



An
Bord
Pleanála

Inspector's Report ABP-300406-17

Development

The restoration of an existing single storey stone dwelling ruin with a proposed two storey extension (all to comprise one family dwelling house), a single storey detached domestic garage, the installation of a septic tank and percolation area, new site entrance with walls and piers and all associated site works.

Location

Ballyvisteale, Glanmire, Co. Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

17/6463

Applicant(s)

Padraig & Mairead Lynch

Type of Application

Outline permission

Planning Authority Decision

Refusal

Type of Appeal

First party -v- Decision

Appellant(s)

Padraig & Mairead Lynch

Observer(s)

None

Date of Site Inspection

22nd March 2018

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located 3.1 km to the east of the R639, which passes on a north/south axis through Riverstown and Glanmire, and 1.6 km to the east of the M8, which sweeps around these settlements. This site lies within gently rolling countryside to the north of the Glenmore River and off a local road, the LP-2964, which is punctuated by one-off dwelling houses.
- 1.2. The site itself is of regular shape and it extends over an area of 0.3636 hectares. This site lies in the north-western portion of a more extensive field, which is accessed off the local road by means of an agricultural gate in its northern boundary to the east of the site. It comprises two distinct areas: in its own north-western portion, an overgrown walled and wooded rectangular area, which contains a ruin in its south-western corner, and the remainder of the site, which comprises an “L” shaped portion of the said field that wraps around the eastern and southern boundaries to the rectangular area. Accordingly, the eastern and southern boundaries of the site are undefined at present, while the northern boundary abuts the local road and is denoted by means of a hedgerow and the western boundary abuts the grounds to a modern two storey dwelling house and is denoted by means of a stone wall and a timber post and rail fence.

2.0 Proposed Development

- 2.1. The applicants seek outline permission to rebuild the ruined single storey stone building on the site, which is understood to have been a dwelling, and to extend this building substantially to the south east by means of a two storey building to provide, together, a new dwelling house. A single storey double garage would also be built.
- 2.2. The new dwelling house would be served by a new vehicular entrance and driveway off the local road. Sightlines of 3m x 90m in either direction would accompany this entrance. Water supply would be means of a private well and foul and surface water drainage would be handled by means of a septic tank discharging to a percolation area and a soak pit. Existing trees within the walled rectangular area in the north-western portion of the site are shown as being retained

3.0 Planning Authority Decision

3.1. Decision

Refused for the following reasons:

- The Planning Authority is not satisfied that the ruin on site was a dwelling and so the proposal would materially contravene Objective RCI 8-1 of the CDP, and
- The applicant would not comply with housing need criteria set out in Objective RCI 4-1 of the CDP and so the proposed dwelling house would materially contravene this Objective and the associated policy to maintain the open and rural character of lands comprised in the Green Belt.

3.2. Planning Authority Reports

3.2.1. Planning Reports

See decision

3.2.2. Other Technical Reports:

- Area Engineer: No objection.
- Irish Water: No objection. Standard notes.

4.0 Planning History

The site and the adjoining developed house plot to the west have been the subject of a multiplicity of planning applications in recent years. The most recent one for the current site is summarised below along with a pre-application enquiry, which was a precursor to the current application:

- 14/5681: Proposed dwelling house with associated site works: Applicant John Murphy: Refused at appeal (PL04.244029) on the grounds that the site lies within the Green Belt and in an “Area under Strong Urban Influence” and yet the applicant was unable to demonstrate an exceptional rural housing need and so the proposal would be contrary to Objective RCI 4-1 of the CDP and it would militate against the preservation of the rural environment.

- PPE 17/372 occurred on 20th June 2017.

5.0 Policy Context

5.1. Development Plan

Under the Cork County Development Plan 2014 – 2020 (CDP), the site is shown as lying within an area that is designated as Metropolitan Green Belt. Objective RCI 4-1 addresses proposals for dwelling houses in the Green Belt and Objective GI 8-1 addresses such proposals on prominent sites, such as the subject site (Figure 13.3). Section 4.8 addresses the subjects of replacement rural dwellings and the refurbishment of derelict dwellings in the countryside and Objective RCI 8-1 addresses the renovation and conservation of existing disused or derelict dwellings.

Under the CDP, the site is also shown as lying within landscape character type themed 1 “City Harbour and Estuary”, which is considered to be a landscape of very high value and sensitivity and national importance.

5.2. Natural Heritage Designations

Cork Harbour SPA (004030)

Great Island Channel SAC (001058)

6.0 The Appeal

6.1. Grounds of Appeal

- The applicants begin by stating that they simply wish to build a dwelling house for their growing family and one in which they could accommodate Mairead’s mother who will need to be cared for in the future.
- They reiterate their view that the ruin on site was formerly the living quarters of a farm hand/labourer. To this end they draw attention to a submitted letter from the landowner, which outlines the former occupation of the site, and to a relevant extract from the Census. Two additional archival documents are submitted with the appeal.

- They draw attention to the proposed restoration of the ruin and its incorporation into a development that would mirror the historic layout of the farmstead on the site. If this development does not proceed, then the opportunity for such restoration would be lost.
- They also draw attention to their engineer's report, which states that the walls of the ruin are structurally sound.

6.2. **Planning Authority Response**

None.

6.3. **Observations**

None.

6.4. **Further Responses**

None.

7.0 **Assessment**

7.1. I have reviewed the proposal in the light of national planning guidelines, the CDP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that the current application/appeal should be assessed under the following headings:

- (i) Green belt and one-off dwelling houses,
- (ii) Conservation and design,
- (iii) Access,
- (iv) Water, and
- (v) AA.

(i) Green belt and one-off dwelling houses

- 7.2. The CDP shows the site as lying within the Metropolitan Cork Green Belt and thus in an area under strong urban influence. Objective RCI 4-1 addresses proposals for rural housing in the green belt. This Objective sets out categories which applicants for such housing need to come within if their candidature is to be endorsed.
- 7.3. The applicants have completed a supplementary planning application form within which they have provided information relevant to the question of rural housing need. They thus indicate that they both teach and that they reside at present in their own home in Riverstown, an urban area. They also indicate that they have a young family and they anticipate that in the future they will need to care for an infirmed parent under their own roof.
- 7.4. I have reviewed the aforementioned information in the light of the strictly defined categories set out in Objective RCI 4-1. Accordingly, I concur with the view expressed by the Planning Authority in the second reason for refusal that the applicants do not have a rural housing need and so to permit them to build a new dwelling house in the Metropolitan Cork Green Belt would materially contravene this Objective.

(ii) Conservation and design

- 7.5. Objective RCI 8-1 of the CDP addresses scenarios wherein applicants seek to refurbish derelict dwellings. This Objective states that under such scenarios the normal rural housing need requirement and associated occupancy condition can be waved.
- 7.6. The applicants draw attention to the ruined stone building on the site. They contend that this building was formerly a dwelling and to this end they have submitted a letter from the landowners of the site which states that the 1911 Census recorded that it was occupied by a farm hand/carpenter. The landowners add that the building would have been occupied in tandem with an adjacent farmhouse, which was lasted occupied in 1983 and which has since been demolished.
- 7.7. The applicants have also submitted a report from a building inspector on the ruined building and indicative plans of their proposal. This report gives the following description: "a small stone walled building measured c. 3m x 2m with a rear wall c. 2.5m high with no roof in place." It adds that as the front wall is lower than the rear

one, the building may have had a lean-to roof. The report expresses the view that the ruin appears to be in reasonable condition and that it could be incorporated into the design and construction of a family dwelling. The aforementioned plans show such incorporation with the suggested use of the building being that of a workshop/home office.

- 7.8. During my site visit, I inspected the building in question and I can concur with the above cited description of it. I observed that a semi-mature tree has grown up within this building and that the stonework to the lower walls is loose in places. The removal of this tree, including its roots, would be a prerequisite for its reuse. However, such removal would entail the further disturbance of the building. Given this factor and the limited amount of fabric that constitutes this building at present, its description as a ruin is warranted and I am not persuaded that it would be capable of being converted, as distinct from rebuilt.
- 7.9. Furthermore, the modest size of the building is such that, even if it was capable of being converted, it would not provide sufficient space for a dwelling. In this respect, the above cited indicative plans show that in effect a new dwelling house is proposed that would incorporate this building within its overall design. Accordingly, while the description of the proposal refers to the extension of the restored ruin to provide a dwelling house, in practise, this would amount to no more than the attachment of the restored building to a new build dwelling house, which would be capable of functioning as such without the incorporation of this building.
- 7.10. Turning to Objective RCI 8-1, the sensitive renovation and conservation of existing disused or derelict dwellings is encouraged where each of seven criteria are fulfilled. These criteria relate to several of the matters discussed above. Thus,
- While the 1911 Census is referred to, documentary evidence for the subsequent use of the building as a dwelling is absent and so the question remains an open one as to whether it continued in such use. Given the modest rudimentary nature of this building and its current ruinous state, I consider that it would be very surprising if it had continued to be occupied into more recent decades and, if it did, whether such occupation was on an ancillary basis to the farmhouse, as distinct from being a self-contained dwelling, must remain as a further open question.

- The convertibility of the building, as distinct from its rebuilding, appears to be out of reach.
- The submitted building inspector's report falls short of a structural survey that comments on the convertibility of the building and the measures that would be necessary to ensure that this could, in practise, be achieved.
- While the design, scale and materials of the extension should be sympathetic to the character and setting of the original dwelling, in this case, the relationship that would emerge would be akin to the original "dwelling" appearing as an extension to a new build dwelling house.

In the light of the foregoing commentary, the current proposal would not accord with the majority of the criteria imbedded within Objective RCI 8-1.

7.11. I conclude that the proposal would contravene Objective RCI 8-1.

(iii) Access

7.12. The proposal would entail the formation of a new vehicular access to the site from the local road to the north. This access would be sited towards the north-eastern corner of the site. It would be of splayed form with a vehicle refuge forward of any gate. This road meanders within the vicinity of the site and it is the subject of gentle gradients to the east and west. It is the subject of a 60 kmph speed limit and a continuous white centre line.

7.13. The submitted plans show the proposed vehicular access as being accompanied by sightlines with x and y dimensions of 3m and 90m. These sightlines would accord with requirements for good visibility. Their achievement, in practise, would be facilitated by the availability of a grass verge that was presumably laid out in conjunction with the vehicular access to the dwelling house on the adjoining site to the west. However, some hedgerow loss would be necessitated, too, particularly to the east. Replacement planting, clear of the sightline, should be incorporated within the proposal.

7.14. The proposed vehicular access would be capable of being accompanied by the requisite sightlines and so it would be satisfactory.

(iv) Water

- 7.15. The proposal envisages that water would be supplied by means of a private well. Nevertheless, the Area Engineer advises that Irish Water has a public water mains in the local road that passes the site. (This may explain why the applicant's site characterisation report states that there are no wells within 250m of the site).
- 7.16. The proposal also envisages that foul water would be handled by means of septic tank and percolation area. The site characterisation report advises that this methodology would be appropriate to site conditions. The septic tank and percolation area would be sited and laid out to the rear of the proposed dwelling house in the southern portion of the site. Surface water would discharge to soakaways the siting of which is not disclosed. The vehicular access would be accompanied by a drainage channel to prevent run-off onto the road.
- 7.17. With respect to flood risk, the relevant OPW CFRAM map and flood maps indicate that the site is not the subject of any identified flood risk.
- 7.18. I conclude that the proposal would be capable of being supplied by water and drained satisfactorily and that the site is not the subject of any identified flood risk.

(v) AA

- 7.19. The site does not lie within or near to a Natura 2000 site. The nearest such sites lie at some considerable remove to the south and east, i.e. Great Island Channel SAC (001058) and Cork Harbour SPA (004030). There is no source/pathway/receptor route between the site and the SAC and the features of interest in the SPA are sea and wetland birds that would not typically frequent the site, which comprises part of an arable field and a small pocket of woodland.
- 7.20. Having regard to the nature and scale of the proposal and the proximity of the nearest European sites, no Appropriate Assessment issues arise and it is not considered that the proposal 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. That the proposal be refused.

9.0 Reasons and Considerations

1. The proposal seeks to restore a ruin on the site and to extend the same to provide a dwelling house. This proposal, therefore, falls to be considered under Objective RCI 8-1 of the Cork County Development Plan 2014 – 2020. This Objective sets out criteria, each of which applicants must satisfy. However, the current applicants have failed to do so, insofar as they have failed to demonstrate that the ruin was either used for a sustained period as a dwelling or that it was last so used, they have failed to demonstrate that the ruin is convertible without being rebuilt and in this respect their submitted building inspector's report falls short, and the modest size of the ruin is such that its incorporation into the new build element would, in effect, be superfluous to the provision of a fully functioning new build dwelling house. Accordingly, to accede to the proposal would contravene this Objective and as such it would be contrary to the proper planning and sustainable development of the area.
2. Under the Cork County Development Plan 2014 – 2020, the site lies within the Metropolitan Cork Green Belt and thus in an area of strong urban influence. The proposal is effectively for a new build dwelling house on the site and so Objective RCI 4-1 of this Plan falls to be complied with. This Objective sets out categories of housing need, at least one of which applicants must have if they are to be considered candidates for a new build dwelling house in the Green Belt. The current applicants do not have one of these categories of housing need and so to accede to their proposal would materially contravene this Objective. Furthermore, as the site lies within a prominent part of the said Green Belt, its development would contravene Objective GI 8-1, which seeks to preserve such sites from being developed. Accordingly, the proposal would be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

5th April 2018