



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305200-19

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<b>Development</b>	Construction of a single storey dwelling with wastewater treatment system
<b>Location</b>	Ballyleigh, Waterfall, Near Cork, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	19/5433
<b>Applicant(s)</b>	John O'Connor
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party V. Refusal
<b>Appellant(s)</b>	John O'Connor
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	28 <sup>th</sup> November 2019
<b>Inspector</b>	Elaine Power

## 1.0 Site Location and Description

- 1.1. The site is located in Ballyleigh approx. 2.5 km south west of the village of Waterfall and approx. 9km south west of Cork City Centre. Ballyleigh is a rural area characterised by agricultural lands. There are a significant number of one-house houses located in the vicinity of the site.
- 1.2. The site is located to the rear of an existing one-off house. It has a stated area of 0.202 ha and is irregular in shape. The site is elevated approx. 4m from the public road. It is located on tennis courts associated with the adjoining house to the south. Access to the site is from the public road via a shared access arrangement with the existing family home.

## 2.0 Proposed Development

- 2.1. It is proposed to construct a single storey house with a gross floor area of 188sqm. The house is a traditional design. It has a pitched roof with a maximum height of approx. 6.6m. The house is to be located in the rear of the site, approx.1.5m from the rear (western) site boundary, and 55m from the public road.
- 2.2. Vehicular access is proposed from a shared access with the existing house. A new driveway approx. 55m in length is proposed with a gravel drive proposed around the front (eastern) and side (northern) boundaries of the house.
- 2.3. Part of the land is within the ownership of the applicant's father and part is within the ownership of an adjoining landowner. Letters of consent to make the application have been submitted.
- 2.4. The development also includes a new effluent treatment system. Water supply is proposed from the public mains.
- 2.5. ***Further Information lodged on 17<sup>th</sup> July 2019***

A supplementary Planning Application form, a justification to live in the rural area and a map indicating lands within the ownership of applicant's father were submitted. The information submitted did not result in any alterations to the proposed house.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was refused for the following reasons: -

1. The proposed development is located in a rural area which is under strong development pressure, in an un-zoned and un-serviced area in the Cork Metropolitan Strategic Planning Area, outside the development boundary of nearby settlements and within designated greenbelt. Objective RCI 5-2 of the Cork County Development Plan 2014 sets out the purpose of the Metropolitan Cork Greenbelt, including the prevention of urban sprawl. Objective RCI 5-3 of the Plan seeks to preserve the character of the Metropolitan Greenbelt and to reserve it generally for agriculture, open space, recreation and biodiversity. Objective RCI 5-4 of the Plan recognises that granting of regular expectations to Greenbelt policies would incrementally erode the Greenbelt. Having regard to the location of the site within the Metropolitan Greenbelt, and to the extent of existing and permitted development in the vicinity, it is considered that the proposed development would consolidate an unwarranted and excessive concentration of haphazard rural housing in an un-zoned rural area, would lead to an erosion of the rural and landscape character of this area, which would undermine the specific purpose and character of the Greenbelt lands. The proposed development would, therefore, contravene the stated objectives of the Development Plan, which seek to control urban sprawl, and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development, by reason of its location constitutes backland development, would result in a piecemeal and haphazard pattern of development and would set an undesirable precedent for similar development in the area. Furthermore, the proposed development would form an obtrusive feature in the landscape, would result in scarring of the landscape and would ultimately be injurious to the scenic, visual and rural character of the area and seriously detract from same. The proposed development could not be successfully assimilated into the rural landscape at this location. The proposed development

would, therefore, be contrary to policy objectives GI 6-1 of the Cork County Development Plan 2014, which seeks to protect the visual and scenic amenities of the natural environment and objective RCI 6-1, which seeks to encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape. The proposed development is, therefore, contrary to the proper planning and sustainable development of the site.

3. Taken in conjunction with existing development in the vicinity, the proposed development would give rise to an excessive density of development / would result in an undesirable density of development in a rural area, lacking certain public services and community facilities. The proposed development would contravene materially the Council's policy as expressed in the Cork County Development Plan, to direct residential development to serviced centres and would give rise to demands for the provision of further public services and community facilities where these are not proposed, and also be contrary to guidance contained in the Sustainable Rural Housing Guidelines. The proposed development would, therefore, contravene the stated objectives of the Development Plan, which seek to control urban sprawl, and would be contrary to the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

A request for a supplementary application form was issued by the administrative section of Cork County Council on the 2<sup>nd</sup> July 2019.

The area planners report dated 24<sup>th</sup> July 2019, includes reference to the supplementary information submitted on the 17<sup>th</sup> July 2019. Serious concerns were raised regarding the proposed development and it was recommended that permission be refused for the 3 no. reasons noted above.

### **3.2.2. Other Technical Reports**

Liaison Officer report: No comment

Area Engineer report: Recommend that Further Information be requested regarding available sightlines, gradient of the driveway and drainage proposals.

### 3.3. **Prescribed Bodies**

Irish Water: No objection

### 3.4. **Third Party Observations**

None

## 4.0 **Planning History**

**Reg. Ref. 19/4053:** Permission was refused in 2019 for the construction of a house on a site located approx. 60m north of the appeal site. The 3 no. reason for refusal related to the Greenbelt zoning objective, urban generated housing need and an excessive density of housing in a rural area lacking public services an served by a poor road network.

**Reg. Ref. 12/5826:** Permission was granted in 2012 for a house and wastewater treatment system on a site located 160m north of the appeal site.

**Reg. Ref. 02/2689:** Permission was granted in 2002 for an extension to the existing house to the south of the appeal site, and within the ownership of the applicant's father.

## 5.0 **Policy Context**

### 5.1. ***Cork County Development Plan, 2014***

The subject site is located on un-zoned lands. Figure 4.1 of the Plan 'Rural Housing Policy Area Types' identifies the site as being located in a 'Metropolitan Greenbelt'. 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.

The site is located in an area identified as Broad Fertile Lowland Valleys in Appendix E of the Plan. These locations are designated as areas with a high landscape value and sensitivity and of County importance which are vulnerable landscapes with the ability to accommodate limited development pressure.

The following policies are also relevant:-

- RCI 4-1: Metropolitan Cork Greenbelt
- RCI 5-1: Metropolitan Cork Greenbelt
- RCI 5-2: Purpose of Greenbelt
- RCI 5-3: Land Uses with Metropolitan Greenbelt
- RCI 5-4: Sustainability of Exceptions to Greenbelt Policies
- 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 rural areas under strong urban influence which are defined as those with proximity to the immediate environs or close commuting catchment of large cities and towns. Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might apply. These include 'persons who are an intrinsic part of the rural community' and 'persons working full time or part time in 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**

There are no designated areas in the vicinity of the appeal site.

### 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 3 no. reasons for refusal and is summarised below: -

- The applicant has a genuine rural housing need. He has lived in the area for 26 years. His family home is located to the south of the appeal site.
- The development has been designed in accordance with the Cork Rural Design Guide and is in keeping with the character of the area.
- The house would be built on an existing tarmac area (tennis court) and an area that is overgrown. The development would not impact on the character of the landscape or the greenbelt zoning objective. The development would improve the visual amenities and biodiversity.
- The house is single storey and set back behind a hedge approx. 48m from the public road, it cannot be described as visually obtrusive.
- There have been no third-party objections.
- Permission was previously granted in the area to subdivide a site to provide a new dwelling (reg. ref. 12/5826).
- A precedent has already been set for one-off housing in unserviced areas in Cork.
- There is not an excessive concentration of haphazard housing in the immediate vicinity of the site.
- The applicant is happy to amend the existing vehicle access by way of condition, to ensure minimum 90m sightlines are provided in each direction. The gradient of the driveway shall not exceed 3% for a distance of 5m from the edge of the road, in accordance with the Planning Authority's Area Engineers recommendation.

Pre-planning correspondence with Cork County Council was included with the appeal.



## 6.2. **Planning Authority Response**

None

## 7.0 **Assessment**

7.1. The main issues in this appeal relate to the reasons for refusal, in this regard compliance with rural housing policy and visual amenity. 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
- Visual Amenity.
- Appropriate Assessment

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

7.2.1. The site is located within the Metropolitan Greenbelt of Cork city. Policy RCI5-2 and RCI5-3 generally aim to prevent urban sprawl and retain the open and rural character of rural areas and the protection / enhancement of biodiversity of those lands that lie within it. Policy 5-4 notes that allowing exceptions to greenbelt polices would give rise to the incremental erosion of the greenbelt. The Planning Authority's reasons for refusal indicates that the proposed development would not be in accordance with the Development Plan policies RCI 5-2, RCI 5-3 and RCI 5-4 which related to development within greenbelts and the Sustainable Rural Housing Guidelines.

7.2.2. Policy RCI 4-2 relates to development in greenbelts and notes that these areas are under significant urban pressure for rural housing. Therefore, an application for a one-off rural house must demonstrate a genuine rural housing need.

7.2.3. The Sustainable Rural Housing Guidelines define rural areas under strong urban influence as those within proximity to the immediate environs or close commuting catchment of large cities and towns. Circumstances for which a genuine housing need might apply include persons who are an intrinsic part of the rural community

and persons working full time or part time in rural areas. 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 and should have regard to the viability of smaller towns and rural settlements.

7.2.4. The appeal site forms part of a larger site with an overall area of 0.34 ha, this larger site was purchased in 1992 by the applicant's father. The overall site does not relate to any agricultural landholding. The proposed development results in the sub-division of the family home and the purchase of a portion of land from an adjoining neighbour to accommodate the proposed house. Information submitted in support of the application states that the applicant lived in the existing family home for the past 26 years and intends to stay in the local area to help his parents. No information regarding the applicant's employment status has been submitted, however, it is stated that he intends qualify as a councillor and work from the proposed dwelling.

7.2.5. While it is acknowledged that the applicant has lived in the local area for 26 years, it is considered that he has 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, the Sustainable Rural Housing Guidelines and Policy Objective 19 of the National Planning Framework. It is my view, that the proposal would also contravene Policies RCI 5-2, RCI 5-3 and RCI5-4 relating to development within the greenbelt.

7.2.6. 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

### 7.3. ***Visual Amenity***

7.3.1. The Planning Authority's reasons for refusal also refer to the backland location of the site and considered that the proposed development would form a obtrusive feature on the landscape which would impact on the scenic, visual and character of the rural area.

7.3.2. The appeal site is elevated approx. 4m above the public road. It is proposed to construct a single storey house with a height of approx. 6.6m. The site is not located within a designated scenic or amenity area, however, the wider area is identified as '*Broad Fertile Lowland Valleys*' in the Development Plan. These landscapes are of high landscape value and sensitivity and are of county level importance. It is considered that these landscapes are vulnerable and can accommodate limited development only. Having regard to the distance from the public road, approx. 55m, the provision of existing houses and the proposed landscaping, it is my opinion, that the proposed development would be sufficiently screened and would not result in a development that is visually obtrusive. It is also considered that the house design is in accordance with Development Plan policy and guidance set out in the Cork Rural Design Guide: Building a New House in the Countryside, 2003 and would not be out of character with the pattern and siting of existing houses in the area.

#### 7.4. ***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**

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 a 'Greenbelt' which is an area under significant pressure for rural housing, as identified in the Cork County Development Plan 2014. Furthermore, the site is located in an area that is designated as under urban influence in the Sustainable Rural Housing Guidelines and in the National Planning Framework, where National Policy Objective 19 aims 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 Cork County Development Plan, 2014 or in national policy for a house at this location. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Elaine Power  
Planning Inspector

2<sup>nd</sup> December 2019