



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305787-19

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<b>Development</b>	Construction of house with attached studio and double garage and associated services
<b>Location</b>	Ballygriggan, Castletownroche, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	19/5970
<b>Applicant(s)</b>	MaryRose Cooney
<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>	MaryRose Cooney
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	3 <sup>rd</sup> January 2020
<b>Inspector</b>	Elaine Power

## **1.0 Site Location and Description**

- 1.1. The site is located in the townland of Ballygriggan, approx. 1.4 km south of the village of Shanballymore and approx. 13km north east of Mallow. Ballygriggan is a rural area characterised by agricultural lands and associated dwellings and agricultural buildings. There are a number of one-house houses located in the vicinity of the site.
- 1.2. The site has a stated area of 0.97ha and forms part of a larger landholding within the applicant's ownership. It is set back approx. 180m from the public road and is generally rectangular in shape. The site is generally bound by agricultural lands and there is a detached dwelling located to the south of the appeal site. The area is open and undulating and the site slopes in a north south direction.
- 1.3. Access to the site is from the L-5417-10. The carriageway is approx. 6m in width with no footpaths or public lighting.

## **2.0 Proposed Development**

- 2.1. It is proposed to construct a part single / part two-storey house, with an attached studio and double garage. The design is a modern approach to a traditional vernacular and comprises a two-storey barn style building with 3 no. single storey projections. The house has a stated gross floor area of 312sqm and a maximum height of 7.2m. The single storey elements of the building have a traditional style pitched roof with a height of approx. 4.2m.
- 2.2. The single storey projection on the south eastern elevation of the house forms part of the internal accommodation. The single storey feature on the south western elevation of the house accommodates a single storey attached double garage with a gross floor area of approx. 47sqm. There is an internal link between the garage and the house. The single storey projection on the north east elevation of the house accommodates a studio unit. There is no internal link to the studio and access is provided from a separate front door. The studio unit includes an en-suite and kitchenette and has a gross floor area of approx. 28sqm.

- 2.3. Access to the site is proposed from the L-5417-10 via a new driveway, approx. 130m in length by approx. 5m in width.
- 2.4. The development also includes a wastewater treatment system and a bored well.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission was refused for the following reason:

- 1. The proposal relates to permission for the construction of an additional dwelling unit within the Strong Rural Area, as designated in the Cork County Development Plan 2014. Within this area, applicants must demonstrate that their proposal constitutes a genuine rural generated housing need based on their social / economic links to the particular local rural area. Based on the details submitted with the application and given that the applicants history of ownership of residential property in the area, the Planning Authority is not satisfied that the applicant has demonstrated a rural generated need for a house at this location and that they meet the required criteria for consideration to be given to a relaxation in the settlement policy for this area. It is therefore considered that the proposed development would conflict with the settlement policies (RCI 2-1 and RCI 4-4) contained in the Cork County Development Plan 2014, 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 Area Planners and the Senior Executive Planners reports raised concerns regarding the proposed development and recommended that permission be refused for the reason stated above. Concerns were also raised in the reports regarding the scale and design of the proposed house.

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

**Liaison Officers** report: No comment

**Area Engineers** report: No objection subject to conditions

### 3.3. **Prescribed Bodies**

**Irish Water**: No objection

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

None

## 4.0 **Planning History**

**Reg. Ref. 16/6298:** Retention permission was granted in 2016 for alterations to an existing house, previously granted under Reg. Ref. 01/3831 on a site located to the south of the appeal site. The application was made by the applicant, however, under the current application this house is shown outside of the blue line boundary.

**Reg. Ref. 16/6295:** Retention permission was granted in 2016 for renovations, alterations and extension to a derelict building to provide a house with septic tank on a site located approx. 850m north of the appeal site. The application was made by the applicant, however, under the current application this site is shown outside of the applicants ownership.

**Reg. Ref. 05/2807:** Permission was granted in 2005 for a first-floor extension to an existing house on a site located approx. 800m north of the appeal site. Under the current application this site is shown as being within the applicant's ownership.

**Reg. Ref. 04/ 6712:** Permission was refused for a house on a site located approx. 800m north of the appeal site. This site forms part of a larger site within the applicant's ownership. The reason for refusal related to a potential traffic hazard.

## 5.0 Policy Context

### 5.1. Development Plan

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 '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.
- d) Persons working fulltime in farming, forestry, inland waterway or marine related occupations, for a period of over three years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.
- f) Persons whose permanent employment is essential to the delivery of social and community services and intrinsically linked to a particular rural area for a period of over three consecutive years and who can demonstrate an economic and social need to live in the local rural area where they work, within which it is proposed 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.

The site is located in an area identified as Fertile Plain with Moorland Ridge in Appendix E of the Plan. These locations are designated as areas with a very high landscape value and sensitivity and of county importance.

## 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 Blackwater River (Cork / Waterford) SAC (site code 002170) is located approx. 50m east 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 reason for refusal and is summarised below: -

- A detailed history of the applicants ties to the local area are submitted. In particular it is noted that the applicant bought a farm in Ballygriggan, 20 years ago, with her now deceased husband. They expanded the farm by purchasing plots of land on either side of their landholding. Since the passing of the applicant's husband she has sold the adjoining plots of land. The farm and associated house and outbuildings have been taken over by the applicant's

daughter who is now running the farm business. It is not viable to construct an additional house on the family farm holding.

- The proposed house is not an urban generated house. It would be occupied by the applicant and the associated land is required for her down sized agricultural interests. The applicant is compliant with development plan policy.
- The proposed dwelling would not be visually obtrusive.

## 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. Design approach 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
- Design Approach
- 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 Objectives RCI 2-1 and RCI 4-4 of the Development Plan, as the applicant has not demonstrated an economic or social need to live in this particular rural area, having particular regard to the applicants history of ownership of residential property in the area.

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. The applicant has stated that she has lived in the area for approx. 20 years since she and her late husband purchased a house and associated farm. The farm was the applicant's sole source of employment. The applicant's daughter currently lives in this house with her family and runs the farm business. The applicant has stated that it is not viable to provide an additional house on this site.
- 7.2.5. Having regard to the planning history of the area it would appear that the applicant was previously in ownership of 3 no. dwellings in the immediate vicinity of the site, in this regard 2 no. dwellings located between approx. 800m – 850m north of the appeal site and 1 no. dwelling directly adjoining the appeal site to the south. From the information submitted with the appeal it is noted that 1 no. dwelling located approx. 800m north of the appeal site is currently within the applicant's ownership. This house is in long term rental agreement with no land associated with it.
- 7.2.6. Objective RCI 4-4 sets out a number of criteria for assessing applications for a house in a 'Stronger Rural Area'. The applicant has stated that she still has a herd number and intends to run a scaled-down farm on the proposed site. It is noted from the supplementary form submitted with the application that the applicant's employment status is retired. While the applicant's links to the rural area are acknowledged, it is my view that having regard to her previous and existing

ownership of property in the area and to her retired employment status she does not qualify for a rural generated house under policy 4-4.

- 7.2.7. 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. ***Design Approach***

- 7.3.1. Concerns were raised by the planning authority regarding the scale and design of the dwelling. The proposed house is part single / part two-storey house, with an attached studio and double garage. The design is a modern approach to a traditional vernacular and comprises a two-storey barn style building with 3 no. single storey projections. The house has a stated gross floor area of 312sqm and a maximum height of 7.2m. The single storey elements of the building have a traditional style pitched roof with a height of approx. 4.2m. The single storey projection on the south eastern elevation of the house forms part of the internal accommodation. The single storey feature on the south western elevation of the house accommodates a single storey attached double garage with a gross floor area of approx. 47sqm. There is an internal link between the garage and the house. The single storey projection on the north east elevation of the house accommodates a studio unit. There is no internal link to the studio and access is provided from a separate front door. The studio unit includes an en-suite and kitchenette and has a gross floor area of approx. 28sqm. No justification for the separate studio unit has been provided by the applicant.
- 7.3.2. The house is located approx. 170m from the public road, however, having regard to the open character of the area the house would be highly visible. Having regard to the location of the site in an area designated as a very-high landscape value and

sensitivity I would have some concerns regarding the overall size, scale, bulk and design of the proposed house. In my view the proposed house would be out of character with the prevailing pattern of development in the area, which is predominantly characterised by traditional style dwellings. It is considered that a contemporary design approach, in this regard the proposed barn style dwelling, could be successfully integrate into a rural area. However, in my opinion the proposed design and layout which incorporates 3 no. single storey projecting features would result in a development that is visually obtrusive.

- 7.3.3. It is considered that the overall bulk and scale of the dwelling could be addressed by way of condition. In this regard if permission is being contemplated it is recommended that the studio unit be omitted, and the proposed garage be detached from the house.

#### 7.4. ***Appropriate Assessment***

- 7.4.1. The appeal site is located approx. 50m west of the Blackwater River (Cork / Waterford) SAC (site code 002170) 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. The Awbeg River is located within the SAC and is approx. 200m east of the appeal site.
- 7.4.2. It is noted that the Planning Authority carried out a screening assessment and considered that having regard to the nature and scale of the proposed development and the separation distance to the Awbeg River it would not have a significant impact on any Natura 2000 site, as there is no pathway from the site to the SAC.
- 7.4.3. 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 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

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Elaine Power

Planning Inspector

31<sup>st</sup> January 2020