



An
Bord
Pleanála

Inspector's Report ABP-300145-17

Development	The construction of a new dwelling house, a new vehicular entrance, installation of a septic tank and percolation area, a domestic well and all ancillary works.
Location	Temple Hill, Carrigrohanebeg, Carrigrohane, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/06164
Applicant(s)	Paula Barrett & Denis Ahern
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Paula Barrett and Denis Ahern
Observer(s)	1. Susan and Alan Burke 2. Val and Joan Moran
Date of Site Inspection	22 nd February 2018
Inspector	Fiona Fair

1.0 Site Location and Description

- 1.1. The appeal site (stated area 0.4419 ha) is located at Temple Hill, Carrigrohane Beg, County Cork c920m north-west of Leemount Cross Roads. The site is located in a rural area and part of the rural hinterland north of Ballincollig and west of Cork City.
- 1.2. The site is part of a large agricultural field, and there are two parts to the site – one being the proposed access driveway c.150m long, and the main site area is further to the north.
- 1.3. The subject site is located on the family landholding that includes the family home (located to the south west) and the surrounding agricultural fields.
- 1.4. The site is to be accessed via an existing cul de sac road that serves other dwellings in the vicinity to the south of the site. This cul de sac road accesses off a local public road that serves multiple dwelling located in this area, this road is located on a ridge line.
- 1.5. It is proposed to extend the existing vehicle access driveway cutting through a densely forested area with mature trees, bushes and hedges in place on both sides. The location of the proposed dwelling is located at an elevated position in the centre of an open meadow that forms a part of a larger parcel of agricultural fields surrounding in all directions. The agricultural land located to the south and the west is located at an elevated level while the land to the north and the east is located at a lower level. The ground levels within the site fall from north to south and in the main site area from south west to east. The site is elevated, open and exposed with wide open views to the north and east.
- 1.6. There is an existing row of mature trees and hedgerows located along the northern boundary of the site which break up this larger field. The remaining boundaries are open.

2.0 Proposed Development

- 2.1. The proposal comprises Permission to:
 - Construct a dwelling house (195 sq. m)

- New vehicular entrance
- Septic tank and percolation area,
- Domestic well and
- Associated site works.

2.2. The following information is attached to the File:

- A letter of consent from the owner of the site.
- A Land Ownership Map, indicating adjoining lands in the ownership of the landowner.
- A Site Survey
- A Site characterisation Report. Stated P test Results 22.28 and stated T test Results of 14.11
- A supplementary planning application form SF1 and further supplementary letters in support of the application.
- A letter from the applicant herself, setting out the following:

Paula Barrett grew up at the family home farm at Temple Hill, Carrigrohane, Co. Cork, where her parents still reside. She lived at home from April 1984 to October 2009 & October 2011 to September 2012. During academic periods from October 2009 to September 2011 she was a student living in Dublin. She temporarily rented In Waterfall, Co. Cork for a short period from September 2012 to May 2013. Effectively her residence has been her parent's residence on their farm from 1984 to 2012. Since 2013, Paula and her husband Denis, together with their two children have lived in a rented 2-bedroomed property at their current address (Lily Cottage, Rocklodge, Carrigrohane, Co. Cork), which is located to the north west of her parent's land holding. It is submitted that this property, although not ideally suited to this growing family's needs, has been the only house in the area which has come up for rent on Daft.ie. Therefore, aside from the periods set out above, Paula has lived in this area for most of her life.

- In 2014, the appellants sought planning permission on a different site on the family farm. This application (14/05905) was withdrawn before a decision was issued by Cork County Council Planning Department. The Area Planners report for the current subject application refers to a refusal of permission on the lands i.e. the 2014 application. This was the first time the appellants saw any section of this report. On request, the planning department subsequently issued a hard copy of this report from 2014, together with a copy of the Liaison Officer's Report. In his 2014 report, dated 3.11.2014, the Liaison Planner stated that the applicants had an exceptional housing need.

3.0 Planning Authority Decision

3.1. Decision

Permission was Refused for the following four reasons:

1. The proposed development would be located in an area designated as a Prominent and Strategic Metropolitan Greenbelt Area requiring Special Protection as set out within the Cork Metropolitan Greenbelt in the Cork County Development Plan 2014. The reasons for and aims of this designation are detailed in Objectives GI 8-1 of the County Development Plan and it is considered that the proposed development materially contravenes this objective and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development would set a precedent for similar type development in The Strategic Metropolitan Greenbelt and in this specific area with the extension to the existing cul de sac driveway would lead to the creation of future development sites on the landholding with the expectation for further development being encouraged. This 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 and contravene County Development Plan Policy GI 8-1.

3. As stated in the County Development Plan 2014, it is an objective of the Council, under HE 4-6 (a) to encourage new buildings that respect the character, pattern and tradition of existing places, materials and built forms and that fit appropriately in to the landscape and, in accordance with HE 4-6 (d), protects existing rural landscapes. It is considered that the construction of the proposed dwelling having regard to its siting, form, scale and massing and associated site works on the subject steeply sloping site would involve excessive levels of cutting and filling, would form an unduly prominent feature on the rural landscape, and would not fit appropriately into the rural landscape at this location and contravene the stated objectives.
4. Objective GI 6-1 (d) discourages proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments. Also, objective HE 2-3 and HE 2-5 seeks to retain areas of local biodiversity value, ecological corridors and habitats that are features of the County's ecological network and to protect these from inappropriate development. It is considered that the proposed development, by virtue of the creation of a significant stretch of roadway through a wooded area, would contravene the stated objectives and detract from the visual amenity and the character of this location. 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 Report:

Considered that the construction of the proposed dwelling having regard to its siting, form, scale and massing and associated site works on a steeply sloping site would involve excessive levels of cutting and filling, would form an unduly prominent feature on the rural landscape, and would not fit appropriately into the rural landscape at this location. The proposed development would result in an

unacceptable erosion of the Strategic Metropolitan Greenbelt and would be contrary to Objectives RCI 4-1 and GI 8-1 of the development plan

3.3. **Other Technical Reports:**

- Liaison Officer: No comment

3.4. **Third Party Observations**

Two submissions received, issues raised are summarised as follows:

- Proposed development represents a deviation from the established pattern of development in the area
- Proposed development threatens valuable landscape features and important wild fauna and flora
- Felling of mature trees is a concern
- Negative visual impact by proposed development on side of valley
- Negative impact on biodiversity of the area
- Other infill sites available for applicant to explore for development
- Applicants parents are not farmers and so do not meet the qualifying criteria
- Right of way issues with regard to proposed vehicle entrance and driveway
- The development of proposed driveway would open up future prospective developments in the area
- Impact of proposed development on existing narrow cul de sac road is a concern
- Proposed WWTS is not appropriate for the site

4.0 **Planning History**

The Planners report refers to Reg. Ref. 14/5905 – Dwelling house and septic tank - Paula Barrett, Denis Ahern – and states that Permission was Refused for the following reasons (summarised):

1. The site is located within the greenbelt category A1 which is afforded the highest degree of protection and it is an objective as set out in RCI 8-4a, to protect those prominent open hilltops, valley sides and ridges that define the character of Cork and those areas which form strategic, largely undeveloped gaps between the main greenbelt settlements and to preserve such areas from development.
2. It is considered that the construction of the proposed dwelling having regard to its siting, form, scale and massing and associated site works on the subject steeply sloping site would involve excessive levels of cutting and filling, would form an unduly prominent feature on the rural landscape, and would not fit appropriately into the rural landscape at this location. It is considered that it has not been demonstrated that the applicants have an exceptional housing need for a dwelling within this Greenbelt, as is required under the Cork County Development Plan 2009 (objective RCI 8-2 and RCI 8-4). The proposed development would result in an unacceptable erosion of the Greenbelt A1 and would be contrary to Objectives RCI 8-2, RCI 8-3 and RCI 8-4 of the development plan.

Inspectors Note: On the planning authority planning web site it is stated that this application was Withdrawn. I note also the applicant's submission that this application was withdrawn and that no decision / report was furnished to them.

5.0 Policy Context

5.1. Development Plans

Cork County Development Plan 2014

CS4-1 County Metropolitan Cork strategic planning area

RCI 1-1 Rural communities

RCI 2-1 Urban generated housing

RCI 2-2 Rural generated housing

RCI 4-1 Metropolitan Cork Greenbelt

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

RCI 6-2 Servicing individual houses in rural areas

RCI 6-4 Occupancy conditions
TM3-2 Regional & Local Roads
GI6-1 Landscape
GI7-1 General views and prospects
GI8-1 Prominent and Strategic Metropolitan Greenbelt Areas requiring Special Protection

The rural settlement strategy in the Cork CDP 2014 has divided the County into a number of different rural area types. The appeal site is located within an area classed 'Prominent and Strategic Metropolitan Greenbelt', as per the CDP 2014. The Greenbelt area requires the highest degree of protection. The policies in relation to same are set out under objective RCI 4-1

5.2. **Natural Heritage Designations**

The appeal site is not subject to or approximate to any natural heritage designations. Great Island Channel SAC site code 1058 is located some 15 Km distant approx.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The issues raised, within the First party appeal from Paula Barrett and Denis Ahern, are summarised as follows:

- The appellants have a genuine housing need. They comply with "County Development Plan Objective, RCI 4-1: Metropolitan Cork Greenbelt" under Section (d).
- Sets out details of the applicant's circumstances and family connections with the appeal site, as detailed, above in section 2.0 of this report.
- Paula, is the youngest of four daughters and is the only daughter to apply for planning permission on her parent's land holding. Her elderly parents need the support of a family member nearby.

- The appellants work (Airport Business Park) is within Cork County not Cork City.
- The applicants father is a retired 'farmer'.
- The appellants also comply with the criteria as set out in "County Development Plan Objective, RCI 4-1: Metropolitan Cork Greenbelt" Section (a)
- Appellants have demonstrated that they satisfy the criteria for a genuine exceptional rural housing need on their family farmland, as recognised in the 2014 Liaison Officer's report.
- In 2014, the appellants sought planning permission on a different site on the family farm with a different agent. This application (14/05905) was withdrawn.
- The Area Planner for the 2017 application, referred to the 2014 application in the Planning Report. This was the first time the appellants saw any section of this report. On request, the planning department subsequently issued a copy of this report.
- The applicants' situation in terms of their living arrangements and housing need has not changed since 2014. The Liaison Officer in his report of 2014 application stated that the applicants had an exceptional rural housing need.
- In respect of the current application, (Ref: 17/06164), the same Liaison Officer stated "no comment" in his Report dated 10.10.2017.
- The subject application differs from the previous in terms of location of the proposed dwelling on – site.
- The issues and reasons for refusal for the previous application are not equally applicable to this site.
- The proposed site for application ref: 14/5905 was on a significantly more prominent area of the hillside and could be seen from a variety of vantage points and it is acknowledged that to access and construct the house proposed at that time, significant cut and fill would have to have been undertaken. The current site is much further down the hill (280m approx.) located in a relatively flat parcel of the land holding and is screened heavily by mature trees.

- The appellants are not creating a new roadway through the wooded area but proposing to upgrade an existing access to provide a residential access to appropriate standards.
- The proposed driveway through the field and the parking area is to be finished with a permeable red sandstone gravel finish. The parking area will not require significant ground works as the ground is solid and the parking area can fall with the contours of the site. The proposed driveway is to be lined with native beech hedging which will minimise its visual impact from the north.
- It will not be possible to see the driveway from any public road to the north of the site, ie Kerry Pike.
- The appellants have commissioned a survey from GEO-Data Surveying (*Attached*) which identifies the location of the existing trees and stone wall which are on either side of the roadway. This survey demonstrates that no trees or vernacular walls will be affected as they are not on the existing roadway but to the left and right as one traverses it.
- There will be no "detrimental damage" or "negative impact" to existing trees.
- It has not been established that the upgrading of this roadway through the woods with a permeable surface will affect the "surrounding biodiversity and flora and fauna".
- The appellants are proposing to plant extensive amounts of native beech hedging as well as four large native trees to the east of the proposed development.
- The only views of the proposed dwelling would be from the private farmland to the distant east on the top of Coolymurraghue Hill. The steep descent to the Shournaugh Valley and dense woods in between dictate that one cannot see the proposed dwelling from the R5579 (Blarney Road).
- The proposed site and dwelling will have minimal if any visual impact on the surrounding hinterland and will not scar any "prominent open hilltops, valley sides and ridges", thus, maintaining the criteria as set out In the County Development Plan Objective "GI 8-1
- This existing roadway is not overgrown and is accessible.

- The roadway has been in existence since at least 1841.
- This roadway has served this landholding and continues to serve this landholding.
- There is a prescribed right of way through continued use.
- The Planning Authority's concerns that the proposed development would set a precedent for similar type development in the area are unfounded as the applicant is acknowledged to have an exceptional housing need, which is unlikely to be replicated by other potential applicants in the area.
- The proposed dwelling satisfies Objective HE 4-6a of the County Development Plan 2014, through a combination of careful site selection and design.
- There are no proposals for the removal of trees, hedgerows, historic walls and other boundaries.
- The applicant proposes to support the existing biodiversity and habitats by additional planting.

6.2. Planning Authority Response

None.

6.3. Observations

Two number observations received from Susan and Alan Burke and Val and Joan Moran, the issues raised are summarised as follows:

- Concern with regard to the extent of tree felling in particular mature trees, in order to construct the driveway to a standard acceptable for residential purposes.
- Concern with respect to negative impact of construction traffic on the natural amenity of the area.
- Proposal contrary to Objectives GI6-1(d), HE 2-3 and HE 2-5 of the CCDP 2014 which seek to preserve the natural amenity and character of the area.
- Location is not appropriate
- Access proposed is unsuitable

- Applicant has alternative more suitable locations available. An entrance could be developed adjacent to the applicant's parent home via extensive road frontage.
- Query whether the applicants have a prescriptive right of way, over the laneway, for the purpose of serving a dwelling house.
- In-situ large trees would restrict sufficient entrance width for development.
- Set a negative precedent and open up further lands for possible future development.
- Negative impact upon wildlife habitation on the site: badgers, squirrels, pheasant, foxes, hares and rabbits

7.0 Assessment

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

- **Principle of the Development and Compliance with Policy**
- **Visual Impact**
- **Ecological and Landscape Impact**
- **Access and Traffic Safety**
- **Appropriate Assessment**

7.1. Principle of the Development and Compliance with Policy

- 7.1.1. The draft reasons for refusal by the planning authority, set out in detail in section 3.1 of this report, considers that the application site is located in an area designated as a 'Prominent and Strategic Metropolitan Greenbelt Area' requiring Special Protection as set out in the Cork County Development Plan 2014. The reasons for and aims of this designation are detailed in Objectives GI 8-1 of the County Development Plan and it is considered that the proposed development materially contravenes this objective.
- 7.1.2. The rural settlement strategy in the Cork CDP 2014 has divided the County into a number of different rural area types. The appeal site is located within an area classed 'Prominent and Strategic Metropolitan Greenbelt'. The Greenbelt area

requires the highest degree of protection. The policies in relation to same are set out under objective RCI 4-1 which states: 'The Metropolitan Cork Greenbelt is the area under strongest urban pressure for rural housing. Therefore, applicants shall satisfy the Planning Authority that their proposal constitutes an exceptional rural generated housing need based on their social and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:

'a) Farmers, including their sons and daughters who wish to build a first home for their permanent occupation on the family farm.

b) Persons taking over the ownership and running of a farm on a fulltime basis, who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.

c) Other persons working fulltime in farming, forestry, inland waterway or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.

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

7.1.3. The Plan goes on to state: 'In circumstances, where a family land holding is unsuitable for the construction of a house, consideration may be given to a nearby landholding where this would not conflict with Objective GI 81 and other policies and objectives in the plan. The total number of houses within the Metropolitan Greenbelt, for which planning permission has been granted since this plan came into operation on a family farm or any single landholding within the rural area, will not normally exceed two'.

7.1.4. Objective GI 8-1 states: 'Prominent and Strategic Metropolitan Greenbelt Areas requiring Special Protection'. It is policy to 'Protect those prominent open hilltops, valley sides and ridges that define the character of the Metropolitan Cork Greenbelt

and those areas which form strategic, largely undeveloped gaps between the main Greenbelt settlements. These areas are labelled MGB1 in the Metropolitan Greenbelt map (Figure 13.3) and it is an objective to preserve them from development'.

- 7.1.5. One of the applicants, Paula Barrett, clearly has ties to the landholding being the daughter of the landowner, a now retired farmer. The farm is currently leased. The parental home where she lived for periods between 1984 - 2012 is located to the south west of the site and is highlighted as being within the same landholding. The applicants both currently live in rented accommodation in Carrigrohane (approx. 1.5 miles distant) and have done so for 4 years. Both of the applicants work as accountants located in the Airport Business Park. The applicants have submitted a supplementary planning application form (SF1) and further supplementary letters, confirming ties to the area, in support of the application. The applicant states that they have not owned previously or do not currently own any residential property. It is argued that Paula, is the youngest of four daughters and is the only daughter to apply for planning permission on her parent's land holding. Her elderly parents need the support of a family member nearby.
- 7.1.6. The applicants submit that they have a genuine housing need. They comply with "County Development Plan Objective, RCI 4-1: Metropolitan Cork Greenbelt" under both Section (a) and in particular Section (d).
- 7.1.7. Based on the information submitted with the application, I agree with the planning authority that the applicants have not demonstrated that they come within the scope of the housing need criteria for a dwelling at this location, as set out under objective RCI 4-1. The appeal site is located within an area designated 'Prominent and Strategic Metropolitan Greenbelt' which requires special protection. The applicants propose to construct a roadway, albeit, an existing agricultural lane / track, through a heavily forested area and to construct a substantial two storey dwelling in an elevated, undeveloped, picturesque valley side and ridge which is designated 'prominent and strategic metropolitan greenbelt'. Objective GI 8-1 set out in detail above, clearly seeks to protect prominent open hilltops, valley sides and ridges that define the character of the Metropolitan Cork Greenbelt and those areas which form strategic, largely undeveloped gaps between the main Greenbelt settlements. I concur that this protection status is particularly relevant in this case. The principle of

rural housing need for this applicant, on this site, in this area, has not been established. The applicants do not have a need to live in the area related to agricultural employment or any 'exceptional housing need' which would provide the basis for making 'an exception' to the general policy to protect areas designated as Prominent and Strategic Metropolitan Greenbelt. The applicants are not engaged in agriculture. Their employment is not rural based and is not connected to the landholding.

7.1.8. The planning authority stated in their first reason for refusal that the proposed development represents a material contravention of the development plan. In such circumstances, section 37 (2)(b) of the 2000 Act states that the Board may only grant permission where it is considered that:

- i. The proposed development is of strategic or national importance,
- ii. There are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- iii. Permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- iv. Permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

7.1.9. I consider the site to be zoned essentially as 'Greenbelt', the overall zoning objective for Greenbelt lands is for agriculture, recreation or open space uses (albeit with some qualifications) and as such the proposed development (as submitted to the planning authority) to be a material contravention of the zoning designation and the stated objectives. I do not consider that any of the exemptions set out in Section 37 (2)(b) apply.

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

7.2. Visual Impact

- 7.2.1. The appeal site is located at an elevated position in the centre of an open meadow that forms a part of a larger parcel of agricultural fields surrounding in all directions. There are two parts to the site – one being the proposed access driveway (c.150m long) through the woodland area, with the main site area further to the north.
- 7.2.2. There is an existing row of mature trees and hedgerows located along the northern boundary of the site which break up the larger field. The proposed dwelling is to be located in front of (south of) the existing treeline. The remaining boundaries are open. The ground levels within the site fall from north to south and in the main site area from south west to east. The site is elevated, open and exposed with wide open views to the north and east.
- 7.2.3. Objective RCI 6-1 'Design and Landscaping of New Dwelling Houses in Rural Areas', as set out in the CCDP 2014, 'encourages 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'. Similarly, Objective HE 4-6 'Design and Landscaping of New Buildings' encourages the same principles.
- 7.2.4. The proposed dwelling is two storey A-gable design with a single storey A-gable annex to the rear. It is not split level. The ridge height is 7.62m with a stated internal floor area of 195 sq. m. There is extensive glazing proposed to all elevations. The ground levels change from 66m OD to 74m OD in the main site area, from south east to west, which gives a variance in ground level from east to west across the site of some 8 m. The ground levels fall to 60 m OD to the east, representative of the valley landscape and elevated nature of the site.
- 7.2.5. There are wide and extensive views from the site to the north and north east. While the dwelling would not be visible from the public road to the south, it being sited at a lower level than the public road, distance and screening in place, it would be visible when viewed from the north and east. It would form a prominent feature on the landscape, detract from the visual amenity of the area and undermine the specific function and character of these Greenbelt lands, being contrary to the zoning.
- 7.2.6. The appeal site is located in an undeveloped part of the Greenbelt in a prominent undulating valley landscape. This landscape requires special protection. Therefore, given the elevated positioning of the proposed development, together with its depth

and scale, the resulting extensive driveway, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape.

- 7.2.7. Regard is had to the appellants reasoning for selecting this site and the analysis submitted of other possible locations on the landholding. However, given the undisturbed, elevated and prominent nature of the appeal site I agree with the planning authority that the proposed dwelling being a substantial two storey structure would significantly and negatively impact on the surrounding landscape and therefore not accord with Objective GI 8-1 Prominent and Strategic Metropolitan Greenbelt Areas requiring special protection. The development, if permitted, would militate against the preservation of the rural environment, be visually obtrusive and incongruous and would set an undesirable precedent for other such prominently located development in the vicinity.

7.3. Ecological and Landscape Impact

- 7.3.1. The proposed development is to be accessed via a proposed vehicular access driveway that would cut through a densely forested area with mature trees, bushes and hedges in place on both sides. There is also a steep embankment and low wall running along part of the line of the path. The existing agricultural / forest path is in the main a stone dirt track with grass, mosses and vegetation growing along its full length. It undulates and meanders its way for a considerable distance through the forest floor.
- 7.3.2. Objective GI 6-1 (d) discourages proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments. Also, objective HE 2-3 and HE 2-5 seeks to retain areas of local biodiversity value, ecological corridors and habitats that are features of the County's ecological network and to protect these from inappropriate development.
- 7.3.3. The planning authority believe the proposed development, by virtue of the creation of a significant stretch of roadway through a wooded area, would contravene the stated objectives and detract from the visual amenity and the character of this location.

- 7.3.4. Cognisance is had, to the first party's submission, that the 'roadway' is a prescribed right of way through continued use. Has been in existence and has served this landholding since 1841. That there are no proposals for the removal of trees, hedgerows, historic walls and other boundaries and that the applicant proposes to support the existing biodiversity and habitats by additional planting. That the proposed driveway through the field and the parking area is to be finished with a permeable red sandstone gravel finish. The submission that the parking area will not require significant ground works as the ground is solid and the parking area can fall with the contours of the site. The proposed driveway is to be lined with native beech hedging which it is submitted would minimise its visual impact from the north.
- 7.3.5. From my site visit it is evident that the in-situ access path is lightly used it has characteristics of a forest path and agricultural entrance, rather than a roadway. The accessway forms part of the rural / forest environment and the main part of the site is located elevated on the slope of a valley within a rural meadow. The landscape setting is quiet, rural and undisturbed. I too would have concern regarding negative impact upon wildlife and habitats within the forest, in particular during the construction period.
- 7.3.6. I, therefore, concur with the planning authority that the proposed development including the access driveway, rectangular parking / hard-standing area would necessitate significant ground works due to the elevated landscape setting, characteristics and sloping nature of the site. The proposed dwelling located a substantial distance into the meadow, on elevated ground, the upgrading of a lightly used path to a standard vehicular access would be seriously detrimental from an ecological and landscape perspective and would be contrary to policies.

7.4. Access and Traffic Safety

- 7.4.1. The site is to be accessed by way of extending an existing cul de sac private road that serves other dwellings in the vicinity to the south of the site. The roads in the area are narrow with poor vertical and horizontal alignment. Two cars cannot pass simultaneously along the private cul de sac road and pull in / turning opportunities are few.

- 7.4.2. Concern has been raised with respect to whether the applicants have a prescriptive right of way over the laneway, for purposes of serving a dwelling house.
- 7.4.3. From information contained on the file it appears the access / laneway has been in existence for a considerable time period. I note the applicant submits that they have a prescribed right of way through continued use.
- 7.4.4. Legal issues, including right of way entitlements, are a civil matter and not matters which An Bord Pleanála have competence or jurisdiction over. The applicant has demonstrated sufficient interest in the site and access thereto, for the purpose of applying for planning permission. The applicant is advised, however, that under the provisions of Section 34 (13) of the Planning and Development Act 2000, as amended, a person shall not be entitled solely by reason of a permission to carry out any development.
- 7.4.5. From my site visit it is clear the cul de sac road is restricted in width and lacks, turning, pull in or overtaking opportunities. Also, sightlines are restricted in a westerly direction at the junction of the cul de sac with the local county road.
- 7.4.6. While it appears that the cul de sac is at present a lightly trafficked, low speed road, I would have concern with respect to the precedent which would be established for additional traffic and turning movements, should permission be granted.
- 7.4.7. There is no engineering report on the file. The Board may consider this a new issue, albeit, concern with respect to access have been raised by observers to the appeal. Cognisance is had that the proposal is for one number dwelling, only, and overall, I consider that there are more substantive and fundamental reasons for refusal of this planning application.

7.5. Appropriate Assessment (AA)

- 7.5.1. The appeal site is not subject to or approximate to any natural heritage designations.
- 7.5.2. Having regard to the nature and scale of the proposed development and nature of the receiving environment and proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

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

9.0 Reasons and Considerations

1. The proposed development is located in an area zoned Prominent and Strategic Metropolitan Greenbelt Area requiring Special Protection as set out in the current Cork County Development Plan 2014 -2020 for which the objective is for agriculture, recreation or open space uses. It is a policy of the planning authority, as set out in the plan, to channel housing into serviced centres and to restrict development in rural areas to exceptional rural generated housing need and that necessary to serve the needs of those engaged in agriculture and other rural activities. This objective is considered reasonable. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, contravene materially the development objective RCI 4-1 and Objectives GI 8-1 as set out in the development plan and be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is located within an area zoned Prominent and Strategic Metropolitan Greenbelt Area requiring Special Protection, as set out in the current Development Plan for the area, where emphasis is placed on the importance of designing with the landscape and of siting of development to minimise visual intrusion as set out in Objective RCI 6-1 in the development plan, which Objective is considered to be reasonable. Having regard to the topography of the site, the elevated positioning of the proposed development, together with its depth and scale, the resulting extensive driveway, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this

location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Fiona Fair
Planning Inspector
15.03.2017