



An
Bord
Pleanála

Inspector's Report PL04.248185

Development	The construction of a single storey dwelling with internal garage space and all associated ancillary site works.
Location	Meenane, Watergrasshill, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	16/5557
Applicant(s)	Nora O'Driscoll
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party v. Decision
Observer(s)	None
Date of Site Inspection	31 st May, 2017
Inspector	Robert Speer

1.0 Site Location and Description

The proposed development site is located in the rural townland of Meenane, Co. Cork, approximately 1km east of Main Street in the village of Watergrasshill, 650m east of the M8 Motorway, and 200m northwest of the Watergrasshill Business Park, on the northern side of a local roadway which extends eastwards from a link road serving Junction No. 17 of the motorway. The surrounding area can be described as primarily rural in character with intermittent instances of one-off housing and farmsteads whilst the subject site occupies an infill position situated between a series of 3 No. single-storey bungalows to the west and a water tower to the east with a further dormer-style dwelling house located immediately beyond same. The site itself has a stated site area of 0.665 hectares, is irregularly shaped, and is situated in a moderately elevated position overlooking the lower-lying lands to the southwest. It is presently occupied by a dilapidated (and disused) mobile home and a steel container whilst it would also appear that ground levels over a significant extent of the site area have been raised through the importation of hardcore / fill material. The site is bounded by mature hedgerow with housing to the west and east (beyond the water tower) whilst the adjacent lands to the north are in agricultural use with the public road defining the southern extent of the site (*N.B.* Japanese knotweed is evident on site).

2.0 Proposed Development

- 2.1. The proposed development, as initially submitted to the Planning Authority, consists of the construction of a single-storey bungalow-type dwelling house based on an elongated 'H'-shaped plan (that includes an integrated garage to the rear of same) with a stated floor area of 264.77m² and a ridge height of 6.078m. The overall design of the proposed dwelling house is conventional with a hipped roof construction and a symmetrical front elevation which includes a centrally positioned front porch area in addition to vertically emphasised fenestration. External finishes include (unspecified) roof tiles, PVC windows, a render finish, and the feature use of selected brick across the entirety of the front elevation.
- 2.2. Access to the site will be obtained directly from the adjacent public road to the immediate southwest via the upgrading of an existing entrance arrangement. It is

also proposed to install a conventional septic tank system which will discharge to a percolation area whilst a water supply will be obtained from the public mains.

- 2.3. In response to a request for further information, the overall design of the proposed dwelling house was subsequently amended through the revision of the building plan to provide for a simplified 'U'-shaped construction with a reduced floor area of 231.73m² and the replacement of the hipped roof detail with a conventional gable finish. In addition, the site entrance was revised with the entirety of the roadside site boundary to be set back 3m from the near edge of the carriageway whilst the position of proposed dwelling house was amended slightly to follow the established building line.

3.0 Planning Authority Decision

3.1. Decision

Following the receipt of a response to a request for further information, on 23rd February, 2017 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 2 No. reasons:

- The proposed development would be located in a rural area to the east of the key village of Watergrasshill, on an eastern approach road to the village, where the settlement policy restrictions apply. The site is located in a rural area designated as a Rural Area under Strong Urban Influence where it is an objective that applicants shall 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 must demonstrate that they comply with a category of housing need, as set out in objective RCI 4-2 of the County Development Plan, 2014. The Planning Authority is not satisfied that the applicant has demonstrated compliance with the policy or that there is a case for relaxing the settlement policy restrictions, due to the lack of an identifiable rural generated housing need. The proposed development would, therefore, contravene the stated objective of the County Development Plan and would be contrary to the proper planning and sustainable development of the area.

- The proposed development, in conjunction with existing development in the vicinity, would constitute an excessive density of development in a rural area where there are no public sewage facilities available and would militate against the preservation of the rural environment and lead to demands for the uneconomic provision of public services and community facilities. The proposed development would result in an undesirable precedent for future similar development and would not be in accordance with the Sustainable Rural Housing Guidelines published by the Department of the Environment, Heritage and Local Government. Furthermore, the proposed development would contravene policy objectives RCI 5-8 and GI 7-4 development on the approaches to towns and villages, as expressed in the Cork County Development Plan, 2014, which aims to prevent linear roadside frontage development on the roads leading out of towns and villages and seeks to ensure that the approach roads to towns and villages are protected from inappropriate development which would detract from the setting and historic character of these settlements. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

An initial report noted the site location within a '*Rural Area under Strong Urban Influence and Town Greenbelts*', the requirement for the applicant to establish a housing need pursuant to Objective RCI 4-2 of the Development Plan, and the provisions of the '*Sustainable Rural Housing, Guidelines for Planning Authorities*'. It was further noted that there was a presumption against proposals which would contribute to or exacerbate ribbon development. This report subsequently references previous instances of planning permission having been refused on site on the grounds of ribbon development, although it was acknowledged that in each of those cases there was no genuine housing need and the proposals were of a speculative nature. The report then states that the subject proposal concerns an infill site and its contribution to ribbon development is questionable before recommending that further information be sought in order to establish if the applicant complies with the relevant rural housing policy objectives of the Development Plan.

Following the receipt of a response to a request for further information, a further report was prepared which concluded that although the proposal involved an infill site, it would nevertheless contribute to the extension of a pattern of ribbon development contrary to the objectives of the Development Plan. It was also considered that the proposal would give rise to an excessive density of development in the area and that it would conflict with Objective RCI 5-8(c) which seeks to prevent linear roadside frontage development along those roads leading from towns and villages. Finally, the report states that the Planning Authority was not satisfied on the basis of the submitted information that the applicant comes within the scope of the housing need criteria set out in Objective RCI 4-2 of the Development Plan or that she had a genuine rural-generated housing need (with specific reference being made to the sale of the family home and the applicant's apparent ownership of same). Accordingly, the report concludes by recommending a refusal of planning permission.

3.2.2. Other Technical Reports

Area Engineer: An initial report noted that ground levels on site had been raised over the years (with particular reference to the front of the site which is referenced as comprising made ground) without the benefit of planning permission and that it would also be necessary to remove an unauthorised derelict mobile home and steel container which had been placed on site. The report subsequently raises concerns as regards the proposal to retain the existing roadside boundary and ground levels before recommending that the entirety of the front site boundary should be lowered to road level for a distance of 6m from the near edge of the carriageway with a new timber post and rail fence backed with beech hedging to be erected in a position so as to provide a grass margin of at least 3m between the road edge and the fence line. The report concludes by recommending that further information should be sought in respect of the proposed front boundary arrangement, the design of the site entrance, the location of any wells within 100m of the site, the details of the boundary treatment, and the provision of a treatment regime to address the presence of Japanese Knotweed on site.

Following the receipt of a response to a request for further information, a further report was prepared which noted that the applicant resided a short distance away from the proposed development site before recommending a refusal of permission

on the basis that the proposal would contribute to an undesirable pattern of linear / ribbon-type development in the area

Liaison Officer: Notes that the applicant intends to purchase the subject site, which is located in a 'Rural Area under Strong Urban Influence and Town Greenbelts' as defined in the County Development Plan, 2014, and that permission was previously refused on site on the basis of ribbon development and the absence of a genuine housing need. It is also stated that due to the infill nature of the site in question, consideration could be given to a proposal made by an applicant qualifying under the current settlement policy. The report proceeds to note that the applicant's family home is presently for sale and that a search of the Land Registry records has confirmed that the property is registered in the applicant's name and thus her housing need is questionable. Accordingly, the report concludes by stating that a genuine housing need has not been satisfactorily established and thus refusal was recommended for the reasons set out by the Case Planner.

3.3. Prescribed Bodies

Irish Water: No objection, subject to conditions.

3.4. Third Party Observations

None.

4.0 Planning History

On Site:

PA Ref. No. 98/1876. Was refused on 30th June, 1998 refusing Michael and William Cremin permission for the construction of a dwelling house.

PA Ref. No. 98/3869 / ABP Ref. No. PL04.109071. Was refused on appeal in 1999 refusing Michael and William Cremin permission for the construction of a dwelling house.

- The proposed development, taken in conjunction with the existing and permitted development in the area, would constitute undesirable ribbon development in a rural area lacking certain public services and community

facilities, and would be located outside the areas designated for housing in Watergrasshill in the current Development Plan for the area. The proposed development would mitigate against the preservation of the rural environment, would injure the amenities of the area and would, therefore, be contrary to the proper planning and development of the area.

- Having regard to the topography and soil conditions of the site, the Board is not satisfied that the proposed development can be satisfactorily drained by means of a septic tank and percolation area. It is considered that the proposed development would, therefore, be prejudicial to public health.

On Adjacent Sites:

PA Ref. No. 92/1545. Was granted on 19th June, 1992 permitting Maurice O'Connell permission for an attic conversion and alterations to dwelling house at Meenane, Co. Cork.

On Sites in the Immediate Vicinity:

PA Ref. No. 06/4373 / ABP Ref. No. PL04.217054. Was refused on appeal on 15th September, 2006 refusing Noirin O'Riordan permission for the construction of a dwelling house and garage at Meenane, Watergrasshill, Co. Cork, for the following reason:

- The proposed development would be located in an un-serviced rural area within the Rural Housing Control Zone, where it is the policy of the planning authority, as set out in the current Development Plan for the area, to discourage strongly new individual housing in the countryside within commuting distance of Cork City, in order to control pressure for urban-generated commuter housing. This policy is considered reasonable, having regard to the provisions of 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, on the basis of the information provided in the application and the appeal, that the applicant has not established a genuine housing need as provided for in the Development Plan. Therefore, it is considered that the proposed development, when taken in conjunction with existing and proposed development in the area, would constitute an excessive density of suburban type development in a rural area,

would consolidate suburban sprawl, would militate against the preservation of the rural environment and would lead to demands for the uneconomic 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.

PA Ref. No. 077933. Was granted on 16th October, 2007 permitting Sheila O'Riordan permission for a one and half storey dwelling house and detached garage at Meenane, Watergrasshill, Co. Cork.

5.0 Policy Context

5.1. National and Regional Policy

The *'Sustainable Rural Housing, Guidelines for Planning Authorities'*, 2005 promote the development of appropriate rural housing for various categories of individual as a means of ensuring the sustainable development of rural areas and communities. Notably, the proposed development site is located in an *'Area under Strong Urban Influence'* as indicatively identified by the Guidelines. Furthermore, in accordance with the provisions of the Guidelines, the Cork County Development Plan, 2014 includes a detailed identification of the various rural area types specific to the county at a local scale and *'Figure 4.1: Rural Housing Policy Area Types'* of the Plan confirms that the site is located within a *'Rural Area under Strong Urban Influence'*.

5.2. Development Plan

Cork County Development Plan, 2014:-

Chapter 2: Core Strategy:

Section 2.3: *The Network of Settlements*

Chapter 4: Rural, Coastal and Islands:

RCI 1-1: *Rural Communities:*

Strengthen rural communities and counteract declining trends within the settlement policy framework provided for by the Regional Planning

Guidelines and Core Strategy, while ensuring that key assets in rural areas are protected to support quality of life and rural economic vitality.

RCI 2-1: Urban Generated Housing:

Discourage urban-generated housing in rural areas, which should normally take place in the larger urban centres or the towns, villages and other settlements identified in the Settlement Network.

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.

Section 4.3: Identifying Rural Area Types:

Section 4.3.6: Rural Area under Strong Urban Influence and Town Greenbelts:

The rural areas of the Greater Cork Area outside the Metropolitan Greenbelt are now within easy commuting distance of Cork City and Environs as a result of road and infrastructural improvements. These areas exhibit characteristics such as rapidly rising population, evidence of considerable pressure from the development of (urban generated) housing in the open countryside due to proximity to such urban areas / major transport corridors, pressures on infrastructure such as the local road network and higher levels of environmental and landscape sensitivity. The Town Greenbelts define the visual setting around the main towns and have been established to prevent sprawl and control linear roadside development.

Section 4.4: Categories of Rural Generated Housing Need:

Section 4.4.2: This plan recognises the positive benefits for rural areas to sustain and strengthen the vibrancy of rural communities by allowing qualifying applicants to build a first home for their permanent occupation in a 'local rural area' to which they have strong economic or social links as defined in the following objectives RCI 4-1 to RCI 4-5. The meaning of 'local rural area' is generally defined by reference to the townland, parish or catchment of the local rural school to which the applicant has a strong social and / or economic link.

RCI 4-2: Rural Area under Strong Urban Influence and Town Greenbelts (GB 1-1):

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 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) 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.

Section 4.5: *Greenbelts:*

RCI 5-8: Greenbelts around Settlements:

- a) Retain the identity of towns, to prevent sprawl, and to ensure a distinction in character between built up areas and the open countryside by maintaining a Greenbelt around all individual towns.
- b) Reserve generally for use as agriculture, open space or recreation uses those lands that lie in the immediate surroundings of towns. Where Natura 2000 sites occur within Greenbelts, these shall be reserved for uses compatible with their nature conservation designation.
- c) Prevent linear roadside frontage development on the roads leading out of towns and villages.
- d) The local area plans will define the extent of individual Greenbelts around the ring and county towns and any of the larger villages where this approach is considered appropriate. They will also establish appropriate objectives for the Greenbelts generally reserving land for agriculture, open space or recreation uses.

Section 4.6: *General Planning Considerations:*

RCI 6-1: Design and Landscaping of New Dwelling Houses in Rural Areas:

- a) Encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.
- b) Promote sustainable approaches to dwelling house design by encouraging proposals to be energy efficient in their design, layout and siting.
- c) Require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings.

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.

RCI 6-3: Ribbon Development:

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

RCI 6-4: Occupancy Conditions:

In order to take a positive approach to facilitating the housing needs of the rural community, where permission has been granted for a rural housing proposal, an occupancy condition shall normally be imposed under Section 47 of the Planning & Development Act 2000.

Chapter 13: Green Infrastructure and Environment:

Section 13.5: *Landscape*

Section 13.6: *Landscape Character Assessment of County Cork*

GI 6-1: Landscape:

- 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 land use 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.

GI 6-2: Draft Landscape Strategy:

Ensure that the management of development throughout the County will have regard for the value of the landscape, its character, distinctiveness and sensitivity as recognised in the Cork County Draft Landscape Strategy and its recommendations, in order to minimize the

visual and environmental impact of development, particularly in areas designated as High Value Landscapes where higher development standards (layout, design, landscaping, materials used) will be required.

Section 13.7: *Landscape Views and Prospects:*

GI 7-4: Development on the approaches to Towns and Villages

Ensure that the approach roads to towns and villages are protected from inappropriate development, which would detract from the setting and historic character of these settlements.

Mallow Electoral Area Local Area Plan (2nd Ed. January, 2015):-

Section 1: *Introduction to the Mallow Electoral Area Local Area Plan:*

Section 1.9: *Green Belts Around Towns*

Section 2: *Local Area Strategy*

Section 3: *Settlements and Other Locations: Key Villages: Watergrasshill*

Draft Fermoy Municipal District Local Area Plan, 2016:-

Section 1: *Introduction:*

Section 1.9: *Green Belts around Towns*

Section 2: *Local Area Strategy*

Section 4: *Key Villages:*

Section 4.13: *Watergrasshill*

5.3. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

- Having regard to the surrounding pattern of development, the subject location can be considered to comprise an infill site.

- With regard to the initial reason for refusal, it is considered that the relevant planning policy has been misinterpreted and incorrectly applied given that the applicant has a genuine rural-generated housing need as follows:

- She has lived in the rural area for her entire life (c. 60m northwest of the application site).
- She has strong connections to the area with family and friends living in close proximity to the site. She also attended the local national and secondary schools as detailed in the Supplementary Planning Application Form (SF1).
- In its assessment of the subject application, the Planning Authority has stated the following

‘From a search in Land Registry records, the family home remains registered in the name of the applicant since 1988, which suggests that as the current legal owner her housing need is questionable’.

In response, and by way of clarity, the Board is advised that the applicant does not own any residential property and that confusion may have arisen given that she and her mother share the same name. More notably, the applicant’s mother passed away recently and it was her wish that the family home be sold with the proceeds from same to be divided between the beneficiaries of her estate. Accordingly, it is submitted that the applicant has a very genuine housing need.

- The applicant has never benefited from a grant of permission in either Co. Cork or a rural area.
- The subject proposal is for the development of the applicant’s first home in the local area where she has spent all of her life. It is also evident that she has strong connections to the immediate locality and that she undoubtedly has a genuine rurally-generated housing need.
- With regard to the second reason for refusal, it is considered that the reference to Objective RCI 5-8: *‘Greenbelts around Settlements’* of the Cork County Development Plan 2014 is inappropriate given that the application site

is not located within a greenbelt and is instead situated within a *'Rural Area under Strong Urban Influence'*.

- There are clearly significant breaks within the existing pattern of development along the local road / approach road to Watergrasshill.
- The existing level of development along this roadway / route is not considered to be overly excessive and thus the addition of the proposed development on the subject infill site will not detract from the setting or rural character of the area.
- National and local planning policy recognises the positive benefits for rural areas from sustaining and strengthening the vibrancy of rural communities by allowing qualifying applicants to build a first home for their permanent occupation in a 'local rural area' to which they have strong economic or social links. In this respect it is submitted that the subject proposal involves the development of the applicant's first home in the rural area where she has lived for her entire life.
- The applicant has strong connections to the immediate locality, does not own any residential property, and has a genuine rural-generated housing need.
- The proposed development complies with the policies and objectives of the Cork County Development Plan, 2014.

6.2. **Planning Authority Response**

None.

7.0 **Assessment**

From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- Rural housing policy / the principle of the proposed development
- Overall design and layout / visual impact
- Traffic implications

- Wastewater treatment and disposal
- Appropriate assessment

These are assessed as follows:

7.1. **Rural Housing Policy / The Principle of the Proposed Development:**

The proposed development site is located in an 'Area under Strong Urban Influence' as indicatively identified by the 'Sustainable Rural Housing, Guidelines for Planning Authorities, 2005'. These Guidelines state that such areas will exhibit characteristics such as their proximity to the immediate environs or the close commuting catchments of large cities and towns (e.g. Cork City) and will generally be under considerable pressure for the development of housing due to their proximity to these urban centres or the major transport corridors accessing same (e.g. the M8 motorway). Notably, within these areas the National Spatial Strategy states that the provision of new housing should generally be confined to persons with roots in or links to these areas whilst the Guidelines also acknowledge that the housing requirements of persons with roots or links in rural areas are to be facilitated and that planning policies should be tailored to local circumstances. In addition to the foregoing, it is of further relevance to note that the Cork County Development Plan, 2014 includes a detailed identification of the various rural area types specific to the county at a local scale and that 'Figure 4.1: Rural Housing Policy Area Types' of the Plan serves to confirm that the site is located within a 'Rural Area under Strong Urban Influence'.

Within the 'Rural Areas under Strong Urban Influence' the Planning Authority has adopted a restrictive approach as regards the eligibility of prospective applicants for rural housing and in this respect I would refer the Board to Objective RCI 4-2 of the County Development Plan which states that applicants must satisfy the Planning Authority that they have a genuine rural-generated housing need based on their social and / or economic links to a particular local rural area and that they comply 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) 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.

Having regard to the foregoing, I would accept that any further housing in this area should be restricted to named persons with a genuine need to reside in the locality and, therefore, it is necessary to critically analyse the subject application in the context of compliance with Objective RCI 4-2 of the County Development Plan and the provisions of the *'Sustainable Rural Housing, Guidelines for Planning Authorities', 2005*.

From a review of the available information, it is apparent that a key issue in the assessment of the subject appeal is whether or not the applicant satisfies the eligibility criteria set out in the County Development Plan and the *'Sustainable Rural Housing, Guidelines for Planning Authorities, 2005'* as regards the development of a rural dwelling house at the location proposed. In this regard I would refer the Board in the first instance to the *'Supplementary Planning Application Form – SF1'* which accompanied the planning application wherein it is stated that the applicant resided at Meenane, Watergrasshill, Co. Cork, in the vicinity of the proposed development

site between 1979 & 2016, and attended school in Knockraha and Carrigtwohill (approximately 5.8km south and 12.1km southeast respectively of the application site). It is also stated that the applicant has never owned a residential property and has never been granted planning permission for a residential development in Co. Cork. Further supporting correspondence reasserts that the applicant has resided in the locality for all of her adult life before stating that she is in a position to build a dwelling house for her own use as her principle and permanent place of residence and that it is her wish to reside close to family and friends.

In addition to the foregoing, the applicant subsequently submitted unsolicited additional information to the Planning Authority on 29th July, 2016, which included a further completed copy of the *'Supplementary Planning Application Form – SF1'* accompanied by a site location map that identified her previous place of residence relative to the proposed development site and in this respect I would advise the Board that the applicant's family home is located only a short distance away to the immediate west of the subject site.

In its assessment of the subject application, the Planning Authority noted that the applicant's former family home was for sale on the open market and, therefore, it was queried by way of a request for further information as to why the applicant had not sought to purchase same. In response, the applicant simply stated that she did not wish to remain in the family home and that she wanted to build her own dwelling house.

Notably, in arriving at its decision to refuse permission, the Planning Authority would appear to have conducted a search of records available from the Land Registry which seemingly established that the applicant's family home had been registered in her name since 1988 and thus the applicant was the legal owner of that property. Accordingly, the Planning Authority was not satisfied that the applicant had established a genuine rural-generated housing need pursuant to the provisions of Objective RCI 4-2 of the Development Plan and in this regard it would appear that a particular emphasis was placed on the applicant's previous ownership of a dwelling house and that she was not building her first home.

In the grounds of appeal, the applicant has sought to reiterate her connections to the local area and has further clarified that she does not own any residential property

and that confusion may have arisen as both she and her mother share the same name. It has also indicated that it was the wish of the applicant's deceased mother that the family home be sold with the proceeds from same to be divided between the beneficiaries of her estate

Having considered the available information, in my opinion, in order to assess the applicant's eligibility for the development of a rural dwelling house at the subject site it is necessary to consider whether or not she complies with the eligibility criteria set out in Objective RCI 4-2 of the County Development Plan and, secondly, if she can be held to have a genuine rural-housing need pursuant to the provisions of the '*Sustainable Rural Housing Guidelines for Planning Authorities, 2005*'. With regard to the forgoing, it would appear that the applicant satisfies the requirements of Part (d) of Objective RCI 4-2 in that she has resided in the 'local rural area' in excess of 7 No. years and is proposing to build her first home for permanent occupation. Whilst I would acknowledge that confusion would appear to have arisen as regards ownership of the applicant's family home, in the absence of any clear evidence to the contrary (and noting that no details of land registry records have been provided by either the applicant or the Planning Authority to support their respective positions), I am willing to accept the explanation offered by the applicant that the property in question was in fact retained by her now deceased mother of the same name and that her acquisition of same may not have been feasible, possibly due to the proceeds from the sale of house having to be divided between any beneficiaries of the estate. It is on this basis that I am able to conclude that the applicant has never previously owned any residential property and that she is building her first home for her own use as her permanent place of residence. Accordingly, the applicant could be considered to have a rural-generated housing need thereby satisfying the eligibility criteria set out in Objective RCI 4-2 of the Development Plan and the '*Sustainable Rural Housing Guidelines for Planning Authorities*' and although it would appear that the construction of the proposed dwelling house at this location would lead to a daily commuting distance of approximately 15km to the applicant's place of employment, it should be noted that this may also have been the case during her previous residency in the family home.

Notwithstanding that the applicant would appear to satisfy the eligibility requirements of the applicable rural housing policy, I would refer the Board to the presumption

against development which would contribute to or exacerbate ribbon development as set out in Objective RCI 6-3: '*Ribbon Development*' of the Development Plan. In this respect the construction of a dwelling house on the subject site would result in the creation of a series of 5 No. dwelling houses on adjacent sites along a 220m stretch of roadway (although the intervening entrance to the water tower results in the application site not being contiguous with the existing dwelling house to the east). Whilst Appendix 4 of the Guidelines references an example of ribbon development as comprising 5 No. or more houses on any one side of a given 250m of road frontage, I would suggest that this is not a definitive definition of ribbon development and that cognisance must be taken of the reference in the preceding paragraph to such development as involving a '*high density of almost continuous road frontage type development*'. Furthermore, it is clear that in considering the potential for ribbon development regard must be had to other factors including the type of rural area and the degree to which the proposal might be considered infill development etc.

At this point it is of relevance to note that permission has previously been refused on two separate occasions for the construction of a dwelling on the subject site with the latter of these having been refused on appeal under ABP Ref. No. PL04.109071 wherein it was determined that the proposal, when taken in conjunction with the existing and permitted development in the area, '*would constitute undesirable ribbon development in a rural area lacking certain public services and community facilities, and would be located outside the areas designated for housing in Watergrasshill*'. In addition, it is notable that permission was refused more recently under ABP Ref. No PL04.217054 for the construction of a dwelling house on the opposite (and less developed) side of the roadway from the subject site on the basis that the applicant in that instance had not established a genuine housing need (having regard to the provisions of the '*Sustainable Rural Housing Guidelines*') and as the proposal '*when taken in conjunction with existing and proposed development in the area, would constitute an excessive density of suburban type development in a rural area [and] would consolidate suburban sprawl*'.

Although I would concede that the subject proposal could potentially be held to involve an infill site, in light of the planning history of the area, I would have reservations as regards the drawing of such a clear conclusion. Indeed, I would suggest that it is necessary to consider the wider site context, with particular to the

site location relative to the village of Watergrasshill, and in this respect I would draw the Board's attention to Objective *RCI 5-8: 'Greenbelts around Settlements'*, which seeks to prevent linear roadside frontage development on the roads leading out of towns and villages, and Objective *GI 7-4: 'Development on the approaches to Towns and Villages'* which similarly aims to ensure that the approach roads to towns and villages are protected from inappropriate development. Whilst I note the comments in the grounds of appeal as regards the applicability of Objective RCI 5-8 given the site location outside of any defined greenbelt, in my opinion, the provisions of item (c) of that objective are intended to be construed as applying to any and all development proposals, notwithstanding the specifics of their site locations. Therefore, in light of the siting of the subject proposal along an approach road to the settlement boundary of Watergrasshill as defined in both the current Mallow Electoral Area Local Area Plan, 2011 and the Draft Fermoy Municipal District Local Area Plan, 2016, and noting the extent of existing roadside residential development along this section of roadway (both in the immediate vicinity of the application site and further northwest closer to the village boundary), it is my opinion that, on balance, and given the site context, the proposed development would serve to exacerbate an undesirable pattern of linear ribbon-type development along an approach road to the village of Watergrasshill which would be contrary to the provisions of the Development Plan and the proper planning and sustainable development of the area.

7.2. **Overall Design and Layout / Visual Impact:**

In terms of assessing the visual impact of the proposed development it is of relevance in the first instance to note that the wider landscape type within which the subject site is located has been classified as *'Fissured Fertile Middleground'* as per the landscape character mapping set out in the County Development Plan, 2014. In addition, it should be noted that the site is not located within any designated 'High Value' landscape nor will it be visible from any scenic route identified for preservation in the County Development Plan.

In a local context, the application site is situated along a local roadway where it occupies a moderately elevated position overlooking the lower-lying lands to the southwest. However, whilst it is presently screened from general view by the existing earthen embankment and mature hedging which defines the roadside boundary, it will be necessary to remove this boundary in its entirety and to reinstate same in a

recessed position in order to achieve the required sightlines from the proposed entrance arrangement (as detailed in the response to the request for further information). Furthermore, although the subject proposal will involve the development of an infill site within an existing series of housing it will nevertheless contribute to the exacerbation of a growing trend of linear-type ribbon development along an approach road to the village of Watergrasshill which will serve to erode the rural character of the wider area whilst diminishing the distinction between the built-up village and its rural surrounds.

With regard to the specifics of the actual design of the proposed dwelling house, at the outset I would advise the Board that the prevailing pattern of development in the immediate site surrounds is characterised by single storey / dormer dwelling houses and in respect the proposed construction of a single storey dwelling house is generally comparable to the surrounding pattern of residential development. However, in my opinion, the overall house design is typically conventional and suburban in appearance, with particular reference to its elongated front elevation and the feature use of selected brick across the entirety of same, and thus perhaps more consideration should have been given to the principles set out in the *'Cork Rural Design Guide: Building a New House in the Countryside'* (updated 2010), although I would reiterate that the proposal is generally in keeping with neighbouring housing.

On balance, whilst I would acknowledge that the proposed development will be visible from the adjacent public road, having regard to the site context, including its infill nature and the site location outside of any visual amenity / high value landscape designation identified in the Development Plan, I am inclined to conclude that the visual impact of the proposal is within tolerable limits and could be mitigated further through an appropriate scheme of landscaping / planting. However, I would have some reservations as regards the increasing proliferation of individual rural housing in this area.

7.3. **Traffic Implications:**

The proposed development will be accessed via a new entrance arrangement onto the adjacent local road to the immediate south and in this regard whilst I would acknowledge that there is a slight bend in the roadway at this location which is defined by a continuous white centreline, I am satisfied that adequate sightlines will

be available provided the entirety of the existing roadside site boundary is set back as detailed in the amended site layout plan received by the Planning Authority on 27th January, 2017.

7.4. **Wastewater Treatment and Disposal:**

It is proposed to install a conventional septic tank system on site and, therefore, it is necessary to review the available information in order to ascertain if the subject site is suitable for the disposal of treated effluent to ground. In this respect I would refer the Board to the submitted Site Characterisation Form which states that the trial hole encountered 300mm of silty topsoil overlying 1.7m of SILT / CLAY subsoil with small cobbles to the depth of the excavation at 2.0m below ground level. Notably, no rock or water ingress were recorded. With regard to the percolation characteristics of the soil a 'T'-value of 36 minutes / 25mm was recorded which would constitute a pass in accordance with EPA guidance.

On the basis of the foregoing results, and the accompanying supplementary information, it would appear that the subject site is suitable for the installation of the septic tank system as proposed subject to conditions, however, having conducted a site inspection, and following a review of the available information, including the planning history of the site, I would have some reservations as regards the actual suitability of the subject site for the discharge of treated effluent to ground. In this respect I would advise the Board that there appears to be some variation in ground conditions on site given that parts of the site would appear to have been raised through the importation of material, including hardcore. Furthermore, the presence of unfavourable vegetative indicators, including rushes, within the northern extent of the site area would seem to be indicative of poor underlying percolation characteristics and in this regard I note the reference by the reporting inspector in the previous assessment of ABP Ref. No. PL04.109071 to instances of substantial ponding / waterlogging within the northern part of the site (which culminated in the relocation of the then proposed septic tank to within the southern extent of the site).

Therefore, in the absence of further on-site investigations I am not entirely satisfied that the proposed development does not pose an unacceptable risk to ground and surface waters in the area. Accordingly, the Board may wish to consider if it would be

appropriate in this instance to apply the precautionary principle and to refuse permission for the proposed development.

7.5. **Appropriate Assessment:**

From a review of the available mapping, and the data maps from the website of the National Parks and Wildlife Service, it is apparent that the proposed development site is located outside of any Natura 2000 site with the closest example of any such designation being the Blackwater River (Cork / Waterford) Special Area of Conservation (Site Code: 002170) approximately 3.7km to the north. In this respect it is of relevance to note that it is the policy of the planning authority, as set out in Objective No. HE 2-1: '*Sites Designated for Nature Conservation*' of Chapter 13 of the Cork County Development Plan, 2014, to protect all natural heritage sites, both designated or proposed for designation, in accordance with National and European legislation. In effect, it is apparent from the foregoing provisions that any development likely to have a serious adverse effect on a Natura 2000 site will not normally be permitted and that any development proposal in the vicinity of, or affecting in any way, the designated site should be accompanied by such sufficient information as to show how the proposal will impact on the designated site. Therefore, a proposed development may only be authorised after it has been established that the development will not have a negative impact on the fauna, flora or habitat being protected through an Appropriate Assessment pursuant to Article 6 of the Habitats Directive.

Having reviewed the available information, including the screening exercise undertaken by the Planning Authority, and following consideration of the 'source-pathway-receptor' model, it is my opinion that given the nature and scale of the development proposed, the site location outside of any Natura 2000 designation, the limited ecological value of the lands in question, the absence of any direct discharge to a watercourse, and the separation distances involved between the site and the Blackwater River (Cork / Waterford) Special Area of Conservation, the proposal is unlikely to have any significant effect in terms of the disturbance, displacement or loss of habitats or species on the ecology of the aforementioned Natura 2000 site. Therefore, I am inclined to conclude that the proposed development would not be likely to significantly affect the integrity of the foregoing Natura 2000 site and would not undermine or conflict with the Conservation Objectives applicable to same.

Accordingly, 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 Code: 002170, in view of the relevant conservation objectives and that a Stage 2 appropriate assessment (and the submission of a NIS) is not therefore required.

7.6. **Other Issues:**

Invasive Species:

In its assessment of the subject application the Planning Authority noted the presence of an invasive species, namely, Japanese Knotweed, on site and subsequently sought the submission of an appropriate treatment regime by way of a request for further information. In response, the applicant submitted a document entitled '*Remedial Works for Japanese Knotweed Site Assessment & Management Plan*' prepared by Japanese Knotweed Ireland which identifies various incidences of the plant on site and details a treatment programme for the eradication of same with subsequent monitoring arrangements. Notably, this report includes reference to the need for measures to be put in place during the construction phase of the proposed development so as to avoid the spread of the plant both on and off site. Accordingly, the Board may wish to consider the imposition of a suitable condition with regard to the implementation of an invasive species management plan during the construction stage of the proposed development.

8.0 **Recommendation**

Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below:

9.0 Reasons and Considerations

1. It is the policy of the planning authority, as set out in Chapter 2 of the current Development Plan for the area, to achieve balanced development within the county, whilst supporting both urban and rural settlements in accordance with national and regional policy, and to this end it provides for the planned expansion of the small towns and villages through the designation of a hierarchy of settlements in order to accommodate the needs of local people as well as promoting the strategic economic and social development of the county in a sustainable manner. Having regard to the location of the development site outside of the village of Watergrasshill, on an approach road to the settlement, and the need to maintain a clear distinction between urban areas and the countryside, it is considered that the proposed development would militate against the stated development strategy for the county and would be contrary to the policies of the Cork County Development Plan, 2014, including Objectives RCI 5-8 (Greenbelts around Settlements) and GI 7-4 (Development on the approaches to Towns and Villages). The proposed development would set an undesirable precedent for further such development and would, 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 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.

Robert Speer

Planning Inspector

16th June, 2017