



An
Bord
Pleanála

Inspector's Report PL 04.249316

Development	Change of use of existing stables building to single residential unit with all necessary alterations and effluent treatment unit.
Location	Poppyfield, Raheenering, Monkstown, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/5883
Applicant(s)	Fiona Falvey
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	Fiona Falvey
Observer(s)	None
Date of Site Inspection	12 th January 2018
Inspector	Michael Dillon

1.0 Site Location and Description

- 1.1. The site, with a stated area of 2 acres, is located approximately 3km due west of the village of Monkstown in rural Co. Cork. Access to the site is from a county road – along which it is possible to pass two cars with ease. The 80kph speed restriction applies in this area. There are no public footpaths and there is no public lighting. The access is sandwiched between the access points to other houses – north and south. Timber gates are provided to the recessed entrance. Sight distance is reasonable in either direction, owing to the proximity of the two flanking entrances. The area is subject to extensive one-off housing, as is evident from perusal of OS maps or aerial photography for the area. The site is located on or about the 110m contour, and slopes very gently downhill from southeast to northwest.
- 1.2. The site itself comprises an unsurfaced avenue leading to a pair of stables buildings. There is an enclosed sand arena to the north of the buildings (within which a septic tank is located); a small grass paddock (divided by the access avenue), and a metal container for storage in the northwest corner. The ground under foot in the proposed location of the new septic tank was dry on the date of site inspection. To the north, the site abuts the curtilage of a dormer bungalow on slightly lower ground – the boundary with which is a poor-quality hedgerow. To the east, the site abuts a large field – the boundary with which is a trimmed cypress hedge. To the south, the site abuts an agricultural track and two dormer bungalows on slightly higher ground – the boundary with which is a trimmed cypress hedge. To the west, the site abuts the grounds of a large, detached house and sheds – the boundary with which is a 4m high trimmed hedge, which completely hides the sites from one another. This adjoining house is, in turn, located to the rear of two further houses which front onto the access road.

2.0 Proposed Development

- 2.1. Permission sought on 21st July 2017, for development comprising change-of-use of the larger of two stables buildings (104sq.m) on this site, to a two-bedroom bungalow. It is proposed to decommission the septic tank within the sand arena, and construct a new septic tank and percolation area to the southeast of the proposed bungalow. It is proposed to erect new timber gates at the existing

entrance. The second stables building is to be retained, and paddocks reconfigured. Surface water is to be discharged to a new soakway to the south of the bungalow. Water supply is stated to be from the public mains. [I note that page 4 of the application form submitted to CCC, is not on the copy of the file sent to the Board].

2.1.1. The application is accompanied by the following documentation of note-

- Details of applicant's schooling.
- Letter from applicant's mother, Ann O'Hara, giving consent to make planning application on her lands.
- Site Suitability Assessment Report for effluent disposal.
- Details of enforcement in relation to access onto public road for ref. 13/6062.
- Business Plan for Equitation Instructor.

2.2. Unsolicited additional information was received on 17th August 2017, in the form of a letter from the applicant's agent, Terry Falvey, comparing the current applicant with a recent application for a house on the adjoining site to the west – ref. 13/06202.

3.0 Planning Authority Decision

By Order dated 11th September 2017, Cork County Council issued a Notification of decision to refuse planning permission for three reasons, which can be summarised as follows-

1. Site is located within greenbelt associated with Metropolitan Cork.
2. Development would constitute disorderly backland development to the rear of existing houses.
3. Intensity of turning movements would constitute a traffic hazard, when considered with stated aim of providing equine services.

4.0 Planning History

There is a considerable planning history pertaining to this site and immediately adjacent lands, some of which were formerly in the ownership of the applicant's family.

Ref. 17/4801: Outline permission refused on 20th June 2017, to Kate Falvey (applicant's sister) for construction of a dwelling-house and effluent treatment unit within paddock area to south of stable buildings on this site.

Ref. 14/6063: Application for change of use of detached granny flat to dwelling-house, by Barbara Halpin, was withdrawn. This site is immediately to the west of the current appeal site.

Ref. 09/7506: Permission refused to Kate Falvey for change of use of stable building to single-storey residence. On appeal to the Board by the applicant, permission was refused (**PL 04.237945**) on 23rd March 2011, on grounds of traffic hazard.

Ref. 09/7356: Application by Kate Falvey for change of use of stables building to residential use – not processed.

Ref. 09/4233: Permission refused to Kate Falvey for bungalow, septic tank and entrance drive.

Ref. 09/4004: Application by Kate Falvey for bungalow and septic tank – not processed.

Ref. 06/13707: Permission refused to Ann O' Hara (applicant's mother) for extension and change of use of stables building to bungalow. On appeal by the applicant to the Board, permission was refused (**PL 04.222337**), on 12th July 2007.

Ref. 03/576: Permission granted to Ann O'Hara-Falvey on this site, for two stables, food store, tack room, changing room and WC, on 2nd October 2003. The development was stated to have been carried out in 2006.

Ref. 01/5254: Permission granted to Ann O'Hara for construction of a dwelling-house at Hilltown – some 750m to the west.

Ref. 00/562: Outline permission refused to David Halpin Junior, for construction of a dwelling-house. This site is immediately to the west of the current appeal site.

Ref. 99/799: Application by Terry & Ann Falvey for construction of 3 no. stables and shed (for private use) and new entrance/drive – not processed.

Ref. 96/3058: Permission granted to Terry & Ann Falvey for retention of stables and alteration to granny flat, on site immediately to the west of the current appeal site.

Ref. 96/1300: Outline permission granted to Terry Falvey for a dwelling-house.

Ref. 94/267: Permission granted to Terry Falvey for partial change of use of dwelling to guesthouse and B&B.

Ref. 94/65: Permission refused to Terry Falvey for construction of a bungalow.

Ref. 94/30: Permission granted to Terry Falvey for extensions to dwelling and conversion of garage to granny flat, on site immediately to the west of the current appeal site.

Ref. 93/2290: Permission granted to Terry Falvey for construction of bungalow and 5 no. stables for private use and retention of bungalow and domestic garage/store, on site immediately to the west of the current appeal site.

Ref. 92/0712: Permission granted to Henrich Lentzy for a dwelling-house.

Ref. 91/1191: Permission refused to Ballydrum Ltd. for construction of two houses.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The relevant document is the Cork County Development Plan 2014-2020. The site is located within the Metropolitan Greenbelt of Cork City – an area under strong urban pressure for housing (Figure 4.1). Policy RCI 4-1 sets out the case for exceptional rural-generated housing need in a particular rural area. Figure 13.3 is a map of the Greenbelt area
- 5.1.2. The Ballincollig/Carrigaline Municipal District Local Area Plan 2017 is also of relevance. Section 2.2.2 refers to the County Development Plan strategy and refers in particular at sub-section f) to- “Maintain the principles of the Metropolitan Cork Greenbelt to protect the setting of the City and the Metropolitan Towns and to provide easy access to the countryside and facilities for sports and recreation;”. Section 2.2.3 states at subsection b) to- “Facilitate the development of the villages as set out in the local area plans so that the rate of future population growth complements that strategy to achieve a critical mass of population in the towns and provide protection for those areas recognised as under pressure from urban development;”.

5.2. Sustainable Rural Housing Guidelines

The “Sustainable Rural Housing – Guidelines for Planning Authorities”, published by the Department of Environment, Heritage and Local Government in April 2005, indicate that the site is located within an ‘Area Under Strong Urban Influence’, arising from proximity to Cork city.

5.3. Natural Heritage Designations

The closest European site is the Cork Harbour SPA (Site code 004030), located some 1.75km northwest of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The appeal from Terry Falvey Engineering/Design/Project Management, agent on behalf of the applicant, Fiona Falvey, received by the Board on 27th September 2017, can be summarised in bullet point format as follows-

- The applicant is 23 years of age, and was born in Raheenering. She is a qualified riding instructor. The PA has chosen to ignore past residency. The applicant has resided since 2008 in Carrigaline.
- Guidelines focus on duration of residency rather than actual place of residency. The Sustainable Rural Housing Guidelines refers to persons who are an intrinsic part of the rural community, having spent substantial periods of their lives living in rural areas. Returning emigrants are also provided for. The 2008 Department of the Environment Circular SP 5/08 clarifies how the Sustainable Rural Housing Guidelines must conform to EC policy relating to freedom of movement and capital, and refers specifically to former residency.
- Reference is made to the Cork County Development Plan 2009. [I do not propose to summarise references to this document – as it has been superseded by the 2014-2020 Development Plan].

- Objective RCI 4-1 refers to “seven years prior to the date of the planning application” without specifically referring to “seven years immediately preceding”. RCI policies make allowances for returning emigrants.
- The PA has not taken the applicant’s residency in nearby Hilltown into account, when calculating her absence from the area. She has not resided in the area nine to ten years. She moved from Raheenering to Hilltown in 1999. The family moved to Carrigaline in 2007. The applicant maintained an interest in the area through her equine studies.
- The PA confirmed that the applicant’s older sister Kate (three years her senior) had a local housing need. The same reasoning should apply to her sister in this current instance. The applicant was home-schooled from age 13 to 18, and equine studies at Raheenering were a major part of her studies. The applicant has extensive social and economic links to the area.
- The critical issue in relation to backland development is the impact it may have on existing residences. There will be no significant impact on residential amenity in this instance. There is already considerable backland development in this area. This issue has previously been addressed by the Board – where it was not considered to be an issue on this site. The separating distances to nearby houses are adequate.
- CCC has recently granted permission for a house immediately to the south of this site – ref. 11/06097. The applicant was of a similar age to the current applicant. The PA took the applicant’s need for a dwelling-house in the area into consideration, and gave this consideration over-riding priority.
- The rear (western) building line will not be affected by this proposed change-of-use application.
- The applicant would be satisfied to construct a new dwelling within the paddock area to the south, and is not committed to the stable building change-of-use.
- The sightlines at the entrance are adequate – as per the Area Engineer of CCC. The PA assumed that the applicant was going to set up a commercial equine business. The proposal cannot be considered the same as a fully

functioning equestrian school. What the applicant had in mind was a home-based business which would enhance the rural community. Living near the stables is essential for the applicant to manage the horses. Policy RCI 4-7 refers to businesses that will enhance the rural community where the nature of their employment or business is dependent on its location within the rural community. As required by objective RCI 4-7, a Home Business Plan was submitted. It should be noted that 90% of the equine activity is off-site. The facility will accommodate two horses in schooling. The applicant must have her own horse as well as easy access to her equipment and stable facilities.

- The Business Plan does not propose riding lessons on the site. The business is comparable to any home office with low levels of traffic. This application is for a dwelling-house and not for a commercial use. The business is dependent on the location.
- The applicant is not a home-owner and is seeking to build her first home.
- The applicant requests the Board to consider a new Business Plan which will result in 100% of the business being off-site. The applicant will use the stables yard to keep her own horse and equipment.
- The PA has claimed that there has been long-standing intention to change this stables building to residential use, and has claimed that the building was partially kitted out for residential use. The applicant is seeking permission for her first home. She is not responsible or accountable for any of the events that happened in the past or any alleged intentions.

6.1.2. The appeal is accompanied by the following documentation of note-

- Highlighted Planner's Report from CCC.
- Highlighted Area Engineer's Report from CCC.
- Highlighted extract from Sustainable Rural Housing Guidelines 2005.
- Highlighted extracts from Circular SP 5/08 of the Department of Environment, Heritage and Local Government.
- Highlighted extracts from CCC Planner's Report ref. 09/7506.
- Revised Business Plan for Fiona Falvey, Equitation Instructor.

- Suggested alternative location for a bungalow on this site – Plan B.
- OSI extract map showing selected separation distances between some houses in the area.

6.2. Planning Authority Response

The response of Cork County Council, received by the Board on 25th October 2017, can be summarised in bullet point format as follows-

- The applicant has not resided in this area since 2001, when her previous home place (adjacent to the site) was sold.
- Proposal would set an undesirable precedent for other housing proposals within the Metropolitan Greenbelt.
- The applicant's reference to the housing need of her sister being recognised, relate to a different zoning (A3 Green belt) and an earlier Development Plan (2009-2015).
- The proposed equine business would inevitably lead to additional traffic turning movements where sightlines would not be satisfactory for non-residential use.

7.0 Assessment

7.1. Development Plans & Policy

- 7.1.1. The site is located within the Metropolitan Cork Greenbelt – as set out in the current development plan for the area (Figure 4.1). This greenbelt is further divided into 'Prominent and Strategic Metropolitan Greenbelt Areas' as set out in Figure 13.3. The site does not fall within the latter classification. A casual glance at any recent map or aerial photograph of the area will quickly illustrate just how strong the pressure for housing in this area is – the consequences being extensive ribbon development and creeping suburbanisation of a rural area. This suburbanisation has resulted in backland development of housing to the rear of existing ribbon development; and now the current application for a third line of housing. There are one-off houses constructed on sites to the south, west and north of the existing

stables buildings on this site. With each new house in this area, the reality of a greenbelt becomes less, and the policy to protect it increasingly meaningless. The suburbanisation of this area is not in the interests of preserving the greenbelt, and a point comes where, notwithstanding the landscaping of gardens, the sheer dominance of housing obliterates the function the greenbelt is intended to perform. Another house in this area would be contrary to the Ballincollig/Carrigaline Municipal District LAP strategy, as set down in sections 2.2.2.f and 2.2.3.b of that Plan.

7.1.2. Policy RCI 4-1 of the Development Plan, in relation to housing development within the greenbelt, refers to “exceptional rural-generated housing need”. The policy refers to types of individuals who might be considered to have a housing need. I do not see that the applicant falls into any of the categories set down at a) -d). The applicant resides in Carrigaline, whilst having once lived in Raheenring. The Sustainable Rural Housing Guidelines for Planning Authorities (2005), recognise that this is an “Area Under Strong Urban Influence”, arising from proximity to Cork City. There are lands zoned for residential use in nearby Cork City – South Environs, Passage West/Monkstown, and Carrigaline.

7.2. **Other Issues**

7.2.1. Precedent

The applicant claims that permission has recently been granted for a house in this area to an applicant of similar age. I do not see that such creates a precedent, as each case must be dealt with on its merits. The proposed development would create an undesirable precedent for other similar-type development, and would lead to the demand for the provision of uneconomic services to the area – such as footpaths, public lighting and sewerage.

7.2.2. Water

It is proposed to decommission an existing septic tank and percolation area located within a sand arena on the site. The development includes proposals for a new septic tank and percolation area. There is no public foul sewer in this area. All houses are served by septic tanks/effluent treatment plants. Drawings submitted with the application indicate the location of those in the immediate vicinity. I would

be concerned that the concentration of septic tanks in this area (with houses to the south, west and north of the site) could result in contamination of groundwater, and ultimately surface water downslope of the site. Whilst there is a septic tank on the site at present, the usage from a permanent house would be significantly greater.

7.2.3. Design & Layout

The proposed development involves the change-of-use of an existing stables building – which has been modified in the recent past. The resulting house would not have any impact on the residential amenities of adjoining properties or have any visual impact on the area. The applicant has suggested a willingness to construct a house on another part of the site, should the Board consider it more appropriate. I would note that the application before the Board is for the change-of use of a stables building, and does not relate to construction of a house on any other part of the site.

7.2.4. Access

Sight distance at the existing entrance is reasonable in either direction. This access is already in use for traffic entering and leaving the stables facility. The entrance is recessed. I would be satisfied that the proposed development would not result in any traffic hazard. The applicant has indicated that the proposed equestrian instructor status of the occupant would not result in any significant increase in traffic movements – over and above those of a single house.

7.2.5. Financial Contribution

The decision of CCC was to refuse permission. In the event that the Board is minded to grant planning permission for this development, a condition should be attached requiring payment of a development contribution in accordance with the Development Contribution Scheme in force for the county.

7.2.6. Occupancy Condition

The decision of CCC was to refuse permission. In the event that the Board is minded to grant planning permission for this development, a condition should be attached relating to occupancy of the house, in line with County Development Plan policy (section 4.6.9).

7.2.7. Appropriate Assessment

Having regard to the nature and scale of the proposed development, the pattern of development in the vicinity, the absence of any watercourses either within or immediately abutting the site, and the separation distance from the closest European site, no Appropriate Assessment issues arise and it 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**

I recommend that permission be refused for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

1. The site is located within the Metropolitan Cork Greenbelt as delineated in the current Cork County Development Plan 2014, which is generally to reserve such areas for agricultural, open space and recreational uses, and to retain the open and rural character. It is the policy of the Council, as set down in the County Development Plan and the Ballincollig/Carrigaline Municipal District Local Area Plan 2017, to restrict housing within greenbelt areas to those with an “exceptional rural generated housing need”, who comply with one of the identified categories housing need set down in objective RCI 4-1. The applicant has not demonstrated compliance with the eligibility criteria, and as such, the development would materially contravene the zoning objective for the area.
2. The development would be contrary to the County Development Plan strategy, as set down at section 2.2.2.f and 2.2.3.b of the Ballincollig/Carrigaline Municipal District Local Area Plan 2017, to maintain the principles of the Metropolitan Cork Greenbelt, and to facilitate the development of the villages as set out in the LAPs, so that the rate of future population growth complements 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.

3. The proposed development, through the consolidation of suburban-type backland housing, would set an undesirable precedent for other similar-type development in a rural area, which would militate against the preservation and functioning of the greenbelt. It would lead to the demand for the uneconomic provision of services and community facilities outside of identified settlement areas, and would, therefore, be contrary to the proper planning and sustainable development of the area.
4. The proposed development would be prejudicial to public health arising from the concentration of houses served by septic tanks/effluent treatment units within a rural area, which could affect groundwater and, ultimately, surface water quality in the area.

Michael Dillon
Planning Inspectorate

16th January 2018.