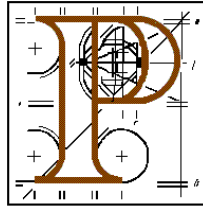


# An Bord Pleanála



## Inspector's Report

**Development:** Demolition of barn and stables and construction of dwelling at Lakenshoneen, Templehill, Carrigrohane, Co. Cork.

### Planning Application

Planning Authority: Cork County Council

Planning Authority Reg. Ref.: 15/6432

Applicant: Diane Keating

Type of Application: Permission

Planning Authority Decision: Refuse Permission

### Planning Appeal

Appellant(s): As above

Type of Appeal: First Party V Refusal

Observers: None

Date of Site Inspection: 5<sup>th</sup> April 2016

**Inspector: Kenneth Moloney**

## **1.0 SITE DESCRIPTION**

The appeal site is located in a rural area and is situated approximately 2 km north of Ballincollig. There is sporadic rural housing located in this rural area however the pre-dominant land-use is agriculture.

The site itself is elevated as the topography of the local area generally rises from the River Lee valley situated to the south of the appeal site. The site is located close to a local hill-top, i.e. Templehill, which has an elevation of 154 O.D. The size of the site is approximately 0.912 ha (2.25 acres) and the shape the site is irregular.

There is an established two-storey house on the appeal site with large front and side garden. There is a barn building and stable building situated to the rear of the existing house.

The gradient of the appeal site rises gradually from the public road and the barn and stable building are situated on higher ground than the two-storey house. There are established single storey houses situated either side of the appeal site.

## **2.0 PROPOSED DEVELOPMENT**

The proposed development is for the demolition of the existing barn and stables and the construction of a house, new vehicular entrance and domestic waste water disposal with all associated works.

The proposed house is set back approximately 93 metres from the public road. The proposed house is a two-storey house with an overall floor area of approximately 231 sq. metres. The ground floor plan comprises of living space, study and a bedroom and the first floor level comprises of four bedrooms. The maximum height of the proposed house is 8.4 metres above ground level.

The front elevation is to comprise of two distinct finishes. The majority of the front elevation will be finished in concrete block cavity wall with smooth plaster finish and the remainder will be finished in natural stone.

It is intended that the proposed house will use the existing vehicular entrance on the site which currently serves the established house on the site. It is proposed that a new vehicular entrance will serve the established house on the site and a new driveway will provide access to this entrance.

The proposed development includes the provision of a new boundary wall to subdivide the site.

The proposal includes the removal of an existing septic tank and installation of waste water treatment unit.

### **3.0 PLANNING AUTHORITY'S DECISION**

The Planning Authority decided to refuse planning permission for the following reason;

1. The site for the proposed development is located within the Metropolitan Cork Greenbelt, as designated in the Cork County Development Plan, 2014, wherein it is the policy of Cork County Council to restrict rural housing development to certain limited categories of applicants. It is also with an 'Area under Strong Urban Influence' as defined in the Sustainable Rural Housing, Guidelines for Planning Authorities', issued by the Department of the Environment, Heritage and Local Government in April, 2005. It is considered that the applicant does not come within the scope of the exceptional rural generated housing need criteria, as set out in Policy RCI 4-1 of the said plan. The proposed development would, therefore, contravene the provisions of the said plan, would be contrary to the provisions of the Guidelines and would be contrary to the proper planning and sustainable development of the area.

Internal Reports: There is one internal report on the file:

- Area Engineer; - Additional information sought in relation to (a) sightline provision, (b) foul drainage, (c) utility pole location and (d) storm water details.

Objections: There are no third party objections on the planning file.

Submissions: There is a submission from Irish Water who have no objections.

### **4.0 PLANNING HISTORY**

- None

### **5.0 DEVELOPMENT PLAN**

The operational development plan is the Cork County Development Plan, 2014 – 2020.

Section 4.4 of the County Development Plan sets out the 'Categories of Rural Generated Housing Need' and the appeal site is located within the Metropolitan Cork Greenbelt.

Policy Objective RCI 4-1 sets out the categories of housing need that are compliant with this area.

The relevant policies in relation to the proposed development include;

Policy RCI 5-1 – Maintain Greenbelt

Policy RCI 5-4 – Exceptions over a period of time will eventually erode the Greenbelt  
Policy RCI 6-4 – Occupancy Conditions

Chapter 13 relates to Green Infrastructure and Environment and the following policies are relevant;

Policy GI 6-1 – Landscape  
Policy GI 8-1 – Greenbelt

The County Development Plan provides for designated Scenic Routes and areas of High Value Landscape. The local road onto which the appeal site faces onto is not a designated 'Scenic Route'. The appeal site is not located within an area designated as a 'High Value Landscape'.

## **6.0 NATIONAL POLICY**

### Sustainable Rural Housing Guidelines

The subject site is located within an 'Area under Strong Urban Influence' as identified in Map 1: Indicative Outline of the NSS rural areas types in the DOEHLG Sustainable Rural Housing Guidelines for Planning Authorities, 2005.

## **7.0 GROUNDS OF APPEAL**

The following is the summary of an appeal submission from the first party appellant;

- The applicant currently lives with her parents in the family home which adjoins the appeal site.
- The applicant has lived in the family home for the last 18 years.
- The applicant attended national and secondary school locally.
- The applicant has family connections to the local area (Woodside) including grandparents who lived and farmed locally for the last 100 years.
- The applicant has an aunt who teaches locally at Cloghroe National School and an uncle who farms 140 acres at Woodside.
- The applicant is a member of the local Macra na Feirme branch and Muskerry Hunt Club.
- Currently the applicant is studying Art at Crawford College and takes inspiration from the local landscape.
- It is submitted that being in the natural environment provides inspiration for the applicant's studies and increases the chances of success as an artist.
- It is submitted that residing within close proximity to family members provides a support network.
- The applicant submits that she is compliant with Policy Objective RCI 4-1 of the County Development Plan as (a) the applicant is a daughter of a family living locally for 18 years, (b) the applicant wishes to build a

house for permanent occupation and (c) the applicant has lived locally since 1998.

- It is submitted that Policy Objective RCI 4-1 of the County Development Plan does require full-employment in local area as required criteria.
- The applicant has lived locally in the area in excess of the required 7 years.
- It is submitted as a graduate of Fine Art her career path does not take a defined path.
- It is submitted that the studies for an artist is life long and discounting the applicant's eligibility for a rural houses on the basis non-completion of studies is unjust and outside the criteria as set in Development Plan objective RC1 4-1.
- The necessity to complete studies is not set in the criteria of Policy Objective RC1 4-1.
- It is contended that living in a rural area with the support of family network will allow the applicant the latitude and stimuli to pursue a career as an artist.
- It is not stated in the County Development Plan or the Sustainable Rural Housing Guidelines, 2005, that in order to be considered for a housing need that applicant's cannot be in full-time education.
- Education practices and education systems have changed significantly in recent years to the extent that art students can spend a considerable amount of time remotely from their institution.
- Currently the applicant's studio is a borrowed space in her parent's house.
- The submission includes evidence of her address and also images of her work.

## **8.0 RESPONSES**

### **Second Party Response**

The following is the summary of a response submitted by the local authority;

- The applicant's parent's landholding is small.
- The applicant's length of time living in the area and her family connections to the area are not disputed.
- The site is located within the Cork Metropolitan Green Belt and the relevant rural housing policy is set out in RCI 4-1 of the County Development Plan.
- All aspects of the individual housing need are required to be addressed.
- One aspect not addressed is that the house is for the applicant's permanent occupation as such she would not have exceptional housing need based on her circumstances at this current time.
- A period of 7 years residence prior to the application is not solely sufficient to satisfy housing need.

- There is no supporting documentation that artists require an independent rural dwelling to further their careers / studies.

Additional note

- Planning application ref. 15/5918, is under first party appeal (appeal ref. 245759) for a house for a secondary school student. The area in question is designated as an area under strong urban influence.

## **9.0 ASSESSMENT**

The main issues to be considered in this case are: -

- 9.1 Principle of Development
- 9.2 Ribbon Development
- 9.3 Visual / Landscape
- 9.4 Access
- 9.5 Appropriate Assessment
- 9.6 Other Issues

### **9.1 Principle of Development**

A key consideration in this appeal relates to the applicant's rural housing need in the area and as such whether this housing need complies with the provisions of the Cork County Development Plan, 2014 – 2020, and the Sustainable Rural Housing Guidelines, 2005.

The applicant has outlined the full details of her rural housing need in her appeal submission and I have summarized these points in Section 7.0 above.

I would note that Figure 4.1 of the Cork County Development Plan, 2014 – 2020, sets out the rural area types and the appeal site is located in the area designated 'Metropolitan Cork Greenbelt'. Section 4.4.3 of the Cork County Development Plan, 2014 – 2020, sets out the criteria required to be met in order to be considered eligible for a one off rural house in the 'Metropolitan Cork Greenbelt'. The local need criterion includes the following;

- *Farmers, including their sons and daughters who wish to build a first home for their permanent occupation on the family farm.*

This is not the case.

- *Persons taking over the ownership and running of a farm on a full-time 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.*

This is not the case.

- *Other persons working full-time in farming, forestry, inland waterway or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.*

This is not the case.

- *Landowners including their sons and daughters who wish to build a first home for their permanent occupation on the landholding associated with their principle family residence for a minimum of seven years prior to the date of the planning application.*

This is the applicant's strongest case. On the basis of the information available I would be satisfied that the applicant is a local rural person with strong family and social connections to the local area. I also note from the basis of the information available that the applicant's family owns the land in question for period exceeding 7 years. However in order to obtain permission to build a house in this area an applicant must have an exceptional rural generated housing need and this includes both family and/or employment links. The applicant has no employment links to the land but argues that as an Art student she take inspiration from the landscape and this with local family support will provide her with the stimuli to pursue a career in Fine Art. This may well be the case however I would consider that the Local Authority's response in relation to this point robustly argues that there is no supporting documentation from the applicant that demonstrates that art students require an independent rural dwelling to further their career/ studies.

I would consider, having regard to both submissions, that rural housing is based on need and this is demonstrated by the need to be in a rural area due to employment and/or family needs. I am not convinced that the applicant needs to live specifically in this rural area to pursue a career in Art as opposed to a small rural settlement / village which also provides a connection to landscape. In addition there are several small settlements within close proximity to the applicant's family home and also to the applicant's wider family connections that would be convenient to family support. Overall having regard to the pressure for rural housing in this particular area which is within the commuting catchment given its proximity to large urban areas, including Cork City, I would not be satisfied that the applicant has an exceptional rural generated housing need in accordance with the provisions of Policy Objective RCI 4-1 of the Cork County Development Plan, 2014 – 2016.

### **Ribbon Development**

I noted from a visual observation of area that there are four consecutive houses on one side and the public and the appeal site is located between two of these houses therefore potentially giving rise to a line of five houses.

The Sustainable Rural Housing Guidelines, 2005, recommend against the creation of ribbon development due to road safety, future demands for provision of public infrastructure as well as visual impacts. The guidelines state that ribbon development is referred to as that which is *'located on the edges of cities and towns and will exhibit characteristics such as high density of almost continuous road frontage type development, where 5 or more houses exist on any side of a given 250 metres of road frontage'*. The Guidelines further state that whether a given proposal will exacerbate such ribbon development will depend on (a) the type of rural area and the circumstances of the applicant, (b) the degree to which the proposal might be considered infill, (c) the degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.

I would note that should planning permission be granted then there would be five houses with an overall road frontage of 190 metres. As referred to above the appeal site is located within the Metropolitan Cork Green Belt and County Development Plan Policy Objective RCI 5-2(a) is relevant at this instance. This policy states in relation to the Green Belt that *'maintaining the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built up areas, to focus attention on lands within settlements which are zoned for development and provide for appropriate land uses that protect the physical and visual amenity of the area'*.

I would consider that given the existing housing in the area that areas of ribbon development would coalesce as a result of the proposed development. I would therefore consider that the proposed development would exacerbate ribbon development in the area, would be contrary to County Development Plan Policy objective RCI 5-2(a) and would set an undesirable precedent for other such development in the area and would be contrary to the proper planning and sustainable development of the area.

### **Visual / Landscape**

I would note from the provisions of the County Development Plan that the appeal site or its immediate environment is not afforded any landscape protection by means of a designated 'Scenic Route' or a 'High Value Landscape' designation. Nonetheless the landscape in question has strong rural character and is relatively elevated in relation to the surrounding area. I would consider that having regard to the following (a) the set-back distance of the proposed house from the public road, (b) the existing two-storey height of the buildings on the site to be removed, and (c) the established mature vegetation on the site that the site could adequately absorb the proposed development without degrading the landscape character and adversely impacting on visual amenities of the local area.



## **Access**

The application drawings indicate a 70m sightline distance for both the proposed entrance and the existing entrance. I would note that the Area Engineer's report, dated 24<sup>th</sup> November 2015, recommends a sightline provision of 90m in each direction, from 2.4m back from the public road, for both vehicular entrances. Although there is an established vehicular entrance at the site an additional vehicular entrance would result in intensification to the public road and therefore requiring a 90m sightline provision for both vehicular entrances would be justified in my view.

The proposed new entrance to serve the established house and the sightline provisions recommended by the Area Engineer would require extensive removal of existing roadside boundary. I noted from my site inspection in a northern direction from the existing entrance there was a bend on the public road and this may restrict visibility. In a southern direction from the appeal site there was also a bend on the public road however this bend was situated a further distance from the appeal site than the bend in the northern direction.

Overall I would consider that there is insufficient information on the file to determine whether the appropriate sightline provisions can be achieved and having regard to the substantial reasons outlined above I would not recommend that the Board seek additional information.

## **Appropriate Assessment**

Having regard to the nature and scale of the development proposed, to the nature of the receiving environment and the likely effluents arising from the proposed development I recommend that no appropriate assessment issues arise.

## **Other Issues**

I would note that the Area Engineer illustrates that there is insufficient information available in relation to foul drainage and storm drainage. These issues would need to be addressed before considering a grant of permission.

## **10 RECOMMENDATION**

I have read the submissions on the file, visited the site, had due regard to the development plan and all other matters arising. I recommend that planning permission be refused for the reasons set out below.

### **REASONS AND CONSIDERATIONS**

1. The proposed development is located in an area designated as a rural area under strong urban influence in the Sustainable Rural Housing Guidelines for Planning Authorities (Department of Environment, Heritage and Local Government 2005) and within the Metropolitan Cork Greenbelt as designated in the Cork County Development Plan,

2014 - 2020. National and local policy seeks to restrict housing in unserviced rural areas to applicants who have demonstrated a genuine need to live in such areas. The applicant has not demonstrated an exceptional rural housing need in relation to the subject site, the proposed development would consolidate a pattern of urban sprawl and lead to demands for the uneconomic provision of public services in an unserviced rural area and would be contrary to Policy Objectives RCI 5-1 of the Cork County Development Plan, 2014 – 2020, and therefore, be contrary to the proper planning and sustainable development of the area.

2. It is the policy of the planning authority as set out in the current development Plan to control urban sprawl and ribbon development. This policy is considered to be reasonable. The proposed development would be in conflict with this policy because, when taken in conjunction with existing and permitted development in the vicinity of the site, it would consolidate and contribute to the build-up of ribbon development in an open rural area. This would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Kenneth Moloney  
Planning Inspector  
15<sup>th</sup> April 2016