



An
Bord
Pleanála

Inspector's Report ABP 303639-19

Development	Dwelling, waste water treatment system and associated site works
Location	Ballynanelagh, Knockraha, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	18/6978
Applicant	Kenneth Landon
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	1 st Party v. Refusal
Appellant	Kenneth Landon
Observer(s)	None
Date of Site Inspection	25/04/19
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

The site, which has a stated area of 0.559, is in the townland of Ballynanelagh c. 2km to the east of Knockraha village and c.7km to the north-east of Glanmire. The site is rectangular in shape served by an existing agricultural entrance from local road L-69841. It is relatively level with hedgerows/ditches delineating the site boundaries. It is bounded by an access track to the north which provides access to a dwelling which, itself, is to the rear of a dwelling that fronts onto the local road. The appeal site is directly opposite a complex of buildings in agricultural use. The original dwelling house in the complex is in a ruinous condition.

The vicinity of the site is traversed by a network of 220kV and 110kV overhead power lines feeding from the existing substation c. 600 metres to the south-east.

2.0 Proposed Development

Permission is sought for a 165 sq.m. single storey dwelling served by a waste water treatment system to be located in the south-western corner of the site.

As per the Site Characterisation Form no water was encountered in the trial hole. A T-value of 19.56 and P value of 9.61 were calculated.

Water supply is to be from a bore well.

From the details accompanying the application the applicant is the son of the landowner. He lives with his parents at Dublin Pike, White's Cross and is employed in O'Donovan Dairy Services.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for the above described development on the grounds that the applicant has not demonstrated that he comes within the scope of the rural generated housing need criteria for the area which is identified as being an area under strong urban influence.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The Executive Planner in her report considers that the applicant has not substantiated a local need in order to qualify for a relaxation of the housing restriction under RCI 4-2 and therefore recommends a refusal of permission. The recommendation is endorsed by the Senior Executive Planner.

3.2.2. Other Technical Reports

Area Engineer has no objection subject to conditions.

Liaison Officer has no comment

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

None

4.0 **Planning History**

I am not aware of any previous planning applications on the site.

5.0 **Policy and Context**

5.1. **Cork Development Plan**

As per Figure 4.1 the site is within an area under strong urban influence.

Objective RCI 4-2 Rural Area Under Strong Urban Influence

Applicants must satisfy the Planning Authority that their proposal constitutes a genuine rural generated housing need based on their social and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:

- a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm.
- b) Persons taking over the ownership and running of a farm on a fulltime basis, who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.
- c) Other persons working fulltime in farming, forestry, inland waterway or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.
- d) Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.
- e) Returning emigrants who spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation, who now wish to return to reside near other immediate family members (mother, father, brother, sister, son, daughter or guardian), to care for elderly immediate family members, to work locally, or to retire.

5.2. Natural Heritage Designations

The site is over 5km to the north of the nearest point of the Great Island Channel SAC (site code 001058).

5.3. Environmental Impact Assessment

Having regard to the nature and scale of the proposed development there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The 1st Party appeal against the planning authority's notification of decision to refuse permission can be summarised as follows:

- The appellant has worked on farms and has been employed in the agriculture sector for most of his life. He is currently employed in O'Donovan Dairy Services. This has not been given due weight by the planning authority.
- His father purchased the lands in 1984 which was farmed for potatoes until 2003/4. The applicant assisted him during this time. The land has since been rented out.
- The site is within 7 miles of the family home at Dublin Pike and within 500 metres of his sister's dwelling.
- He purchased a house in Dublin Hill in 2003 which was sold in 2011.
- He is currently residing with his parents.

6.2. Planning Authority Response

None

6.3. Observations

None

7.0 Assessment

I consider that the issues arising in the case can be assessed under the following headings:

- Compliance with settlement location policy
- Other Issues

7.1. Compliance with Settlement Location Policy

The site is within a rural area identified as being under strong urban influence in the current Cork County Development Plan. In view of the site's relative proximity to Cork City and its obvious attractiveness for urban generated housing demand this designation is considered to be entirely reasonable.

The current County Development Plan is explicit in objective RCI 4-2 that applicants must demonstrate that their proposal constitutes a genuine rural generated housing need based on their social and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of a number of criteria listed. This is effectively endorsed in the National Planning Framework, published in February 2018. Of particular note 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 whilst sustaining vibrant rural communities. In addition, National Policy Objective 19 seeks to facilitate the provision of single housing in the countryside in areas under urban influence based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the siting and design criteria for rural housing in statutory guidelines and plans and to the viability of smaller towns and rural settlements.

In view of the development plan objectives for the area I consider that a high bar is set in terms of demonstrating an applicant's need to have a house at such a location based on genuine economic and/or social need so as to ensure the responsible management of the land resource in an area under pressure from one off housing. In my opinion the case made in this instance falls materially short and does not comply with any of the criteria set out in objective RCI 4-2 in that:

- Whilst the applicant places emphasis on the fact that when the lands were directly farmed by his father up to 2003/2004 he was actively involved, the family is no longer involved in the farming of the lands which are currently rented out. As such the applicant is not involved in farming and does not intend to take over the ownership and running of the farm on a full time basis.
- Emphasis is also placed on the fact that save for the period when he emigrated due to economic circumstances he has been employed in the agricultural sector. He is currently employed in O'Donovan Dairy Services.

Whilst this business is also involved in the agricultural sector there does not appear to be any location specific requirement for the applicant to live in the area of the appeal site arising from this employment.

- He has never resided in the local area with the family address given as Dublin Pike, White's Cross which is approx. 10 km to the south-west of the appeal site. The fact that a sibling resides nearby is not of material relevance.
- The applicant had previously owned a dwelling in Cork City which he sold in 2011 prior to emigrating.

I therefore submit that the case made in this instance is not sufficient to constitute a rural generated housing need and concur with the planning authority's refusal of permission.

7.2. Other Issues

The house design as proposed is considered appropriate for its rural location and, subject to suitable landscaping, could be satisfactorily assimilated into the landscape. Access is proposed onto a local road which was noted to be lightly trafficked with adequate sight lines available in both directions.

Sufficient detail accompanies the application to support the case that the site conditions are adequate to accommodate an effluent treatment system.

Appropriate Assessment

Having regard to the nature and scale of the development and the distance 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

Having regard to the foregoing I recommend that permission for the above described development be refused for the following reasons and considerations.

9.0 Reasons and Considerations

The site is located in a “Rural Area under Strong Urban Influence” in the current County Cork Development Plan and in the Sustainable Rural Housing Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in April 2005. Furthermore, it is national policy in such areas under urban influence, as set out in National Policy Objective 19 of the National Planning Framework, to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in such rural areas under urban influence. Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area. The proposal would, therefore, contravene materially objective RCI 4-2 of the County Development Plan, would be contrary to the Ministerial Guidelines and to the overarching national policy. The proposal would, therefore, contrary to the proper planning and sustainable development of the area.

Pauline Fitzpatrick
Senior Planning Inspector

April, 2019