Diversification Area, as designated in the Cork County Development Plan 2022 - 2028, and Objectives RP5-1 and RP5-2 of the Development Plan, which discourage urban generated housing in rural areas, and seek to facilitate those with a rural generated housing need, it is considered that in the absence of adequate details from the applicant to demonstrate a genuine rural generated housing need within the meaning of Objective RP5-5 of the Plan, the proposed development would materially contravene Objectives RP5-2 and RP5-5 of the Cork County Development Plan 2022 - 2028. The development proposed to be retained, and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Commission noted the Inspector's opinion that the photographs provided with the application lodged in 2022 under planning register reference number 22/615 from both the applicant and the planning authority, made it difficult to fully ascertain the condition of the remaining walls within the structure at that time. The Commission however, also noted the contents of the planning authority's Planner's report dated 22nd day of November 2022 under planning register reference number 22/615, which referred to an inspection of the subject site on the 21st day of October 2022, and the Planner's observation at that time that "The original walls of the structure are not substantially in place". Consequently, in the absence of any adequate details to confirm the precise extent and condition of the walls of the structure before the commencement of the works now proposed to be retained, and in the absence of any details from the applicant regarding the specific works undertaken to the structure, the Commission could not be satisfied that the applicant demonstrated compliance with the criteria set out by Objective RP5-30.

The Commission noted the planning authority's Ecology – Primary Report of 15th day of December 2025, which includes comments regarding the potential of the proposed development to support bats, and regarding the requirement for a bat survey, to further assess any requirement for mitigation measures, or potentially a bat derogation licence. The Commission also noted the absence of any information regarding bat activity at the structure in the period prior to the works now proposed to be retained. The Commission had a concern regarding the applicant's compliance with the criterion of Objective RP5-30 which requires that "No damage shall be caused to sites used by protected wildlife." Although ordinarily this might warrant further consideration and a request for further information, in this instance given the substantive reasons for refusal above, it was decided not to pursue these matters under the current appeal.



MaryRose McGovern

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.

Dated this 15th day of May 2026.

