



An  
Bord  
Pleanála

## Inspector's Report PL04.247691

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<b>Development</b>	House, entrance, wastewater treatment unit and percolation area
<b>Location</b>	Knocknasuff, Waterloo, Blarney, Co. Cork.
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	16/6264
<b>Applicant(s)</b>	Sean Sexton
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Sean Sexton
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	8 <sup>th</sup> February 2017
<b>Inspector</b>	Fiona Fair

## 1.0 Site Location and Description

- 1.1. The appeal site (0.3355 ha) is located in the townland of Knocknasuff circa 1.7 kilometres to the north of the centre of Blarney town. West of Waterloo Road and the N20 Cork to Mallow Road.
- 1.2. The site is located off the west side of the L-27731-0 local road which has a restricted carriageway width and is in a very poor state of repair. The county road is wide enough for only one vehicle to transverse slowly at any one time, with grass growing along its raised centreline and with pot holes and gravel sides falling away to high ditch embankments on both sides.
- 1.3. The site comprises part of an open agricultural field which is for the most part flat and level with the public road. The north eastern roadside boundary comprises a mature hedgerow with sporadic trees. The site is open along its other boundaries as it is centred in the middle of the existing larger agricultural field.
- 1.4. The surrounding area comprises rural countryside, while some single rural dwellings and dwellings associated with farm holdings are located to the south east. There is no dwellings or other structures in the vicinity of the appeal site. Further along the county road to the west lies some disused farm buildings and farm sheds.

## 2.0 Proposed Development

- 2.1. The proposal comprises permission for:
  - A dormer dwelling house (117.03 sq. m)
  - Entrance
  - Waste water treatment unit and percolation area
  - Associated site works.

The following information is attached to the File:

- A letter of consent from the owner of the site is attached.
- A Land Ownership Map, scale 1:5000, indicating adjoining lands in the ownership of the landowner.
- A Site characterisation Report. Stated average P 28.81 and Average T -25.58

- A supplementary planning application form SF1 and further supplementary letters in support of the application. Letters from Blarney GAA and Blarney Credit Union, stating that the applicant of 6, Millstream Row, Blarney Co. Cork is a member.
- A letter from the applicant himself, setting out that the applicant's family do not own the landholding. The applicant states that he was originally from the Donoughmore area, where he lived with his wife and children for 17 years. He separated from wife in 2005, has lived in Blarney for the last number of years and works as a mechanical fitter in Ringaskiddy. The applicant has health issues and cannot afford a house within the settlement boundary of Blarney. The landowner is a friend who has agreed sale of the site for a nominal fee.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission was refused for one number reason which states:

'The application site is located in The Cork Metropolitan Greenbelt as identified in the current Cork County Development Plan 2014 wherein it is the policy of the Planning Authority to restrict rural housing development to certain limited categories of applicants. Based on the information submitted with the application, the Planning Authority is not satisfied that the applicant has demonstrated that they come within the scope of the housing need criteria for a dwelling at this location as set out in Cork County Development Plan 2014 under objective RCI 4-1. The proposed development would, therefore, contravene this objective with regard to the provision of sustainable rural housing and would be contrary to the proper planning and sustainable development of the area'.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Report:**

It is considered that the applicant is not engaged in either full time or part time farming / agriculture, is not from the local area, does not have any connections to the local rural area and does not own the landholding or is not related directly to the landowner where the subject site is located. The applicant has not demonstrated that he qualifies for a dwelling at this location in this local rural area and therefore does not comply with the requirements set out as part of Policy RCI 4-1 of the Cork County Development Plan 2014.

### **3.3. Other Technical Reports:**

- Cork National Roads Office: No objection
- Liaison Officer Report: A refusal is recommended
- Area Engineer: Additional information requested in relation to sightlines and location of wastewater treatment systems and bored wells within 250m of the proposed development.

### **3.4. Third Party Observations**

None.

## **4.0 Planning History**

4.1. None.

## **5.0 Policy Context**

### **5.1. Development Plans**

Cork County Development Plan 2014

CS4-1 County Metropolitan Cork strategic planning area

RCI 1-1 Rural communities

RCI 2-1 Urban generated housing

RCI 2-2 Rural generated housing

RCI 4-1 Metropolitan Cork Greenbelt

RCI 6-1 Design and landscaping of new dwelling houses in rural areas

RCI 6-2 Servicing individual houses in rural areas

RCI 6-4 Occupancy conditions

TM3-2 Regional & Local Roads

GI6-1 Landscape

GI7-1 General views and prospects

## 5.2. **Natural Heritage Designations**

The appeal site is not subject to or approximate to any natural heritage designations.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The issues raised, within the First party appeal from Matt Fitzpatrick Architectural Development on behalf of the applicant Sean Sexton, are summarised as follows:

- Cork County Council have incorrectly characterised the site location as being in the 'Metropolitan Green Belt' area instead of 'Town Green Belt' area. Thus the reason for refusal is not valid.
- The applicant has demonstrated that he has a housing need in accordance with the Development Plan, in particular Policy RCI-4-2 .
- The Metropolitan Green Belt area RCI-1 is mainly restricted to farmers of the associated lands and their families.
- Town Green Belt Area RCI-2 is for farmer and local housing need applicants.
- The applicant has lived in the adjacent townland, Knocknacorbally, Blarney from 1998 – 2005 with his wife and children.
- The old family home is less than 1 Kilometre from the proposed site
- He is currently separated and living in rented accommodation in Blarney Village
- The applicant has multiple health issues
- Purchasing a property in the area is too expensive

- The owner of the landholding is a family friend who has agreed a nominal fee for the site.
- Critical the applicant remains / lives in the Blarney area, close to his support network, and friends.

## 6.2. **Planning Authority Response**

None.

## 7.0 **Assessment**

7.1. I consider the key issues in determining this appeal are as follows:

- **Principle of the Development and Compliance with Policy**
- **Access and Traffic Safety**
- **Appropriate Assessment**

## 7.2. **Principle of the Development and Compliance with Policy**

The draft reason for refusal by the planning authority, set out in detail in section 3.1 of this report, considers that the application site is located in 'The Cork Metropolitan Greenbelt' as identified in the current Cork County Development Plan 2014. It is considered that the applicant has not adequately demonstrated a genuine housing need in accordance with the criteria set out in the Cork County Development Plan. 2014 under objective RCI 4-1 wherein it is the policy of the Planning Authority to restrict rural housing development to certain limited categories of applicants.

The first party appeal contends that Cork County Council have incorrectly characterised the site location as being in the 'Metropolitan Green Belt' area instead of 'Town Green Belt' area. Thus the reason for refusal is not valid. The applicant submits that he has a housing need in accordance with the Development Plan, in

particular Policy RCI-4-2 'Rural area under Strong Urban Influence and Town Greenbelts', given his multiple health issues and links with the area.

The rural settlement strategy in the Cork CDP 2014 has divided the country into a number of different rural area types. Cognisance being had to the CDP Map of Rural Housing Policy Area Types and to Figure 4.1 Rural Housing Policy Area Types of the written statement, it is clear, that the appeal site is located with the area designated 'Metropolitan Green Belt' / 'Metropolitan Cork Greenbelt'. I see no evidence to support the first party appeal submission that the site is located within the area designated 'Town Greenbelt' area.

Given the location of the appeal site within the Metropolitan Cork Greenbelt, I agree with the planning authority that the corresponding objective is correctly RCI 4-1.

Which states:

'The Metropolitan Cork Greenbelt is the area under strongest urban pressure for rural housing. Therefore, applicants shall satisfy the Planning Authority that their proposal constitutes an exceptional 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 the following categories of housing need:

- a) Farmers, including 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) Other persons working fulltime 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.

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

In circumstances, where a family land holding is unsuitable for the construction of a house, consideration may be given to a nearby landholding where this would not conflict with Objective GI 81 and other policies and objectives in the plan.

The total number of houses within the Metropolitan Greenbelt, for which planning permission has been granted since this plan came into operation on a family farm or any single landholding within the rural area, will not normally exceed two'.

Based on the information submitted with the application, I agree with the planning authority that the applicant has not demonstrated that he comes within the scope of the housing need criteria for a dwelling at this location as set out under objective RCI 4-1. The proposal is speculative, the applicant who currently resides within the development boundary of Blarney is proposing to purchase the site, he has not demonstrated adequate social and / or economic links to this particular rural area. The proposed development would, therefore, contravene objective RCI 4-1.

The appeal site is located within an Area Under Strong Urban Influence, as identified 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 housing need criteria as set out in the Guidelines or the Development Plan for a house at this location.

The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment / Greenbelt and the efficient provision of public services and infrastructure. The proposed



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

### 7.3. **Traffic Hazard**

A new entrance is proposed off the west side of the L-27731-0 local road which has a restricted carriageway width and is in a very poor state of repair. Two cars cannot pass simultaneously along the road and pull in opportunities are few.

From my site visit, it is clear, that the nature of the public road is substandard. I would have serious concern with respect to traffic safety given the winding nature, high ditch embankments on both sides of the road and lack of pull in or overtaking opportunities.

While it appears that the road is at present a lightly trafficked, low speed road, I have concern with respect to the precedent which would be established for additional traffic and turning movements along a particularly poor substandard stretch of this roadway, should permission be granted.

Inadequate sightlines are indicated on the plans and drawings submitted. The area engineer has requested further information with respect to sightlines.

I note the submission that the landowner has consented to hedge cutting and set back of the roadside boundary to achieve greater sightlines at the entrance.

I am of the opinion that the issue in this instance is the seriously substandard nature of the public road. The site is located on a minor road which is seriously substandard in terms of width and alignment. The traffic generated by the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users.

#### **7.4. Appropriate Assessment (AA)**

The appeal site is not subject to or approximate to any natural heritage designations.

Having regard to the nature and scale of the proposed development and nature of the receiving environment and proximity to the nearest European site, no Appropriate Assessment issues arise and 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.

#### **8.0 Recommendation**

- 8.1. I recommend that planning permission should be refused for the reasons and considerations as set out below.

#### **9.0 Reasons and Considerations**

1. Having regard to the location of the site within an 'Area Under Strong Urban Influence', as identified, in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government, in April 2005, and in the 'Metropolitan Cork Greenbelt', as identified, in the Cork County Development Plan 2014 – 2020 (Fig 4.1), wherein it is the policy of the Planning Authority (under objective RCI 4-1) to restrict rural housing to persons demonstrating local need, in accordance, with the current Cork County Development Plan. It is considered that the applicant does not come within the scope of the housing need criteria, as set out, in the Guidelines or the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment / Greenbelt and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to objective RCI 4-1 and would be contrary to the proper planning and sustainable development of the area

2. The site is located on a minor road which is seriously substandard in terms of width and alignment. The traffic generated by the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users.

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Fiona Fair

Planning Inspector

27.02.2017