



An
Bord
Pleanála

Inspector's Report PL04.247755.

Development	Dwelling house, domestic garage and a domestic wastewater treatment system.
Location	Corran, Waterfall, Co Cork.
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	16/5935.
Applicant	Josh Barry.
Type of Application	Permission.
Planning Authority Decision	Refusal.
Type of Appeal	First Party versus decision.
Appellant	Joshua Barry.
Observer(s)	None.
Date of Site Inspection	16 February 2017.
Inspector	Stephen Rhys Thomas.

1.0 Site Location and Description

- 1.1. The appeal site is located in a rural location in the townland of Corran. Corran is about 6 kilometres north west of Ballinhassig and approximately 13 kilometres south west of Cork city centre.
- 1.2. The site is situated along a minor country road which terminates at a farmstead. There is upwards of 17 dwellings along this narrow country road which is less than a kilometre in length. The site gently slopes down to the road and comprises a portion of a large agricultural field in grass. The roadside boundary of the site comprises a wide ditch and bank with some mature trees and a wide grass margin to the back of the road. The south eastern boundary to the adjacent dwelling comprises an earth and sod bank with some trees and gorse. The remaining boundaries of the site are undefined.
- 1.3. The landscape is gently undulating in the vicinity with the predominant character comprising large agricultural fields, mainly in grass with earthen banks and hedging.

2.0 Proposed Development

- 2.1. The applicant proposes to construct a two storey dormer dwelling and domestic garage, serviced by a wastewater treatment system and domestic well. The dwelling has a stated floor area of 243.5 sq.m. and a domestic garage of 47.4 sq.m.
- 2.2. Unsolicited information was submitted on the 18 November 2016, shows a revised access to the site via a new entrance arrangement onto the adjacent public road to the north west extremity of the site.
- 2.3. There are two marginally different versions of the house, principal differences being the omission of dormer windows to the front elevation and the provision of a pitched roof to the sun lounge in lieu of a flat roof. I consider that the minor nature of the design differences is not material to the appeal case before the Board.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused permission for two reasons summarised as follows:

1. That the proposed development would contribute to excessive ribbon development, conflicting with an objective of the Development Plan, RCI 6-3 refers. When taken together with existing and permitted development in the vicinity, the proposal would militate against the preservation of the rural environment. The proposed development would lead to demands for public services in an area where they are not proposed.

2. When taken in conjunction with existing development in the vicinity, the development would give rise to excessive density in a rural area lacking services/facilities and exacerbate an emerging pattern of suburbanisation that is eroding the rural character of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial Planners Report can summarised as follows:

- An assessment was made in order to ascertain the applicant's compliance with the rural housing policy of the Council, the conclusion of which is that the applicant has social links to the area.
- The principle concern of the assessment relates to ribbon development at this rural location close to Cork City. There a high number of existing and permitted dwellings along the entire road. Permission for the proposed dwelling would result in the sixth house in a row, the creation of an infill site and consequently exacerbate ribbon development and be contrary to objective RCI 6-3 of the County Development Plan. Refusal of permission is recommended.
- The house is of a standard two storey design in an area where single storey dwellings predominate. The house design is contrary to the Cork Rural House Design Guide. The setback location of the dwelling requires amendment.
- Technical aspects with regard to the revised site entrance and an enlarged surface water pipe across the road frontage are noted.

A subsequent Senior Executive Planner's report reiterates the content of the initial planning report and recommends refusal of permission.

3.2.2. Other Technical Reports

Engineering Report – there is a requirement to provide 70 metres in both directions along this road, additional information is requested. No issues are raised in relation to the wastewater treatment system proposed.

Liaison Officer Report – no objections are raised subject to usual planning and engineering conditions

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

Appeal site

PA reference number: 14/5509, application for a dwelling house withdrawn. August 2014.

The Planner's report refers to a number of extant planning permissions for dwellings in the vicinity of the appeal site and along the length of the minor road. The Council's online planning map register shows the following relevant permissions:

PA reference number: 12/4931, permission granted for change of house type. September 2012.

PA reference number: 14/5822, permission granted to extend the duration of permission for a house (09/6417). October 2014.

PA reference number: 14/5822, permission granted for a house. July 2014.

5.0 Policy Context

5.1. Development Plan

The Cork County Development Plan, 2014 is the relevant planning policy document. The appeal site is located in an area of Co. Cork which has been identified as being a Rural Area under Strong Urban Influence. The landscape is characterised as Broad Fertile Lowland Valleys.

The following policy objectives are considered applicable:

- **Objective RCI 4-2:** Rural Area under Strong Urban Influence:

The rural areas of the Greater Cork Area (outside Metropolitan Cork) and the Town Greenbelt areas are under significant urban pressure for rural housing. Therefore, applicants must satisfy the Planning Authority 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 identified categories including:

- 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) 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) 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.
- e) Returning emigrants who 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, 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.

- **Objective RCI 4-8: Exceptional Health Circumstances:** This policy objective seeks to facilitate the housing needs of persons who are considered to have exceptional health circumstances that require them to live in a particular environment or close to family support in the rural area. The application for a rural dwelling must be supported by relevant documentation from a registered medical practitioner and a qualified representative of an organisation which represents or supports persons with a medical condition or a disability.

This objective applies to all rural housing policy area types.

- The subject site is located within the County Metropolitan Cork Strategic Planning Area (CMCSPA). In terms of CDP objectives for the area – **Objective CS 4-1 I)** states:

Facilitate the development of the villages as set out in the local area plans so that the rate of future population growth compliments the strategy to achieve a critical mass of population in the towns and provide protection for those areas recognised as under pressure from urban development;

- The County Development Plan identifies the area, in terms of Landscape Character Type, as being Broad Fertile Lowland Valleys, Type 6a. This landscape is identified as having a high landscape value and high sensitivity with a county level importance. County Development Plan **Objective GI 6-1:** Landscape, is considered relevant in this instance and it is the stated policy of the Council:

a) Protect the visual and scenic amenities of County Cork's built and natural environment.

b) Landscape issues will be an important factor in all landuse proposals, ensuring that a proactive view of development is undertaken while maintaining respect for the environment and heritage generally in line with the principle of sustainability.

- c) Ensure that new development meets high standards of siting and design.
- d) Protect skylines and ridgelines from development.
- e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

Objective RCI 6-3: Ribbon Development

Presumption against development which would contribute to or exacerbate ribbon development.

Section 4.6 of the Plan deals with the general planning considerations for rural housing.

Objective RCI 6-1 of the CDP deals with Design and landscaping of new dwelling houses in rural areas while **RCI 6-2** deals with Servicing individual houses in rural areas.

Cork Rural Design Guide: Building a New House in the Countryside. Cork County Council 2010.

5.2. Natural Heritage Designations

Cork Harbour SPA (site code 004030) is located 12.6 kilometres to the east of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been lodged against Cork County Council's decision to refuse permission. The main grounds of appeal can be summarised as follows:

- The applicant has resided next to the site for 21 years, attended the local national school and played local GAA. He wishes to live next door to his father in order to provide care in old age. The applicant believes they fulfil the rural housing needs of the Council. This will be their first house and permanent residence.

- The applicant and his family currently reside with his father and the applicant commutes to work in Cork City.
- The applicant states that they have designed their house to accord with Council requirements and obtained a letter from the landowner which states that they are willing to enter into a sterilisation agreement.
- The house will be serviced by a domestic well and wastewater treatment system, there will be no impact on the provision of further public services.
- The applicant is unhappy that they were required to provide further information on other matters, only to be refused permission on density grounds.
- With reference to ribbon development, the applicant states that if there is a genuine need for housing and a sterilisation agreement is forthcoming, permission should be granted.

6.2. **Planning Authority Response**

None.

6.3. **Observations**

None.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Rural Housing Policy
- Services, Ribbon Development and Suburbanisation
- Appropriate Assessment

7.2. **Rural Housing Policy**

- 7.2.1. In the grounds of appeal, the applicant has reiterated their compliance with the Council's policy and objectives with regard to rural housing need.
- 7.2.2. It is noted that the applicant has completed the supplementary planning application form. The applicant sets out that the site is adjacent to their family home in which they have resided since 1998 and that they attended the local national school and played GAA in the area. In addition, the applicant wishes to reside beside his father, so that he can provide care in his father's old age. The applicant is an electrician and works mainly in Cork City.
- 7.2.3. On the basis of the available information, I am satisfied that the applicant has demonstrated sufficient links to the area or that satisfy the relevant eligibility criteria set out in the Development Plan. I do have concerns that the commuting to work pattern which will result from the proposed development may turn out to be unsustainable for the applicant in the long term. However, I acknowledge that the County Development Plan in the assessment of genuine rural generated housing need focuses more on the period of time that a person has resided in a particular location and their links to that area.

7.3. **Services, Ribbon Development and Suburbanisation**

- 7.3.1. The applicant contends that local housing need should override any ribbon development concerns and that permission should be granted. In addition, the applicant states that the site is self-contained and will not require foul and water supply services.
- 7.3.2. *Services* - I would agree with the applicant's contention that their proposed development will be self-contained in terms of onsite services such as water supply and wastewater treatment. In this respect I note that the applicant submitted a site characterisation form with reference to wastewater treatment. The report concluded the site was suitable for a septic tank and percolation area. Though, given the proximity of adjacent domestic wells, a proprietary effluent treatment system and polishing filter was recommended. Council officials agreed with this recommendation and given the available information I am satisfied that wastewater can be adequately treated and disposed of on site.
- 7.3.3. However, it is the provision of services in the wider area that results from unchecked rural development, that causes concern from a planning perspective. In this respect

it is the uneconomic costs associated with improvements to roads, upgrading of community infrastructure and the provision of public amenities that is unsustainable in a rural location. Therefore, though the site is self-serviced it will provide an unnecessary burden for the provision of services in the wider area which may not have been planned or budgeted for.

- 7.3.4. Both reasons for refusal state that the burden of the provision of services which would result from the proposed development would be contrary to the proper planning and sustainable development of the area. In this respect and given the foregoing, I would agree that the incremental and indiscriminate residential development of rural areas cannot be effectively planned for and sustainably accommodated.
- 7.3.5. *Ribbon Development* - The proposed dwelling will be the fourth house in a row of three houses and will create the opportunity for an infill site to the north. County Development Plan Objective RCI 6-3, presumes against development that would contribute to or exacerbate ribbon development. The objective is supported by a definition of ribbon development as follows: five or more houses on any one side of a given 250 metres of road frontage. There are three dwellings to the immediate south of the site and a single dwelling to the north. The proposed dwelling will be the fourth dwelling along a road frontage of approximately 185 metres, it will be the fifth dwelling along a frontage of 280 metres, leaving the possibility of an infill site bringing a theoretical continuous line of six dwellings.
- 7.3.6. There are five dwellings along a continuous road frontage in close proximity and to the south of the appeal site on the opposite side of the road. The character of the immediate area is very much influenced by ribbon development. Though the proposed dwelling will not strictly conform to the definition of ribbon development found in the Development Plan, the proposed development will certainly contribute to and exacerbate ribbon development on a local road which is already heavily developed for a rural area. In this respect I consider that the proposed development would coalesce existing ribbon development and run contrary to a Development Plan objective which seeks to restrict such development.
- 7.3.7. To address the issue of ribbon development, I note that the applicant has offered to sterilise from further development, for a period of time, the remainder of lands in the

vicinity. I am not sure what lands the applicant refers to, as no maps detailing the extent of their landownership in the vicinity have been submitted. I do not see any formal agreements or other documents that indicate that a legal agreement concerning land sterilisation would be forthcoming. It is the lack of information with regard to landownership in the vicinity or other documents that restricts me from any further consideration of sterilisation. In any case the sterilisation of land for a fixed period of time will not in itself reduce the impact of ribbon development in the context of the proposal before the Board.

7.3.8. *Suburbanisation* – The applicant does not understand how the issue of density was not raised at an early stage of the planning process. In addition, the applicant cannot see how their proposal would increase density as there are no houses to the front, back and northern side of the site. I have interpreted the applicants reference to density to include issues of suburbanisation stated by the planning authority in the second reason for refusal.

7.3.9. The planning authority's second reason for refusal refers to the process of suburbanisation, the density of development and its impact on the rural character of the area lacking in public services. The primary focus of this reason for refusal, as I see it, is the suburbanisation process and its resultant negative impact upon the rural landscape.

7.3.10. I note that the landscape character of the area is defined as Broad Fertile Lowland Valleys, with a high landscape value and high sensitivity. The site is located along a minor county road in a gently undulating landscape, dominated by large agricultural fields. There are 16 houses along a relatively short stretch of roadway; approximately 620 metres. Therefore, the character of this rural road is changing from primarily agricultural to a form of development more akin to suburbia. This results from the emerging density of housing and also a change to the form and design of field and roadside boundaries.

7.3.11. The proposed development in isolation and with amendments such as a reduction to single storey, relocated downslope to the middle of the site and adequately landscaped may not necessarily detract from the surrounding landscape. However, the site cannot be considered in isolation and must take account of its surroundings and context. In this respect the proposed development will increase the density of

development in the vicinity and lead to the further suburbanisation of a rural landscape the Development Plan has sought to protect.

7.4. Appropriate Assessment

- 7.4.1. Cork Harbour SPA is located approximately 12.6 kilometres to the east of the appeal site. Having considered the available information, in my opinion, given the scale of the development proposed, the nature of the receiving environment, the site location distant from any European sites, the likely downstream separation distances involved, and subject to the proposed wastewater treatment system which includes a polishing filter complying with the requirements of the EPA Code of Practice, the proposed development would not be likely to have a significant effect on either SAC or SPA sites. No appropriate assessment issues arise and I consider that the proposed development would not be likely to have a significant effect individually or in combination with other plans or project on a European site.

8.0 Recommendation

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

9.0 Reasons and Considerations

1. It is the policy of the planning authority as set out in the current County Development Plan to restrict 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. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Taken in conjunction with existing and permitted development in the area, the proposed development would constitute an excessive density of suburban-type development in a rural area, which would militate against the preservation of the

rural environment and lead to demands for the provision of further public services and community facilities, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Stephen Rhys Thomas
Planning Inspector

03 April 2017