



An
Bord
Pleanála

Inspector's Report ABP-306283-19

Development	Construction of a house, site entrance and the installation of a wastewater treatment system.
Location	Coastguard House, Britfieldstown, Robert's Cove, Minane Bridge, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	19/5590
Applicant(s)	Terence and Patricia King
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Refusal
Appellant(s)	Terence and Patricia King
Observer(s)	None
Date of Site Inspection	2 nd March 2020
Inspector	Fergal O'Bric

1.0 Site Location and Description

- 1.1. The site is located in Robert's Cove approximately 6.5 kilometres south of Crosshaven and 20 kilometres south west of Cork City. The area is characterised by a nucleus of residential properties north of the cove which has two public houses facing out onto the water. The roads are narrow and often with poor horizontal alignment. The application site is located within the 50km/h speed control zone.
- 1.2. The site has a stated area of 0.18 hectares. It is rectangular in shape and is currently the side garden of the Coastguard House (where the current applicants reside). The site is elevated with views to the north-east towards Roberts Cove.
- 1.3. Access to the site is from the public road (L-3217) which is approximately 5 metres wide at this point. There is a private cul-de-sac south-west of the site and serves as an access to a number of mobile homes and chalets.

2.0 Proposed Development

- 2.1.1. It is proposed to construct a single storey dwelling, site entrance and install a proprietary wastewater treatment system. The house has a gross floor area of 141 square metres (sq. m.) and a maximum ridge height of approximately 5.4m. The external finish would comprise a wet dash plaster in selected colour.
- 2.1.2. Access to the house is proposed via the existing adjoining public road which is located north-west of the appeal site.
- 2.1.3. A wastewater treatment system and percolation area are proposed. There is a mains water supply available to serve the development.
- 2.1.4. Further information was sought by the Planning Authority regarding the following matters: Clarification of their intentions regarding their existing dwelling in the event that a grant of planning permission is forthcoming; Revised dwelling type to provide for a more traditional approach; Demonstrate that adequate sightlines are achievable from the proposed egress point; Revised plans illustrating the location of adjacent mobile homes and their associated wastewater treatment systems and percolation areas if applicable.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission was refused for one reason as follows:

The site is located within a Rural Area under Strong Urban influence, as delineated in the Cork County Development Plan 2014, wherein it is the policy of the Council to restrict housing to those with a genuine rural generated housing need and who comply with one of the identified categories of housing need as set down within objective RCI 4-2. Based on the documentation submitted with the planning application and given that the applicants have their housing need met on the adjoining site, it is considered that the applicants have not adequately demonstrated that they come within the scope of the housing needs criteria for a new rural house at this location. Accordingly, it is considered that the proposed development would materially contravene objective RCI 4-2 of the County Development Plan 2014, would establish an undesirable precedent, 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 Planners report recommended that permission be refused for the reason set out in Section 3.1 above.

3.2.2. ***Other Technical Reports***

Area Engineer report. No objection subject to conditions.

4.0 **Planning History**

Planning Authority reference number 10/4459; In 2010, planning permission was granted for the change of use of the existing dwelling (Coastguard House) where the current applicants reside into two separate dwelling units, alterations to the existing entrance and the installation of a septic tank and percolation area.

5.0 Policy and Context

5.1. *Cork County Development Plan, 2014*

Chapter 4: Rural, Coastal and Islands:

RCI 1-1: Rural Communities:

Strengthen rural communities and counteract declining trends within the settlement policy framework provided for by the Regional Planning Guidelines and Core Strategy, while ensuring that key assets in rural areas are protected to support quality of life and rural economic vitality.

RCI 2-1: Urban Generated Housing:

Discourage urban-generated housing in rural areas, which should normally take place in the larger urban centres or the towns, villages and other settlements identified in the Settlement Network.

RCI 2-2: Rural Generated Housing:

Sustain and renew established rural communities, by facilitating those with a rural generated housing need to live within their rural community.

Section 4.3: Identifying Rural Area Types:

RCI 4-2: Rural Area under Strong Urban Influence.

The rural areas of the Greater Cork Area (outside Metropolitan Cork and the Town Greenbelt areas) are under significant urban pressure for rural housing. Therefore, applicants must 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 the following categories of housing need:

- a) Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm.
- b) Persons taking over the ownership and running of a farm on a fulltime basis, who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for

their own use. The proposed dwelling must be associated with the working and active management of the farm.

- c) Other persons working fulltime in farming, forestry, inland waterway or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.
- d) 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.
- e) Returning emigrants who 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, who now wish to return to reside near other immediate family members (mother, father, brother, sister, son, daughter or guardian), to care for elderly immediate family members, to work locally, or to retire.

Section 4.4: Categories of Rural Generated Housing Need:

Section 4.4.2: This plan recognises the positive benefits for rural areas to sustain and strengthen the vibrancy of rural communities by allowing qualifying applicants to build a first home for their permanent occupation in a 'local rural area' to which they have strong economic or social links as defined in the following objectives RCI 4-1 to RCI 4-5. The meaning of 'local rural area' is generally defined 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.

Chapter 13: Green Infrastructure and Environment:

Section 13.5: Landscape

Section 13.6: Landscape Character Assessment of County Cork

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 land use 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.

GI 6-2: Draft Landscape Strategy:

Ensure that the management of development throughout the County will have regard for the value of the landscape, its character, distinctiveness and sensitivity as recognised in the Cork County Draft Landscape Strategy and its recommendations, in order to minimize the visual and environmental impact of development, particularly in areas designated as High Value Landscapes where higher development standards (layout, design, landscaping, materials used) will be required.

Section 13.7: Landscape Views and Prospects:

GI 7-1: General Views and Prospects:

Preserve the character of all-important views and prospects, particularly sea views, river or lake views, views of unspoilt mountains, upland or coastal landscapes, views of historical or cultural significance (including buildings and townscapes) and views of natural beauty as recognized in the Draft Landscape Strategy.

The site is in an area identified as Indented Estuarine Coast in Appendix E of the Plan. These locations are designated as area of high landscape value, very high landscape sensitivity and are of national importance. Section 13.6 – *Landscape Character Assessment of County Cork* states that ‘*very high sensitivity landscapes (e.g. seascape area with national importance) which are likely to be fragile and susceptible to change.*’

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.

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 in 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 is to: '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

5.4.1. There are no designated areas in the immediate vicinity of the site.

5.5. Environmental Impact Assessment-Preliminary Examination

5.5.1. 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

This application is the subject of a first party appeal. The issues raised may be synthesised as follows:

- Due to their health conditions and advanced years, the appellants are unable to maintain the dwelling and gardens of the property they presently reside within.
- A new dwelling would be constructed on foot of the sale of their current dwelling.
- A solicitor's letter has been submitted which re-enforces the family situation in terms of their advanced years, ailing health and inability to maintain the existing dwelling and grounds. It is also stated that they have insufficient means to modify their existing house to meet their future needs.

6.2. Planning Authority Response

None

7.0 Assessment

7.1. The applicants design, layout, access and wastewater proposals are satisfactory. The main issues in this appeal relate to the reason for refusal, in this regard compliance with the Cork Rural Housing Policy and development pressure. 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.
- Development Pressure and related matters
- Appropriate Assessment.

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

7.2.1. The site is located within a Rural Area under Strong Urban Influence. The applicants are required to demonstrate compliance with Development Plan policies RCI 4-2, which require the applicant to demonstrate a genuine rural generated housing need based on their social/economic links to a rural area. They must demonstrate that they comply with one of the categories listed on (a) to (e) set out within the Development Plan. The appellants have not demonstrated that they are a son/daughter of a farmer nor taking over the running of a family farm so therefore categories (a) to (b) are not applicable. Neither have the applicants demonstrated that they are involved in full time occupation in farming/forestry as required under Category (c). I am also not satisfied that they would comply with Category (d) of the policy either, given that the applicants have stated that they currently own and reside within the residential property immediately north-east of and contiguous to the appeal site, so, therefore the current proposal could not be described as a first home. They would not fall under the returning emigrant's policy, Category (e) either.

7.2.2. 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 may 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.

- 7.2.3. The overall lands do not relate to any agricultural landholding. It is stated that the applicants have lived in the local area for the last fifteen years. However, it is considered that they have not demonstrated a genuine site specific rural housing need based on their specific economic or social links to reside in this area, as required under Policy Objective RCI 4-2 of the Development Plan, the Sustainable Rural Housing Guidelines and Policy Objective 19 of the National Planning Framework.

7.3. **Development Pressure and related matters**

- 7.3.1. In the absence of an identified genuine locally based, site specific economic or social need to live in the area, it is considered that the proposed development would contribute to the development of random rural housing in the area with limited capacity to assimilate further development, 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 the adjacent urban settlement of Crosshaven.

7.4. ***Appropriate Assessment***

- 7.4.1. 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.

9.0 Reasons and Considerations

1. The subject site is located within an area under strong urban influence 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 applicants have demonstrated a genuine housing need to live in this rural area as required under policy objective RCI 4-2 of the Development Plan. It is considered, therefore, that the applicants do 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.
2. The proposed development, when taken together with existing dwellings in the vicinity, would represent an excessive density of development in a landscape with limited capacity to assimilate further development, would contribute further to the erosion of the rural landscape character of an area with limited capacity to assimilate further development and would conflict with policy objective RCI 6-1 of the County Development Plan 2014. The proposed development would establish an undesirable precedent for similar development in the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

Fergal O'Bric

Planning Inspector

27th March 2020