



An
Bord
Pleanála

Inspector's Report

Development	Dwelling, treatment plant, well and entrance at Ballynalouhy, Ballinhassig, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	16/4744
Applicant	James Walsh
Type of Application	Outline permission
Planning Authority Decision	Refuse
Appellant	James Walsh
Type of Appeal	1 st Party v. Refusal
Observer(s)	None
Inspector	Pauline Fitzpatrick
Date of Site Inspection	02/09/16

1.0 SITE LOCATION AND DESCRIPTION

- 1.1. The site, which has a stated area of 0.02 hectares, is in the townland of Ballnalouhy c. 4km to the south of Ballinhassig, c. 8km to the north of Kinsale and c. 15 km to the south of Cork City centre. It is accessed via a local road from the R607 Kinsale Road. The said local road which provides access to Riverstick is noted to be relatively lightly trafficked.
- 1.2. The site is roughly triangular in shape tapering to narrow points to the west and north. Save for a post and wire fence along the east hedgerows delineate the site boundaries. There are two dwellings to the east of the site with a dwelling on the opposite side of the road. A field access to lands to the north separates the site from the nearest dwelling to the east.

2.0 PROPOSED DEVELOPMENT

- 2.1. Outline permission is being sought for a dwelling served by an effluent treatment plant and well.
- 2.2. In terms of site characterisation a T-value of 17.50 was recorded with no water noted in the trial hole.
- 2.3. The applicant resided in Ballinhassig in 2007-2008. He is from Kinsale, is employed in the town and has been living with family in Kinsale for the last two years. He previously owned and lived in a house in Garryvoe. This has been sold as part of divorce proceedings. The applicant is stated to work in the community and his son is involved in groups and clubs in the area.

The site owner has given consent to the lodgement of the application.

3.0 **PLANNING AUTHORITY DECISION**

3.1. **Decision**

The Planning Authority decided to refuse outline permission for the above described development on the grounds that the applicant does not comply with policy objective RC1 4-2 and therefore does not have a genuine rural generated housing need.

3.2. **Planning Authority Reports**

The **Executive Planner's** report notes that permission has been refused 5 times on the site to various applicants. The applicant has not resided in the area for a minimum of 7 years as required by development plan policy RC1 4-2 and is not eligible for a dwelling as this location. A refusal of outline permission for one reason is recommended.

The **Senior Executive Planner's** report endorses the above recommendation.

3.3. **Other Technical Reports**

The **Area Engineer** notes that sight distances to the east cannot be achieved without the removal of the roadside boundary ditch and a tree in the corner of the site. Treatment of the significant drainage ditch inside the roadside boundary has not been dealt with. Ground conditions would indicate poor subsoil drainage. A request for further information is recommended.

The **Liaison Officer** report concurs with the Planner's refusal recommendation.

Irish Water has no objection.

3.4. **Third Party Observations**

None.

4.0 PLANNING HISTORY

Reference is made in the Executive Planner's report to 5 refusals of permission on the site to various applicants between 1998 and 2009.

5.0 POLICY CONTEXT

Cork County Development Plan

Section 4 addresses rural housing. The site is within a rural area identified as being under strong urban influence.

Objective RCI 4-2 – in rural areas under strong urban influence applicants must satisfy the PA that their proposal constitutes a genuine rural generated housing need based on their social and/or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of a number of categories of housing need including:-

(d) persons who have spent a substantial period of their lives (ie. over seven years) living in the local rural area in which they propose to build a first home for their permanent occupation.

Section 4.6 of the Plan sets out the general planning considerations for rural housing.

6.0 THE APPEAL

6.1. Grounds of Appeal

The 1st Party grounds of appeal against the planning authority's notification of decision to refuse permission can be summarised as follows:

- The applicant complies with policy objective RC1 4-2 and has a genuine rural generated need.
- He grew up and lived a few miles from the appeal site until 2010. He is from Kinsale and is living back in the town for the last two years with family members. He has sufficient connection with the area of the site.
- The appeal site is close to family.
- He contributes to the economic life of the general area through the services he provides
- He previously lived in Ballinhassig for two years.
- He, with his son have a dwelling need arising from personal circumstances. He owned and lived in a house in Garryvoe from 2010 until 2014. The house is being sold as part of divorce proceedings.
- The site is suitable for waste water disposal and adequate sight distances can be provided.

6.2. **Planning Authority Response**

No response received

6.3. **Observations**

None

7.0 ASSESSMENT

I consider that the issues arising in the appeal can be dealt with under the following headings:

- Compliance with Settlement Location Policy
- Site Servicing
- AA- Screening

7.1. Compliance with Settlement Location Policy

- 7.1.1. The site is within a rural area identified as being under strong urban influence in the current County Development Plan. In view of the site's relative proximity to Cork City and its obvious attractiveness for urban generated housing demand this designation is considered to be entirely reasonable. Proposals for housing in such areas must comply with the criteria set out in development plan objective RCI 4-2 in terms of genuine rural generated housing need.
- 7.1.2. From the details accompanying the application and appeal the applicant who is from Kinsale lived in the town until 2010. Due to divorce proceedings the house he owned and lived in Garryvoe is being sold and he and his son returned to live in Kinsale with family two years ago. The applicant is not related to the site owner.
- 7.1.3. Whilst I empathise with the applicant's personal circumstances the current Development Plan is quite clear as to the criteria that must be met in terms of genuine rural generated housing need. Kinsale, at a distance of approx. 8 km, cannot be considered to be local to the appeal site. Whilst I note reference on the supplementary planning application form to the fact that the applicant resided in Ballinhassig for two years in 2007 this falls materially short of the 7 year period stipulated for which applicant must have lived in the local rural area. In addition I note that the proposed dwelling would not be the applicant's first home in view of the

fact that he owned a house in Garryvoe notwithstanding the circumstances dictating its sale.

- 7.1.4. Whilst I accept that the applicant may have a genuine housing need this need is not rural generated and is not related to the particular local rural area in question. To allow for a dwelling in this instance would contravene materially development plan RCI 4-2 and would set an undesirable precedent for similarly justified development.
- 7.1.5. Whilst the proposal would not result in a pattern of ribbon development as defined in both the County Development Plan and the Rural Housing Guidelines (5 houses on one side of a 250 metre stretch of road) I submit that taken with the existing development in the immediate vicinity (2 no. dwellings immediately to the east and 1no. on opposite side of the road) the proposal would exacerbate and consolidate a trend towards the establishment of a pattern of haphazard rural housing in an unzoned rural area and would lead to an erosion of the rural and landscape character of this area.

7.2. Site Servicing

- 7.2.1. As per the site characterisation form accompanying the application no water was noted in the trial hole with a T value of 17.50 calculated. Although overgrown in the location of the effluent treatment's location ground conditions were noted to dry underfoot with vegetation reflective of reasonable drainage characteristics. The density and concentration of development served by individual treatment systems in the vicinity is not considered to be a specific concern in this instance. Therefore I am satisfied that sufficient detail has been provided to support the assertion that effluent can be satisfactorily treated and disposed of on site.
- 7.2.2. The proposed access is to be located in the south-eastern most corner immediately adjacent to an field entrance serving the agricultural lands to the north and the access serving the nearest dwelling. Sight distances in a westerly direction are

good whilst a tree and the roadside hedgerow would be required to be removed to improve sight lines to the east. The road was noted to be lightly trafficked on day of inspection. Subject to the identified interventions I am satisfied that the site can be accessed without giving rise to a traffic hazard.

7.3. AA –Screening

- 7.3.1. The nearest designated site is the Cork Harbour SPA c. 13 km to the east. The qualifying interests for same include a series of migratory and wetland bird species. Detailed conservation objectives have been drawn up for the site the main objective being to maintain or restore the favourable conservation status of habitats and species of community interest so as to contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.
- 7.3.2. Taking into consideration the small scale nature of the development as proposed and the relative separation between the sites it is reasonable to conclude on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and in particular specific site number 004030 in view of the site's conservation objectives and an appropriate assessment (and submission of a NIS) is not therefore required.

8.0 RECOMMENDATION

- 8.1. Having regard to the documentation on file, the grounds of appeal, a site inspection and the assessment above I recommend that outline planning permission be refused for the reasons and considerations as set out below.

REASONS AND CONSIDERATIONS

1. The site is located in a “Rural Area under Strong Urban Influence” in the current County Cork Development Plan and 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 an objective of the planning authority, as expressed in the current Development Plan, to channel housing into serviced centres and to restrict housing development in rural areas under significant urban pressure to those people who can demonstrate a genuine need to live in the countryside. This objective is considered reasonable. The Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that the applicant has demonstrated that he comes within the scope of the housing need criteria in the Development Plan.
2. Having regard to the pattern of development in the immediate vicinity, and to the location of the proposed site in an area under strong urban pressure, it is considered that the proposed development would exacerbate and consolidate a trend towards the establishment of a pattern of haphazard rural housing in an unzoned rural area and would lead to an erosion of the rural and landscape character of this area. Furthermore, having regard to the nature of the proposed development, it is considered that it would lead to increased demands for the uneconomic provision of public services and facilities, where these are neither available nor proposed in the said Development Plan. The proposed

development would, therefore, be contrary to the proper planning and sustainable development of the area.

Pauline Fitzpatrick
Inspectorate

September, 2016

Attachments

1. Photographs
2. Extracts from the Cork County Development Plan, 2014