



An
Bord
Pleanála

Inspector's Report

ABP-304445-19

Development	Construction of a house, a detached garage, a waste water treatment and percolation area, new access and all ancillary site works.
Location	Shronebeha, Banteer, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	19/4389
Applicant(s)	Brendan Weathers
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Refusal
Appellant(s)	Brendan Weathers
Observer(s)	None
Date of Site Inspection	29 th July 2019
Inspector	Elaine Power

1.0 Site Location and Description

- 1.1. The site is located in Shronebeha, approx. 2km south of the village of Banteer and approx. 5km south of Kanturk. Shronebeha is a rural area characterised by agricultural lands. There is a small settlement of approx. 4 no houses with associated agricultural lands and a theatre located to the east of the site with frontage onto the R-579.
- 1.2. The site has a stated area of 0.34ha and is generally rectangular in shape. The site forms part of a larger landholding within the ownership of the applicant's father. It is bound to the south, east and west by agricultural fields and to the north by a private access laneway. There are disused agricultural buildings located to the south of the site.
- 1.3. Access to the subject site is located approx. 200m from the junction of the private access lane with the public road (L-5204), which is located approx. 5m from the junction with the R-579. The laneway varies in width from 3m to 5m. Approx. 90m of the laneway has been resurface with tarmac. The remaining section of the laneway, approx. 110m, is gated and is unsurfaced and overgrown. There is a ditch along both sides of the laneway with mature trees and vegetation.
- 1.4. There are existing overhead powerlines passing through the site.

2.0 Proposed Development

- 2.1. It is proposed to construct a two storey house with single storey elements at the front and side. The house has a stated gross floor area of 297.5sqm. It has a pitched roof with a maximum height of approx. 8m. The house would be set back approx. 45m from the private road. It is also proposed to construct a garage with a gross floor area of approx. 37sqm. The garage has a pitched roof with a maximum height of approx. 4.7m and is located to the side (north) of the proposed house.
- 2.2. Vehicular access is proposed from an existing private lane approx. 200m from the junction with the public road L-5204.

2.3. The development includes the installation of a waste water treatment system and percolation area.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission was refused for the following reason: -

1. The development subject of the application is located in a rural area which is within a strong rural area as set out in the County Development Plan 2014 and where it is an objective that applicants shall 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.

On the basis of the information submitted, the Planning Authority is not satisfied that the applicant has demonstrated that they have a genuine rural generated housing need or demonstrated compliance with the categories of housing need set out in RCI 4-4 of the County Development Plan 2014. The development, if permitted would contravene policy objective RCI 4-4 of the County Development Plan 2014 and would set an undesirable precedent for similar development in the general area. The development would, therefore, be in conflict with the provisions of the County Development Plan 2014 and would be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. ***Planning Reports***

The Area Planner and Senior Executive Planners reports raised concerns regarding the proposed development and recommended that permission be refused for the reason stated above.

3.2.2. ***Other Technical Reports***

Liaison Officer Report: No comment.

Area Engineers Report: Recommended further information be sought regarding the available sightlines, water supply and revised Site Characteristics Form.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Letter of support on file from Cllr. John Paul O'Shea.

4.0 Planning History

Reg. Ref. 08/8363: Permission was granted in 2008 for the construction of 2 no. houses on a larger site which incorporates the subject site. An extension of duration was granted in 2013 (Reg. Ref. 12/6643).

5.0 Policy Context

5.1. *Cork County Development Plan, 2014*

Figure 4.1 of the Plan '*Rural Housing Policy Area Types*' identifies the site as being located in a 'Stronger Rural Area'. **Policy RCI 4-4** notes that these areas generally have stable population levels based on a traditionally strong agricultural base. Therefore, in order to recognise these characteristics and to consolidate and sustain the stability of the rural population, it is an objective that applicants shall 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 a number of criteria. Relevant criteria includes: -

- c) 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.

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
- HE 4-6: Design and Landscaping of New Buildings.
- GI 6-1: Landscape

The Cork Rural Design Guide: Building a New House in the Countryside, 2003 is also considered relevant.

5.2. ***Sustainable Rural Housing Development Guidelines***

The guidelines require a distinction to be made between ‘Urban Generated’ and ‘Rural Generated’ housing need. A number of rural area typologies are identified including stronger rural areas. These are areas where population levels are generally stable within a well-developed town and village structure and in the wider rural areas around them. This stability is supported by a traditionally strong agricultural economic base and the level of individual housing development activity in these areas tends to be relatively low and confined to certain areas. The key objective is to consolidate and sustain the stability of the population and to strike a balance between development activity in smaller towns and villages and wider rural areas.

5.3. ***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'.*

5.4. Natural Heritage Designations

The subject site is located approx. 280m west of the Blackwater River (Cork / Waterford) SAC (site code 002170).

5.5. 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 reason for refusal and is summarised below: -

- The applicant is compliant with development plan policy. He has lived for his entire life in the rural area and the proposed development would be his first permanent home.
- Permission was previously granted for a house on the subject site and permission was recently granted (17/5368) for a one-off rural house on an adjacent site.

- The applicant attended local schools and is an active member in the local community. He has his own company which is registered to an address in the local rural area.
- He has strong family ties to the area. The lands are in family ownership and he would inherit the lands at a future date.
- There has been a substantial financial investment to upgrade the laneway.

6.2. **Planning Authority Response**

None

7.0 **Assessment**

7.1. The main grounds of this appeal relate to the reason for refusal, in this regard compliance with rural housing policy. Traffic, water services and 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
- Traffic
- Water Service
- Appropriate Assessment

7.2. ***Compliance with Rural Housing Policy***

7.2.1. The Planning Authority refused permission on the basis that the proposed development would conflict with the provision of Policy Objective 4-4 of the Development Plan, as the applicant has not demonstrated an economic or social need to live in this particular rural area and that the proposed development would set an undesirable precedent for similar developments.

- 7.2.2. The site is located within a 'Stronger Rural Area' as identified in Figure 4.1 of the Development Plan. In recognition of this traditional strong agricultural base Policy RCI 4-4 aims to consolidate and sustain the stability of the rural population. It is, therefore, an objective that applications for a one-off rural house in 'Stronger Rural Areas' demonstrate a genuine rural housing need.
- 7.2.3. The Sustainable Rural Housing Guidelines define stronger rural areas as areas where population levels are generally stable within a well-developed town and village structure and in the wider rural areas around them. This stability is supported by a traditionally strong agricultural economic base and the level of individual housing development activity in these areas tends to be relatively low and confined to certain areas. The key objective is to consolidate and sustain the stability of the population, while striking a balance between development activity in smaller towns and villages and wider rural areas. In addition, Policy Objective 19 of the National Planning Framework requires that, in rural areas the provision of single house in the countryside should have regard to the viability of smaller towns and rural settlements.
- 7.2.4. Permission was previously granted on the subject site for the construction of a house. The permission expired in 2017. Information has been submitted in support of the application which notes that the applicant's company is registered to his family home in Banteer. However, no details regarding the nature of the work / services provided and whether the applicants business is linked to the local rural area have been provided.
- 7.2.5. It is also noted that the applicant has resided in the family home in Banteer his entire life, attended local schools and is an active member of the community. A site location map has been submitted showing the location of the family home, on Kanturk Road in Banteer Village. The family home is located within the settlement boundary for Banteer and is therefore not located in the local rural area. While it is acknowledged that the applicant's father is the owner of a substantial landholding in the townland of Shronebeha, the applicant has not sufficiently demonstrated a need to live at this particular site.

7.2.6. It is my view that, the applicant has not sufficiently demonstrated an economic or social need to live at this particular site. 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. It is also considered that the proposed development would be contrary to Development Plan policy, the Sustainable Rural Housing Guidelines and Policy Objective 19 of the National Planning Framework.

7.3. **Traffic**

7.3.1. Access to the site is from a private laneway. The subject site is located approx. 200m from the junction of the private access lane with the public road (L-5204), which is located approx. 5m from the junction with the R-579.

7.3.2. There are some inconsistencies in the scale of the drawings submitted. The site location map entitled 'Planning Pack Map' shows the laneway width as varying from 3m to 5m. Having visited the site on the 29th of July 2019, it is my view that this is the correct width of the laneway. Approx. 90m of the laneway, from the junction with the public road has been resurfaced, with tarmac, while the remaining section of the laneway, approx. 110m is located behind a gate and is unsurfaced and overgrown. There is a ditch along both sides of the laneway with mature trees and vegetation. There is no footpath or lighting provided on the lane.

7.3.3. In my opinion the surface and width of the private laneway to the site are seriously substandard. The restricted width of the access road and the provision of drainage ditches does not allow for two vehicles to pass or for vehicles to manoeuvre on the lane. Therefore, vehicles would have to reverse in order to find a suitable place for cars to pass. This represents a serious traffic hazard.

7.3.4. The junction of the private lane with the public road is located approx. 5m from the R-579. Due to the angle of the junction and the provision of mature vegetation, which is outside of the applicants ownership, I would have concerns regarding visibility at the junction. It is noted that the Planning Authorities Area Engineer raised concerns

regarding the available sightlines at the junction of the private laneway with the public road. This issue has not been addressed by the applicant in the appeal.

- 7.3.5. Having regard to the restricted width and unsurfaced nature of the laneway and the failure to adequately address sightlines at the junction with the public road, I am not satisfied that the laneway has the capacity to accommodate development and that permission should be refused on this basis.

7.4. **Water Service**

- 7.4.1. It is proposed to install a septic tank and percolation area with discharge to ground water. The septic tank would be located approx. 22m to the north east (front) of the proposed house with the percolation area located approx. 3m to the north east of the septic tank. The proposed system reaches and exceeds the recommended separation distances as set out in the EPA Code of Practice.

- 7.4.2. The submitted Site Suitability Assessment Form states that the trial hole with a depth of 2.5, recorded 500mm topsoil; 300mm of sandy / gravelly SILT, with occasional sandstone cobbles; 1700mm of gravelly SILT, occasional cobbles and slightly sandy. With regard to the percolation characteristics of the soil, a T value of 25.69 minutes / 25mm was recorded. This indicates that the site is suitable for the installation of an on-site domestic waste water treatment system. However, it is noted that the Planning Authority's Area Engineer raised concerns regarding the size of the proposed system and the size of the proposed house and recommended that a revised site characteristic form be submitted, and that the size of the percolation area be revised having regard to the additional loading. This issue has not been addressed by the applicant in the appeal.

- 7.4.3. It is proposed that the water supply to the house would be from the local mains which is located at the R579. The Area Engineer noted the distance from the water supply and recommended that a bored well be provided on site. This issue has not been addressed by the applicant in the appeal.

- 7.4.4. By reference to the OPW Flood Maps the subject site is not located in an area liable to flooding. To reduce the potential for surface water run off it is proposed to provide 3no. soakaways on site. It is noted that the Area Engineer raised no objection to surface water disposal.

7.5. *Appropriate Assessment*

- 7.5.1. The appeal site is located approx. 280m east of the Blackwater River (Cork / Waterford) SAC which supports a diverse range of qualifying interests. The conservation objective for the SAC is to maintain or restore the favourable conservation status of habitats and species.
- 7.5.2. The potential pathways for impacts on the SAC are confined to potential discharge of contaminated run-off during construction work. There are open drains on either side of the private laneway. However, there is no direct link to the SAC and in the absence of a pathway there is no likely effects.
- 7.5.3. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Blackwater River (Cork / Waterford) SAC, site code 002170, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.'

8.0 Recommendation

I recommend that permission be refused for the reasons stated in the attached schedule.

9.0 Reasons and Considerations

1. The subject site is located within an 'Stronger Rural Area', as identified in the Cork County Development Plan, 2014, the Sustainable Rural Housing Guidelines and in the National Planning Framework. National Policy Objective 19 aims to facilitate the provision of single housing in the countryside, based on the viability of smaller towns and rural settlements. 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 Cork County Development Plan, 2014 or in national policy for a house at this location. The proposed development would, therefore, 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

2. The proposed development is located along an unsurfaced minor laneway which is inadequate in width, alignment and structural conditions and would, therefore, endanger public safety by reason of traffic hazard.

Elaine Power
Planning Inspector

16th August 2019