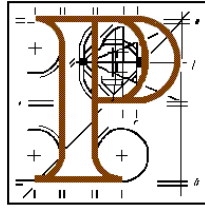


# An Bord Pleanála



## Inspector's Report

**Appeal reference No:** PL88.245487

**Development:** Retention of conversion of outbuilding to house (holiday home) at Inchinattin, Reenascreena, Rosscarbery, County Cork.

### Planning Application

Planning Authority: Cork County Council  
Planning Authority Reg. No: 15/00378  
Applicant: Eamon and Máirin Lankford  
Planning Authority Decision: To refuse permission

### Appeal

Appellants: Eamon & Máirin Lankford  
Type of Appeal: First party v decision  
Observers: None

Date of Site Inspection: 25 November 2015

**Inspector:** Brendan Wyse

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.1** The site is located in a rural area approximately 10kms north-west of Clonakilty. It is relatively elevated, at approximately 110m OD, and affords pleasant views to the south over the surrounding countryside and across the shallow valley of the River Argiddeen. The area is generally characterised by good farmland with associated farm buildings and houses.
- 1.2** The site has a stated area 0.041 hectares and comprises the house, outbuildings and immediate curtilage. The house on the opposite side of the road, and its curtilage, is outlined in blue on one of the site layout plans submitted with the application and included within the red line area on another. On the basis of the site area stated the former appears to be the correct representation for the purposes of the application – the adjacent house clearly also being in the applicants ownership.
- 1.3** The site is part of a large sloping grassed field. The local road is narrow (carriageway c. 3m wide), has quite a steep gradient and there are gentle bends north and south of the site.

## **2.0 THE DEVELOPMENT**

- 2.1** The development consists of the following:
- A one-bedroom, single storey, house stated to have previously been a derelict outbuilding.
  - Two new outbuildings, one a utility storage unit, the other a boiler house.
  - Paving, decking and retaining/boundary walls.
  - A proprietary waste water treatment system (WWTS). Public mains water supply.
  - Use as a holiday home.
  - Application documentation includes; Irish Agreement Board Certificate for WWTS, quotation and performance data for same.

## **3.0 PLANNING HISTORY**

None of relevance.

## **4.0 PLANNING AUTHORITY DECISION**

### **4.1 Planning and Technical Reports**

#### **4.1.1 Planners Reports (Area & Senior Planner)**

Includes:

- In policy terms the development of a holiday home at this location would be borderline.
- The major issue is that the applicants are effectively seeking to sub-divide this unit from the principal dwelling located across the road.
- The site is sub-standard in terms of area.
- While it is not clear how wastewater is being disposed of it is not considered that the development is likely to give rise to significant impacts on the Countmacsherry Estuary SAC (001230), given its scale and the intervening distance.
- Recommendation as per planning authority decision (see below).

#### **4.1.2 Area Engineer**

Includes:

- Local secondary road (L-8590-0) is narrow and steep and not ideal for increased levels of traffic.
- Nearest public mains water supply on nearby road approximately 60 metres away. Probable that house is serviced from existing dwelling across the road.
- No information on WWTS or standards it satisfies. Site is much too small. No indication as to what/where percolation is provided.
- Concerns re overdevelopment and traffic.
- Recommendation as per planning authority decision (see below).

#### **4.1.3 Liaison Officer**

Summarises issues raised in above reports.

### **4.2 Planning Authority Decision**

To refuse permission for the following reasons and considerations.

1. *It is considered that by reason of the restricted site area, the dwelling would represent overdevelopment of a small, restricted site, which would be out of character with the surrounding development and would seriously injure the amenities of the area and of adjoining properties. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development, in conjunction with existing and permitted development in the area, would result in an unacceptable density of development in a rural area where public sewerage facilities are not available and would therefore be prejudicial to public health and contrary to the proper planning and sustainable development of the area.*

## **5.0 GROUNDS OF APPEAL**

Main grounds include:

- The applicants intend to sell the original house (adjacent across the road) and occupy the house the subject of the application, thus sub-dividing the original site.
- Both applicants have strong connections to the local area – details set out.
- The applicants are now elderly and need to sell the original house. If they are to continue to play an active role in the local community and enjoy health benefits of being in a quiet area it is essential that they retain the subject dwelling as a base for their research and writing.
- The property has been restored to a tasteful and unobtrusive design and they have lived there since 2006.
- As the description of a dwelling use is quite restrictive when making planning applications, the term “holiday home” had to be used, as it is not Mr. Lankford’s primary dwelling. The use constitutes something different from what is usually meant by a “holiday home”.
- It is not intended to create another holiday home (to let) but to sell the house (across the road) because the applicants need the money to put aside for medical care and other eventualities as they grow older.

- By reference to development plan Policy RCI 4-5; Transitional Rural Area (g) the applicants son will in future be returning from Australia to take up residence in the dwelling and to care for his parents.
- The applicants realise that current legislation requires the WWTS to comply with the EPA Code of Practice. They would be willing, should permission be granted, to submit a report from a suitably qualified engineer to demonstrate compliance or how it might be achieved.
- The applicants have demonstrated a social need to live, even if only part-time, in this local rural area.

## **6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL**

### **6.1 Planning Authority Response**

No further comment.

### **6.2 Prescribed Bodies**

The Board invited submissions/observations from The Heritage Council; Department of Arts Heritage and the Gaeltacht; and An Taisce.

No responses received.

## **7.0 POLICY CONTEXT**

### **7.1 Cork County Development Plan 2014**

Relevant Policies include:

#### **(a) Holiday Homes**

##### **RCI 7-3: Small scale Rural Business/Tourism Initiatives.**

*Encourage small scale rural business/tourism initiatives, such as the renovation of barns, outhouses or other existing structures for owner run agri-tourism/rural business use as short-term holiday home accommodation, subject to normal planning considerations, in particular site suitability with regard to waste water disposal, safe access, design and provided other specific objectives of the Plan are not compromised.*

## **(b) Rural Housing**

### **RCI 2-2: Rural Generated Housing**

*Sustain and renew established rural communities by facilitating those with a rural generated housing need to live within their rural community.*

Site is located in a Transitional Rural Area.

### **RCI 4-5: Transitional Rural Area**

*These rural areas are more distant from the major urban areas and the associated pressure from urban generated housing and exhibit characteristics of a weaker economic structure. Although, there are lower concentrations of population, there is a more stable population base and less evidence of persistent population decline than other parts of the County. Therefore, in order to adopt a positive approach to facilitating the genuine rural generated housing needs of the local community based on their social and/or economic links to a particular local rural area, it is an objective that applicants must demonstrate that their proposal complies with one of the following categories of housing need:*

- (a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm.*
- (b) Persons taking over the ownership and running of a farm on a fulltime basis, who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.*
- (c) Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.*
- (d) Persons working fulltime in farming, forestry, inland waterway or marine related occupations, for a period of over three years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.*
- (e) Persons whose predominant occupation is farming/natural resource related, for a period of over three years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.*
- (f) Persons whose permanent employment is essential to the delivery of social and community services and intrinsically linked*

*to a particular rural area for a period of over three consecutive years and who can demonstrate an economic and social need to live in the local rural area where they work, within which it is proposed to build a first home for their permanent occupation.*

- (g) *Returning emigrants who spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they proposed to build a first home for their permanent occupation, who now wish to return to reside near other immediate family members (mother, father, brother, sister, son, daughter or guardian), to care for elderly immediate family members, to work locally, or to retire.*

All of the above policies are informed by and based on the approach advised in Sustainable Rural Housing Guidelines, 2005.

**(c) Services**

**RCI 6-2: Servicing Individual Houses in Rural Areas**

*Ensure that proposals for development incorporating septic tanks or proprietary treatment systems comply with the EPA Code of Practice: Wastewater Treatment and Disposal Systems serving Single Houses (p.e. <10) or any requirements as may be amended by future national legislation, guidance, or Codes of Practice.*

**(d) Designated Sites**

*Provide protection to all natural heritage sites designated or proposed for designation under National and European legislation and International Agreements, and to maintain or develop linkages between these. This includes Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas, Statutory Nature Reserves, Refuges for Fauna and Ramsar Sites.*

Although not the closest (straight line distance) the potentially most significant designated sites in the general vicinity are the Countmacsherry SAC (site code 001230) and SPA (site code 004219) located approximately 15 kms to the east. The application site falls within the drainage catchment via the valley of the River Argiddeen.

**8.0 ASSESSMENT**

- 8.1** The main issues in this appeal can be dealt with under the following headings:

- Nature of the Application
- Foul Drainage
- Overdevelopment

## **8.2 Nature of the Application**

**8.2.1** As noted at Section 2.0 above, and as provided for in the statutory notices, the application as lodged with the planning authority and, therefore, as before the Board for determination, is for the retention of the converted, previously derelict outbuilding, for use as a holiday home.

**8.2.2** However, it appears from the grounds of appeal that the house is used, and is intended to be used, for permanent residency. The intention is to sell the original house (across the road) with the result that the two properties would be independent of each other.

**8.2.3** As a holiday home, and on the basis of development plan Policy RCI 7-3 [see Section 7.1(a) above], the proposal might, in principle, be acceptable. However, in the subject case, the policy would seem to require that the applicants continue to reside in the original house and that the entire would continue as a single planning unit, the venture being “owner run”. Given the information provided in the grounds of appeal this is clearly not the nature of the proposal in this instance.

**8.2.4** I consider, therefore, that permission should be refused for the development as a holiday home on the basis that it would contravene materially Policy RCI 7-3 of the development plan.

**8.2.5** It should be noted that even if the application, on the basis of the information contained in the grounds of appeal, was to be considered as a proposal for a house for permanent occupancy, it would not, in my view, satisfy the requirements of Policy RCI 4-5 [see Section 7.1(b) above]. Amongst other matters this policy is predicated on the proposed house being a first home in the area and the level of detail provided in relation to the applicant’s son returning to the area is entirely inadequate.

## **8.3 Foul Drainage**

**8.3.1** While some information has been provided on the WWTS installed on the site – Irish Agreement Board Certificate and some performance data – no information has been submitted on the suitability of the site/ground



conditions to accept and treat the discharge from the system. In this regard the aforementioned certificate includes the following:

*“The system should only be installed where the ground conditions and the water table levels are determined, by a competent authority, to be adequate to support the tank and to provide for disposal of the effluent in accordance with relevant regulations. The system should not be installed in unsuitable ground conditions”.*

**8.3.2** The relevant regulations referred to is, in effect, a reference to the *“Code of Practice – Wastewater Treatment Systems Serving Single houses (p.e.  $\leq 10$ )”*, EPA 2009, and as further referenced in the current development plan under Policy RCI 6-2 [see Section 7.1(c) above].

**8.3.3** The Code of Practice sets detailed requirements to ensure that houses in un-sewered areas are on suitable sites and have appropriate WWTS, correctly installed and maintained. In particular, it lays down stringent tests, and related assessments and standards, that must be carried out to demonstrate that the ground conditions on a given site are suitable. No such assessments have been included in this application and the suggestion that these matters could be addressed post permission is not acceptable.

**8.3.4** I concur with the planning authority’s Area Engineer, on the basis of the limited information provided, that the site appears to be too small. The WWTS is located, as shown on the site layout plan, at the perimeter of the site, beyond the paved area and retaining wall, and within a very restricted space and with no indication/evidence of a percolation area or where one might be accommodated.

**8.3.5** I consider, therefore, that permission should be refused on the basis of serious deficiencies in terms of foul drainage.

## **8.4 Overdevelopment**

**8.4.1** In so far as this is an issue, referred to in the planning authority’s first reason for refusal, I consider that it more properly relates to the issue of foul drainage and the related issue of restricted site area as dealt with at Section 8.3 above.

## **8.5 Appropriate Assessment (AA)**

**8.5.1** Having regard to the nature and scale of the proposed development in this instance I am satisfied that no AA issues arise. It is not considered that the proposed development would be likely to have a significant

effect, individually or in-combination with other plans or projects, on a European site.

## **9.0 Recommendation**

I recommend that permission be refused for the following reasons and considerations:

1. Having regard to the information included in the grounds of appeal submitted to the Board and, in particular, in relation to the proposed disposal of the applicant's existing house and the apparent use of the house the subject of the application for permanent occupancy, it is considered that the retention of the house as a holiday home would contravene materially Policy RCI 7-3 of the current Cork County Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the absence of any information on the suitability of ground conditions on the site for the treatment of foul effluent or the means for such treatment and the restricted site area it is considered that the retention of the development would be prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Brendan Wyse,**  
**Assistant Director of Planning.**

**December, 2015**

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