



An
Bord
Pleanála

Inspector's Report

ABP-304047-19

Development	New dwelling house, septic tank and percolation area, bored well, new entrance and all associated site works
Location	Ballyhilloge, Mourneabbey, Mallow, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	18/5608
Applicant(s)	Rory and Edel Sheehan.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Refusal
Appellant(s)	Rory and Edel Sheehan.
Observer(s)	None
Date of Site Inspection	9 th May 2019
Inspector	Elaine Power

1.0 Site Location and Description

- 1.1. The site is located in Ballyhillogue, approx. 4km south of the settlement of Mourneabbey, 11km south of Mallow and approx. 20km north of Cork City. Ballyhillogue is a rural area characterised by agricultural lands. There are a number of one-off rural dwellings in the immediate vicinity of the site.
- 1.2. The site has a stated area of approx. 0.95ha and is rectangular in shape. It comprises an section of a larger landholding. It is currently in use as agricultural lands and is characterised by grassland with mature vegetation along the boundaries. The general area is elevated with mountain views and the subject site is located in low lying section of the overall farm holding.
- 1.3. Access is from the local road network, which has a speed limit of 80kph. The carriageway is approx. 5.8m in width with no footpaths or public lighting.

2.0 Proposed Development

- 2.1. It is proposed to construct a traditional 2-storey house with a single storey element to the rear and a front porch. The house has a gross floor area of 200sqm, 108sqm at ground floor level and 92sqm at first floor level, with a pitched roof with a maximum height of approx. 8.8m. The house has a rendered finish, with the front porch element finished in a natural stone. The house is to be located in the centre of the site, approx. 33m from the public road.
- 2.2. Access to the house is proposed via a new 4m wide splayed entrance onto the public road.
- 2.3. The development also includes a new wastewater treatment system with percolation area and a bored well.
- 2.4. A letter of consent from the land owner, who is the applicant's father, was submitted with the application.
- 2.5. ***Unsolicited Further Information 30th July 2019***

Land registry maps were submitted.

2.6. **Further Information lodged on 6th February 2019**

In response to the request for further information the house design and siting was altered. The revised house has a gross floor area of 232sqm, 149sqm at ground floor level and 83 sqm at first floor level. The house has a rendered finish with a natural stone finish to the single storey elements at ground floor level. The house has a pitched roof with a maximum height of approx. 8m.

The house was relocated to the rear of the site, approx. 52m from the public road, in an area of low-lying land within the site. Access was relocated away from the public road and onto a 6m wide laneway to the south west of the site.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission was refused for the following reasons:

1. Taken in conjunction with existing and permitted development in the area, the proposed development together with the existing development to the north east and south west of the current application site will add to an undesirable level of linear development along this stretch of road, would constitute an excessive density of development in a rural area and, would lead to the creation of infill sites / expectation of permission on adjoining lands, in a rural area where there are no sewerage facilities and the intensification of such a pattern would eventually lead to demands for the uneconomic extension of public facilities to the area. this would militate against the public services and community facilities, and would, therefore, be contrary to the proper planning and sustainable development of the area. The proposed development would therefore not be in accordance with the Sustainable Rural Housing Guidelines published by the Department of the Environment, Heritage and Local Government and would be contrary to the proper planning and sustainable development of the area.
2. It is considered that the development, by reason of its location at an elevated, prominent and therefore visually sensitive location coupled with the design, size, form and scale, would be seriously injurious to the visual amenities of

the area, be seriously injurious to the character of the rural setting in which it is located, set an unacceptable precedent for further such developments, and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial Area Planners report raised a number of concerns and requested that further information be sought regarding the design and siting of the house and compliance with the genuine rural housing need policy.

The final reports from the Area Planner and the Senior Executive Planner report considered that the response to further information did not fully address the concerns raised and recommended that permission be refused for the reasons stated above.

3.2.2. Other Technical Reports

Area Engineer: No objection.

Liaison Officer: No comment.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

A submission was received from Cllr. John Paul O'Shea in support of the application.

4.0 Planning History

Subject Site

None

Adjoining Site

Reg. Ref. 17/5629: Permission was granted in 2018 to construct a house, garage and septic tank on a site to the north east of the subject site.

5.0 Policy Context

5.1. Cork County Development Plan, 2014

5.1.1. The site is located in an area of unzoned land. Figure 4.1 of the Plan '*Rural Housing Policy Area Types*' identifies the site as being located in a 'Rural Area Under Strong Urban Influence'. Policy RCI 4-2 notes that these areas are under significant pressure for rural housing. Therefore, applicants are required to demonstrate that their proposal complies with a genuine housing need.

5.1.2. With regard to the provision of rural dwellings. The following policies are also relevant.

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

RCI 2-1: Urban Generated Housing

RCI 2-2: Rural Generated Housing

5.2. **National Planning Framework**

Policy Objective 19: '*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, 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;*

- *In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements’.*

5.3. **Natural Heritage Designations**

The site is located approx. 3km south west of the Blackwater River (Cork / Waterford) SAC (site code 002170).

5.4. **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A first party appeal against the Planning Authority’s decision to refuse permission has been submitted. The submission addresses the 2 no. reasons for refusal and is summarised below: -

- The proposed development is in accordance with the Sustainable Rural Housing Guidelines and Objective RCI4-2 of the Cork County Development Plan.
- The proposed development would not constitute an exacerbation of ribbon development. There are currently only 2 no. houses and 1 no. house under construction along the road.
- The development does not constitute excessive density.

- Documentation supporting a genuine rural housing need has been submitted.
- An alternative location within the landholding is not possible as it is currently leased to a third party.
- The dwelling was redesigned to reduce its scale and mass. This significantly reduced its visual impact.
- The house design is similar and in keeping with the character of the rural area.
- The development could be further integrated into the landscape through planting of native species.
- The proposed development would have a positive impact on the visual amenities of the area.
- There are existing houses located on more prominent and elevated sites in the area. Photographs have been included with the appeal.

6.2. Planning Authority Response

None

7.0 Assessment

7.1. As indicated, the appeal refers to the revised siting and design of the house as submitted by way of further information on the 6th February 2019. The following assessment therefore focuses on that proposal with reference to the original proposal, where appropriate.

7.2. The main issues in this appeal relate the design approach and to compliance with rural housing policy. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Compliance with Rural Housing Policy
- Design Approach
- Appropriate Assessment

7.3. **Compliance with Rural Housing Policy**

- 7.3.1. The Planning Authority's first reason for refusal refers to the principle of the development and considered that the proposed development would not be in accordance with the Sustainable Rural Housing Guidelines.
- 7.3.2. The site is located in an area of unzoned land, approx. 11km south of Mallow. Figure 4.1 - '*Rural Housing Policy Area Types*' of the Development Plan identifies the site as being located in a 'Rural Area Under Strong Urban Influence'. The associated Policy Objective RCI 4-2 requires that an application for a one-off rural house must demonstrate a genuine rural housing need. In addition, Policy Objective 19 of the National Planning Framework requires that, in rural areas under urban influence, the core consideration for the provision of a one-off rural house should be based on the demonstratable economic or social need to live in the rural area.
- 7.3.3. Information regarding the applicant's employment was provide as part of the application to the Planning Authority. It is noted that both applicants work outside of the locality. Additional details regarding one of the applicant's connection to the area was submitted by way of further information. It is noted that she grew up on the family farm and has continued to reside in the family home, which is located to the south west of the subject site. A letter from the principal of Analeentha National School, Mourneabbey which confirms that she attended the school between 1989-1997. It is also noted that the subject site is the only available land to the applicant's due to a lease with a third party.
- 7.3.4. While it is acknowledged that one of the applicants is from the local area, it is considered that the applicant's have not demonstrated a sufficient economic or social need to live in the area, as set out in Policy Objective RCI 4-2 of the Development Plan and Policy Objective 19 of the National Planning Framework. In addition, it is my view that the proposal would also contravene Policy RCI 2-1: Urban Generated Housing, which aims to discourage urban generated housing in rural areas.
- 7.3.5. In the absence of an identified locally based economic or social need to live in the area it is considered that the proposed development 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 and would negatively impact on the viability of smaller towns and villages.

7.4. **Design Approach**

- 7.4.1. The Planning Authority's second reason for refusal refers to the elevated, prominent and therefore visually sensitive location of the site coupled with the design, size, form and scale of the proposed house. On this basis it was considered that the proposed development would be seriously injurious to the visual amenities of the area and the character of the rural setting.
- 7.4.2. The applicant stated in the appeal that the siting and design of the house was revised by way of further information and that the revised siting and design ensures the proposed house does not impact on the existing residential or visual amenities of the area. A photographic survey of larger houses on more elevated sites in the immediate vicinity of the site have has been submitted.
- 7.4.3. The proposed house, submitted by way of further information on the 6th February 2019, is located approx. 52m from the public road, in an area of low-lying land within the site. Access is proposed from a private laneway to the west of the site. The two-storey house is a traditional design with a pitched roof with a maximum height of approx. 8m. The house has a gross floor area of 232sqm.
- 7.4.4. While the house has been relocated away from the public road, in my view, the overall design approach to the house style has not been significantly altered. It is noted that the floor area of the proposed house increased in response to the request for further information. It is acknowledged that there are existing and permitted houses, with a similar design approach, located within the immediate vicinity of the site and which front directly onto the public road.
- 7.4.5. It should be noted that the site is not located within a designated scenic or amenity area and that the wider area is identified as '*Fissured Fertile Middleground*' in the Development Plan. These landscapes are of low landscape value, low landscape sensitivity and are of local landscape importance. They are considered to be robust landscapes which are tolerant to change and have the ability to accommodate development pressure. Having regard to the limited number of existing and permitted houses and the proposed location of the house, it is my view that the development

would not result in an undesirable level of linear development or constitute excessive density of dwellings.

- 7.4.6. It is also considered that having regard to the location of the site within a low-lying section of the site and the pattern of development in the area that the proposed development would not be out of character with the surrounding area, result in overdevelopment of the site or negatively impact on existing residential amenities in terms of overlooking, overshadowing or overbearing impact.

7.5. ***Appropriate Assessment***

Having regard to the nature and small scale of the proposed development and the distance from 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 permission be refused for the reasons stated in the attached schedule.

9.0 **Reasons and Considerations**

1. The site of the proposed development is located within an “Area Under Strong Urban Influence” as set out in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April 2005. Furthermore, the subject site is located in an area that is designated under urban influence, where it is national policy, 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 a rural area. 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. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the over-arching national policy and having regard to the provisions of the current Cork County Development Plan 2014 and would be contrary to the proper planning and sustainable development of the area.

Elaine Power
Planning Inspector

1st July 2019