



An
Bord
Pleanála

Inspector's Report ABP-301072-18

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| Development | House and waste water treatment system |
| Location | Ballynametagh, Monkstown, County Cork |
| Planning Authority | Cork County Council |
| Planning Authority Reg. Ref. | 17/7152 |
| Applicant(s) | James Dorney |
| Type of Application | Permission |
| Planning Authority Decision | Refuse |
| Type of Appeal | First Party |
| Appellant(s) | James Dorney |
| Observer(s) | Carol Hickey |
| Date of Site Inspection | 20 th June, 2018 |
| Inspector | Kevin Moore |

1.0 Site Location and Description

1.1. The site of the proposed development is located in the rural townland of Ballynametagh, approximately 4km north of the town of Carrigaline in County Cork. It is located between two houses on elevated ground, the applicant's family home to the west ('Merrysfield') and his parent's home to the east ('Hilltop'). It comprises part of a level field that has frontage onto a local road to the north (L2470). Development in the vicinity includes one-off housing and agricultural holdings.

2.0 Proposed Development

2.1. The proposed development would comprise a detached, two-storey, four bedroom house with a stated floor area of 132.5 square metres on a site area of 0.24 hectares. The development would be served by a new waste water treatment plant and public water supply. A new vehicular entrance would be provided onto the local road to the north.

2.2. Details submitted with the application included a cover letter, a completed site characterisation form, and a letter of consent from the landowners of part of the site allowing for the making of the application (i.e. the applicant's parents).

3.0 Planning Authority Decision

3.1. Decision

On 5th February, 2018, Cork County Council decided to refuse permission for the development for two reasons relating to lack of housing need and non-compliance with eligibility for development within the Metropolitan Cork Greenbelt, and the contribution it would make to the high density of individual houses where no public services or facilities are available.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the site's planning history, development plan provisions, pre-planning consultations, reports received and a third party submission. It was submitted that the site is located within the Cork Metropolitan Greenbelt and the applicant did not comply with eligibility requirements for a dwelling as he had previously built a house on the family landholding. Having regard to the extent of development in the vicinity, it was considered the proposal would constitute ribbon development. The siting and design of the house was considered acceptable. A refusal of permission for two reasons was recommended.

The Senior Executive Planner concurred with the Planner's recommendation.

3.2.2. Other Technical Reports

The Area Engineer had no objection to the proposal.

3.3. **Prescribed Bodies**

Irish Water had no objection to the proposal.

3.4. **Third Party Observations**

A third party submission was received from Carol Hickey. The observation to the Board reflects the concerns raised.

4.0 **Planning History**

P.A. Ref. 00/7946

Permission was granted to James Dorney for the construction of a dwelling.

P.A. Ref. 03/3357

Permission was granted to James Dorney for a change of house plan.

P.A. 04/7740

Permission was granted to James Dorney for the retention and completion of a dwelling and change of location.

5.0 Policy Context

5.1. Cork County Development Plan 2014-2020

Rural Housing

Objectives include:

RCI 4-1: Metropolitan Cork Greenbelt

Objective RCI 41 should be read in conjunction with Chapter 13, Section 13.8 relating to 'Prominent and Strategic Metropolitan Cork Greenbelt Areas' including Objective GI 81 and Figure 13.3.

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.

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.

Metropolitan Greenbelt

The site of the proposed development is within the Cork Metropolitan Greenbelt.

Objectives include:

RCI 5-2: Purpose of Greenbelt

- a)** Maintain a Green Belt for Metropolitan Cork with the purposes of retaining the open and rural character of lands between and adjacent to urban areas, maintaining the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built up areas, to focus attention on lands within settlements which are zoned for development and provide for appropriate land uses that protect the physical and visual amenity of the area.
- b)** Recognise that in order to strengthen existing rural communities provision can be made within the objectives of this plan to meet exceptional individual housing needs within areas where controls on rural housing apply.

RCI 5-3: Land Uses within Metropolitan Greenbelt

Preserve the character of the Metropolitan Greenbelt as established in this Plan and to reserve generally for use as agriculture, open space, recreation uses and protection / enhancement of biodiversity of those lands that lie within it.

Green Infrastructure

Objectives include:

GI 8-1: Prominent and Strategic Metropolitan Greenbelt Areas requiring Special Protection

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.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal may be summarised as follows:

- There are numerous examples of development within Cork's Metropolitan Greenbelt which represent greater intensification of development than what is proposed. The overall property is 2.2 acres, representing a density of 0.9 houses/acre.
- The applicant has a genuine and pressing need for a permanent residence.
- Regarding the issue of ribbon development, there would only be three houses along a 250 metre stretch of road.
- 120m sightlines in both directions, at a 3m set back, can be achieved. A section of land requiring to be maintained at a maximum height of 1m to achieve unobstructed sightlines is in the ownership of the applicant's parents and they consent to maintaining it to this height.
- Regarding waste water treatment, a site suitability assessment was carried out. There is no potential for possible contamination of the neighbouring property.
- It is possible for the applicant to address all requirements relating to Building Regulations.

The appeal submission includes a letter from the applicant to the planning authority referring to a Court Order relating to the application and existing dwelling.

6.2. Planning Authority Response

I have no record of any submission from the planning authority in response to the appeal.

6.3. Observations

The observer, residing in the family home, 'Merrysfield', submits concerns relating to over-intensification of development, failure to satisfy development plan provisions

relating to housing within the Metropolitan Cork Greenbelt, the creation of ribbon development, inadequate sightlines at the proposed entrance, waste water contamination, and non-compliance with Building Regulations.

7.0 **Assessment**

7.1. Introduction

7.1.1 The principal planning issues to be considered in this assessment are rural housing need, ribbon development, traffic impact, waste water treatment, and compliance with Building Regulations.

7.2 Rural Housing Need

7.2.1 The proposed site lies immediately west of the applicant's parents' house. The applicant previously constructed a dwelling on the family holding immediately to the west of the location where his new house is now proposed. In being permitted to construct his own family home, the applicant has, therefore, been accommodated in accordance with County Cork Development Plan provisions. There is very clearly no further opportunity to seek to acquire permission for another house at this location under the Development Plan provisions. The applicant meets no eligibility criteria under Objective RCI 4-1: Metropolitan Cork Greenbelt. He has previously built a first home for occupation on the family landholding. He cannot now seek a second home. While I acknowledge that the appellant may have a housing need, it is evident that he does not have a rural generated housing need.

7.2.2 Having regard to the above, it is apparent that, as well as being contrary to the Development Plan provisions, the appellant's proposal would run contrary to the *Sustainable Rural Housing Guidelines for Planning Authorities*, with the appellant having no genuine rural housing need within the area of the county under the greatest development pressure for one-off housing (an Area under Strong Urban Influence), namely the Metropolitan Greenbelt.

7.2.3 Further to the above guidance, I note national planning policy as set out under the *National Planning Framework* published in February, 2018. This includes the following:

- * With reference to the development of rural areas, National Policy Objective 15 seeks to support the sustainable development of rural areas by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.
- * National Policy Objective 19 seeks to ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere. In rural areas under urban influence, it is policy to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

7.2.4 From the details in the appeal file, it is very clear that the applicant, having previously got permission for a dwelling at this location and having constructed it, does not have any justification that would merit permitting the development of a second house. The National Planning Framework objective of managing the growth of areas that are under strong urban influence to avoid over-development would essentially be contravened. The proposal would, thus, be in conflict with the National Planning Framework.

7.3 Ribbon Development

7.3.1 I acknowledge that the proposed site is located within the Cork Metropolitan Greenbelt, an area under severe pressure for one-off housing. I ask the Board to examine any sample of recent mapping of the general area in which the proposed site is located and one will find some of the worst examples of suburban sprawl. To define such an area as a 'greenbelt' is questionable in this context. Determining it a rural area demanding strict control, however, is accepted.

7.3.2 The proposal seeks to add another suburban style large house into this landscape that is being severely eroded due to rampant one-off housing which clearly has little, if any, association with rural land uses. There is no evidence to suggest that this

application for a house has anything to do with the principal land use of this area (i.e. agriculture) and, thus, there is no rural generated need.

7.3.3 In placing the development where it is proposed, one can readily see that the sprawl becomes linear in an even more defined manner at this location, with houses flanking the site, housing lining the local road just north-west of the appellant's existing house, and further houses lining the road a short distance south-east of the appellant's parents' house. To suggest that ribbon development would not result from the proposal is incorrect. The appellant's 'Site Location Map', submitted with the planning application, ably demonstrates how ribbon development will be exacerbated at this location, with the proposed house filling another gap between existing houses. This is an unsustainable form of sprawl that should not be encouraged as it will introduce with it demands for the provision of services which would themselves be unsustainable to provide in such a haphazard manner.

7.4 Traffic Impact

7.4.1 The site of the proposed development has frontage onto a very poor stretch of local road, where the horizontal alignment of the road is poor and where high hedgerow flanks the carriageway edges on both side. Due to the extent of housing in this area, traffic volumes are significant and, indeed, I have noted that traffic speeds are high along the road, despite its limitations. I note the appellant's submission to the Board, the adjustments made to achieve sightlines of 120 metres at a 3m set back, and the proposals to main a neighbouring boundary at a maximum height of 1 metre to ensure these sightlines would remain unobstructed. It is my submission to the Board that the appellant has clearly demonstrated the inadequacy of this road network to accommodate further non-essential vehicular traffic. Furthermore, it is my submission that the horizontal alignment of the road is particular poor on both approaches to this site's frontage and I consider that access and egress would pose a traffic hazard for existing road users, notably where the volumes of traffic are already substantial for such a road and where traffic speeds are high. I must reasonably conclude that the proposed development would pose a traffic hazard.

7.5 Waste Water Treatment

7.5.1 The proposed development seeks to add another private waste water treatment plant into this remote rural location, where there is a vast number of individual treatment plants serving one-off housing. I note that the appellant submitted a 'Site Characterisation Assessment' with the application. The conclusions of this assessment are that it is proposed to install a packaged waste water treatment system and polishing filter that will discharge to ground water. The Board will note that this is a site on which a trial hole was dug to a depth of only 0.45m before reaching bedrock and is a site flanked by housing that is dependent on individual waste water treatment plants. I seriously question whether the soil and subsoil characteristics of this site are adequate, where the depth of natural material above rock to allow such a system to function is not available. I note the proposal to install a polishing filter. However, the need for correct installation and ongoing maintenance at a location that is flanked by treatment systems, and where there is a very shallow depth to bedrock, must be a concern. It is my submission that, in the context of this proposal, it is not adequate to readily dismiss genuine contamination concerns, due to the conclusions drawn from the applicant's site characterisation assessment, without seriously considering what the assessment informs the assessor and without acknowledging its context. The proposed development, when taken together with the proliferation of private effluent treatment systems in the vicinity, must be understood to pose a serious threat of pollution to ground water.

7.5.2 In conclusion on this issue, I have examined the application drawings and the site characterisation assessment that the Board has available on file. None of the layout drawings with the application show details of the location of the proposed waste water treatment plant associated with the proposed development and adjoining waste water treatment plants in the immediate vicinity. The submitted site characterisation has a drawing at the end that shows the location of the proposed treatment plant to the rear of the proposed house only.

7.6 Compliance with Building Regulations

7.6.1 This issue is not a matter for the Board's considerations on the proper planning and sustainable development of the area.

8.0 **Recommendation**

8.1. I recommend that permission is refused in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

1. Having regard to the location of the site within an Area Under Strong Urban Influence as identified in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government (2005), to its location within the Metropolitan Cork Greenbelt as designated in the Cork County Development Plan 2014-2020, and to National Policy Objectives of the National Planning Framework (February 2018) which seek to manage the growth of areas that are under strong urban influence to avoid over-development and to ensure that the provision of single housing in rural areas under urban influence are provided based upon demonstrable economic or social need to live in a rural area, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or in the Cork County Development Plan for a house at this sensitive rural location and does not comply with National Policy Objectives. 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 the provisions of the Guidelines and the objectives of the National Planning Framework and the Cork County Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development would constitute undesirable ribbon development in a rural area outside lands zoned for residential development and would, accordingly, be contrary to the proper planning and sustainable development of the area.
3. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements it would generate on a narrow, poorly aligned, substandard road, at a point where available sightlines are restricted.

4. It is considered that, taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive density of development served by private effluent treatment systems in the area and would, therefore, be prejudicial to public health.

Kevin Moore
Senior Planning Inspector

5th July 2018