

Planning and Development Act 2000, as amended

Planning Authority: Cork County Council

Planning Register Reference Number: 256397

Appeal by David and Suzanne Cullinane against the decision made on the 7th day of January 2026 by Cork County Council to grant, subject to conditions, a permission to Pat Whyte in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of construction of stables for domestic use with ancillary storage, and construction of new entrance at Gogganshill, Ballinhassig, 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 and the location of the site within the Metropolitan Green Belt and within Landscape Character Area 'Broad Fertile Lowland Valleys' as set out in the Cork County Development Plan 2022-2028, the pattern of development in the vicinity, the open and rural character of the area and the existing agricultural use of the site, it is considered that, subject to compliance with the conditions outlined below, the proposed development would not seriously injure the visual or scenic amenities of the area, would not be prejudicial to public health 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.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission disagreed with the Inspector's reason for refusal in stating that the proposed development would seriously injure the visual amenities of the area, form a discordant and obtrusive feature on the landscape and that it would contravene objectives GI14-9 and GI14-16 of the Cork County Development Plan 2022-2028. The Commission determined that the proposed development for a stable building to house two ponies for domestic use with associated storage and ancillary site works within an agricultural field, with sufficient distance from the nearest third party dwelling and stream, would not interfere with the character of and would be compatible with the Metropolitan Greenbelt designation and the rural nature of the site. Given the curvature and elevation of the N71 on the approach to the site from Rearrour Bridge (Recorded Monument CO085-115), the existing roadside hedgerow boundary to be retained, the proposed finished floor level of the proposed structure at circa 5.5 metres below the public road level, the vernacular typography of the stable structure, the proposed swale and landscaping and the backdrop of the steep bank along the public road at the location of the proposed development, the Commission considered that the height, massing and bulk of the proposed structure will be adequately

assimilated into the landscape without negatively impacting on the visual and scenic amenity of the area and that the ridgeline of the subject site will not be breached. The Commission agreed with the Inspector that, subject to compliance with Department of Agriculture, Food and the Marine specifications, the proposed storage of waste is sufficiently separated from the nearby stream and that subject to compliance with conditions that the proposed effluent and surface water will be adequately addressed on site. The Commission was in agreement with the planning authority's area engineer's assessment in relation to traffic safety and disagreed with the Inspector that a refusal is warranted on traffic safety grounds. The Commission was satisfied in relation to the site entrance that subject to compliance with conditions set out below that the proposed entrance area would be sufficient to allow vehicles affiliated with domestic stable use to turn onto the existing passageway without impacting on the traffic safety of the adjacent road.

Conditions

1. The development shall be carried out in accordance with the plans and particulars submitted with the planning application except as may be otherwise required by 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: To clarify the plans and particulars for which permission is granted.

2. If, during the course of site works any archaeological material is discovered, the County Archaeologist/planning authority shall be notified immediately. The applicant/developer is further advised that in this event that under the National Monuments Act, the National Monuments

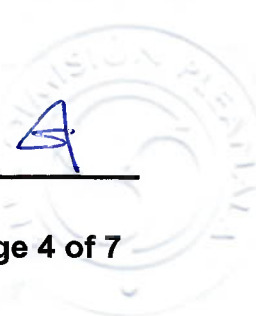
Service, Department of Housing, Heritage and Local Government and the National Museum of Ireland require notification. No groundworks, storage of materials or construction works shall take place within the Zone of Archaeological Potential around Recorded Monument CO085-115 as shown on the Historic Environment Viewer (www.archaeology.ie)

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

3. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services.

In this regard-

- (a) Uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways.
- (b) All soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2025, as amended, or to a slatted tank. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.
- (c) All separation distances for potable water supplies as outlined in the European Union (Good Agricultural Practice for the Protection of Waters)(Amendment) Regulations 2025, as amended shall be strictly adhered to.



Reason: In the interest of environmental protection and public health.

4. The proposed development shall be designed, sited, constructed and operated in accordance with the requirements as outlined in the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2025, as amended. The applicant shall provide for the relevant (location dependent) storage requirements as outlined in schedule 3 of the aforementioned regulations. The landspreading of soiled waters and slurry shall be carried out in strict accordance with the requirements as outlined in the aforementioned regulations.

Reason: In order to avoid pollution and to protect residential amenity.

5. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, watercourses or to appropriately sized soakaways. Uncontaminated waters shall not be allowed to discharge to soiled water and dungstead or to the public road.

Reason: In order to ensure that the capacity of soiled water tanks are reserved for their specific purposes.

6. In the event of an accidental spillage of wastewater, organic fertiliser, fuel, machine oil or any other substance which may threaten the quality of any watercourse or ground waterbody either at construction or operational phase, the planning authority and Inland Fisheries Ireland, shall be notified as soon as is practicable. A copy of the clean-up plan shall be submitted to the planning authority.

Reason: In the interest of public health.



7. (a) The entrance driveway / recess between the public road edge and the entrance gates shall be set level with the public road surface. Gates shall open inwards. Vegetation or any structure shall not exceed one metre in height within the site distance triangle.
- (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. Plan and section drawings of entrance area, including an autotrack of the vehicular movements accessing the existing passageway from the entrance driveway shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

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

8. Final details of the finishes of the stables, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity.

9. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction waste.

Reason: In the interest of public safety and amenity.

10. The existing hedgerow along the public road boundary shall be retained except to the extent that its removal is necessary to provide for the entrance to the site. The site shall be landscaped, using only indigenous deciduous trees and hedging species. The landscaping shall include the establishment of a native hedge along all side and rear boundaries of the proposed stables and to the eastern side of the access track to the stables and entrance driveway. 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.



Emer Maughan

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



Dated this *4th* day of *June* 2026