



An
Bord
Pleanála

Inspector's Report

ABP-306015-19

Development	Construction of a house, attached domestic garage and all associated site works.
Location	Garretstown, Ballinspittle, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	19/6207
Applicant(s)	Jean-Matthieu and Marie Schoffhauser
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party V. Refusal
Appellant(s)	Jean-Matthieu and Marie Schoffhauser
Observer(s)	None
Date of Site Inspection	7 th February 2020
Inspector	Elaine Power

1.0 Site Location and Description

- 1.1. The site is located in the townland of Garrettstown, approx. 1.8km south of the village of Ballinspittle and approx. 1km north of the coast. Garrettstown is a rural area characterised by agricultural lands and associated dwellings and agricultural buildings. There are also a number of holiday homes and mobile holiday home parks in the vicinity of the site. Garrettstown House Holiday Park is located approx. 650m north east of the appeal site.
- 1.2. The site has a stated area of 0.425ha and is elevated slightly from the public road. It comprises forestry, mainly mature conifer trees. The site is bound to the north and west by forestry, to the south by the public road and to the east by an open field. The eastern boundary is a random rubble stone wall, which has collapsed in parts. The southern boundary with the public road is undefined and is generally overgrown with vegetation.
- 1.3. The public road to the south of the site is a scenic route, S67 - Road from Old Head to Timoleague via Garrettstown, Coolmaine and Harbour View.

2.0 Proposed Development

- 2.1. It is proposed to construct a two-storey dwelling with a gross floor area of 265.9 sqm. The house has a traditional design. It has a gable ended pitched roof with a maximum height of approx. 9m. The external finish of the house is generally render with sections of stone at ground floor level
- 2.2. It is also proposed to construct a two-storey attached garage with a stated gross floor area of 93sqm. The garage has a gable ended pitched roof with a maximum height of approx. 6.7m. The ground floor level (with a stated gross floor area of 60 sqm) would accommodate off-street car parking for 2 no. vehicles and the first floor level (with a stated gross floor area of 33 sqm) would accommodate a domestic art studio.
- 2.3. The house located in the centre of the site, approx. 35m from the public road. Access to the house is proposed via a new 6m wide splayed entrance onto the public road. The proposed driveway is approx. 3.7m in width and circuitous. It provides access to

the west (side) elevation of the proposed house and to the front elevation of the proposed garage.

- 2.4. The development also includes the installation of a new wastewater treatment system and a bored well on the site.
- 2.5. The site is currently owned by Coillte and a letter of consent has been submitted with the application.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons:

1. The proposal relates to permission for the construction of a dwelling within the Rural Area Under Strong Urban Influence, 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 a particular local rural area. based on the details submitted with the application, the Planning Authority is not satisfied that the applicants have demonstrated a rural generated housing need for a house at this location. The proposed development would contravene materially with policy objective RCI 4-2 contained in the Cork County Development Plan 2014 and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the site in a scenic coastal and high value landscape area and the concentration of development in the vicinity of the site, it is considered that the proposed dwelling by virtue of its scale, form and design would form an unduly prominent and incongruous feature in the landscape which would seriously detract from the visual amenity and character of this coastal area and rural landscape. The proposed development would therefore contravene materially with Objectives RCI 6-1 and GI 6-1 of the Cork 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 reports by the Area Planner and the Senior Executive Planner raised concerns regarding the proposed development and recommended that permission be refused for the reasons noted above.

3.2.2. ***Other Technical Reports***

Area Engineer's report recommended that further information be sought regarding surface water drainage proposals and the soil polishing filter.

Liaison Officer's report: No comment

3.3. **Prescribed Bodies**

Irish Water: No objection

3.4. **Third Party Observations**

None

4.0 **Planning History**

Subject Site

None

Adjoining Site

Reg. Ref. 19/5450: Permission was refused in 2019 for the construction of a house with 4 no. vehicular accesses, 2 no. accesses to serve the proposed dwelling and 2 no. accesses to serve an existing caravan park located to the rear of the site. The 4 no. reasons for refusal related to (1) non-compliance with rural housing policy, (2) the proposed development would contravene a condition attached to a previous application 14/5579, which required the land to be sterilise, (3) negative impact on the visual amenities of the area, and (4) no justification for the additional access to the caravan park and insufficient sightlines available. This site adjoins the appeal site to the east.

PL04.243358, Reg. Ref. 14/0423: Permission was refused in 2014 for the construction of a house on a site located approx. 450m south east of the appeal site. The 2 no reasons for refusal related to (1) the provision of a rural dwelling in a scenic area would contravene the Cork County Development Plan, 2009 and the Sustainable Rural Housing Guidelines and (2) the proposed development would have a negative visual impact.

5.0 Policy Context

5.1. Cork County Development Plan, 2014

5.1.1. The site is located in an area of unzoned land outside of the settlement boundary for Ballinspittle. 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. The site is located to the north of a scenic route, S67 - Road from Old Head to Timoleague via Garrettstown, Coolmaine and Harbour View. It is located in an area identified as Indented Estuarine Coast in Appendix E of the Plan. These locations are designated as area of very high landscape value, very high landscape sensitivity and are of national importance. Section 13.6 – *Landscape Character Assessment of County Cork* states that these landscapes (e.g. seascape area with national importance) are likely to be fragile and susceptible to change.

5.1.3. Relevant Policy's include: -

RCI 4-2 (d) Rural Area under Strong Urban Influence and Town Greenbelts:
'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'.

RCI 6-1: Design and Landscaping of New Dwelling Houses in Rural Areas:

- a) *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.*
- b) *Promote sustainable approaches to dwelling house design by encouraging proposals to be energy efficient in their design, layout and siting.*
- c) *Require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings.*

HE 2-5(c): Trees and Woodlands: *‘Where appropriate, to protect mature trees/groups of mature trees and mature hedgerows that are not formally protected under Tree Preservation Orders’.*

GI 6-1: Landscape:

- a) *Protect the visual and scenic amenities of County Cork’s built and natural environment.*
- b) *Landscape issues will be an important factor in all landuse proposals, ensuring that a proactive view of development is undertaken while maintaining respect for the environment and heritage generally in line with the principle of sustainability.*
- c) *Ensure that new development meets high standards of siting and design.*
- d) *Protect skylines and ridgelines from development.*
- e) *‘Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments’.*

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. **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 immediate vicinity of the 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 addresses the 2 no. reasons for refusal and is summarised below: -

Compliance with Rural Housing Policy

- Policy objective RCI 4-2 (d) allows for persons who have spent over seven years, living in the local rural area to build their first home for their permanent occupation. The applicants have a genuine rural generated housing need based on their social and economic links to the area. They have been renting accommodation in Kinsale for the last 9 years.
- Due to the nature of the applicants (Jean-Matthieu Schaffhauser) work, employment it is not possible in the local area and he commutes to Cork City. One of the applicant children attends a school in Kinsale, as it is the closest Protestant school in the area. The younger children do not attend school yet. The family are deeply integrated in the local rural area and spend their time in the countryside, walking in the woods, and surfing at Garrettstown Beach. They shop and socialise in Ballinspittle and attend Templetrine Church which is a short distance from the site.

Visual Amenity

- The planning authority assessed the proposed dwelling as an urban house. The house is well proportioned, contemporary farmhouse style dwelling with narrow gables and ancillary out-buildings. It is well set back from the public road and would be screened by existing trees. Any trees felled, within Coillte lands would be replanted in accordance with the Forestry Act.
- The site was chosen by Coillte as qualifying to build a house as it has available sightline onto the public road.

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 Planning Authority refused permission on the basis that the proposed development would conflict with Policy Objective RCI 4-2 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 in an area of unzoned land, approx. 1.8km south of the village of Ballinspittle. 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'. This area applies a restrictive approach regarding the eligibility of applicants for rural housing need. Policy Objective RCI 4-2 requires the applicant demonstrate that their proposal complies with a number of criteria. Relevant criteria includes 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 their first home for permanent occupation. In addition, Policy Objective 19 of the National Planning Framework requires that the core consideration for the provision of a one-off rural house be based on the demonstrable economic or social need to live in the rural area.

- 7.2.3. The Development Plan defines the 'local rural area' by reference to the townland, parish or catchment of the local rural school to which the applicant has a strong social and / or economic link. The applicants have stated in the appeal that they have lived in Kinsale for 9 years and that they socialise in the vicinity of Garrettstown. However, as Kinsale is an urban area located approx. 8km north east of the appeal site and is outside of the 'local rural area' where it is proposed to construct the dwelling, it is my view that, the proposed development does not comply with Policy Objective 4-2.
- 7.2.4. The Sustainable Rural Housing Guidelines Policy and Objective 19 of the National Planning Framework require that applicants demonstrate an economic or social need to live in the rural area. It is noted from the supplementary form that one of the applicants is a software engineer and the other is a home maker. The information submitted with the appeal states that due to the nature of the applicants (Jean-Matthieu Schaffhauser) work, it is not possible to work in the local area and he commutes to Cork City. As neither of the applicant's work in agriculture or a rural activity, it is considered that, there is no economic reason to reside in the rural area.
- 7.2.5. The applicants have stated that they are deeply integrated in the local rural area and spend their time in the countryside, walking in the woods, and surfing at Garrettstown Beach. It is also noted that they shop and socialise in Ballinspittle and attend Templetrine Church which is a short distance from the site. One of the applicant's children attends a school in Kinsale, as it is the closest Protestant school in the area. It is acknowledged that the applicants have social links to the to the area, however, having regard to the information submitted, it is my view that, they have not sufficiently demonstrated a social need to live in this particular rural 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.
- 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 is an urban generated house which 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. Permission was also refused on the basis that having regard to the location of the site, in a scenic coastal and high value landscape area, and the concentration of development in the vicinity of the site that the proposed dwelling by virtue of its scale, form and design would form an unduly prominent and incongruous feature in the landscape which would seriously detract from the visual amenity and character of this coastal area and rural landscape
- 7.3.2. It is proposed to construct a two-storey storey house, with a gross floor area of 265.9sqm and with a maximum height of approx. 9m. The site is bound to the south by a designated scenic route S67 - Road from Old Head to Timoleague via Garrettstown, Coolmaine and Harbour View. The wider area is identified as '*Indented Estuarine Coast*' in Appendix E of the Plan. These locations are designated as area of very high landscape value, very high landscape sensitivity and are of national importance. Section 13.6 – *Landscape Character Assessment of County Cork* states that these landscapes (e.g. seascape area with national importance) are likely to be fragile and susceptible to change.
- 7.3.3. The appeal site is elevated approx. 2m above the public road and is currently in use as forestry. Development Plan Policies HE 2-5(c) and GI 6-1(e) discourages proposals to remove extensive amounts of trees. Notwithstanding the provision of a tree felling licence approved by the Department of Agriculture, Food and the Mairne, I would have serious concerns regarding the significant loss of woodland to facilitate the development. In my view, the proposed development would significantly interfere with the character, value, distinctiveness and sensitivity of the landscape and would have a negative impact on the visual amenities of this coastal and rural landscape.
- 7.3.4. It is acknowledged that the proposed house is located approx. 35m from the public road and would be screened by existing mature trees. However, having regard to the location of the site in a scenic coastal and high value landscape area, and scale, bulk and design of the proposed house and garage, it is my view that it would form an unduly prominent and incongruous feature in the landscape would result in a development that is visually obtrusive and would, therefore, contravene Policy

Objective GI 6-1 of the Cork Council Development Plan 2014 which aims to protect the visual and scenic amenities of the natural environment.

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 an 'Rural Area Under Strong Urban Influence', 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, by reason of the extensive removal of mature trees and the scale, form and design of the house and garage, in a landscape of very high value and sensitivity and on a scenic route (ref. S67) would form an unduly prominent and obtrusive feature which would significantly interfere with the character, value, distinctiveness and sensitivity of the landscape. The proposed development would contravene Policy Objective HE 2-5 and GI 6-1 of the Cork Council Development Plan 2014, would detract from the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

Elaine Power
Planning Inspector

6th March 2020