



An  
Bord  
Pleanála

## Inspector's Report ABP 307935-20

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<b>Development</b>	House, garage, wastewater treatment system and associated site works.
<b>Location</b>	Breeda, Killeagh, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	20/4799
<b>Applicant</b>	Jacinta Croke
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	1 <sup>st</sup> Party v. refusal
<b>Appellant</b>	Jacinta Croke
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	28/10/20
<b>Inspector</b>	Pauline Fitzpatrick

## **1.0 Site Location and Description**

The site which has a stated area of 0.323 hectares, is in the townland of Breeda accessed via a minor local road c. 10km to the north-west of Youghal and c.13km to the north-east of Killeagh. It is relatively level on which there is both a derelict mobile home and dismantled container. A small shed with a well is adjacent to the roadside boundary. The southern and roadside boundaries are delineated by hedgerows with post and wire fencing to the west and north. The lands to the west of the site slope away steeply from the site boundary. Commercial forestry is prevalent in the vicinity with the lands directly to the south and north-west planted. The area is lightly populated with the nearest dwellings c. 700 metres to the north and south along the local road.

## **2.0 Proposed Development**

Permission is sought for a 230 sq.m. single storey dwelling served by a wastewater treatment system and polishing filter. A 45 sq.m. detached garage is also proposed. The applicant is not the landowner. She currently owns and resides in a dwelling in Youghal and works in Cork city.

As per the Site Characterisation Form bedrock was encountered at a depth of 1.5 metres. A T value of 7.69 and P value 9.33 were recorded.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Refuse permission for the above described development on the grounds that the applicant does not comply with the settlement location policy for the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Assistant Planner's report states that in terms of the settlement location policy for the area the applicant does not qualify in terms of a genuine, rural generated housing need. A refusal of permission for one reason recommended.

The Senior Executive Planner in a subsequent report notes that at the time of the previous permission under ref. 07/5744 the site was not in a control area. The above recommendation for refusal of permission is endorsed.

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

Area Engineer has no objection subject to conditions.

### **3.3. Prescribed Bodies**

None

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

None

## **4.0 Planning History**

Reference is made in the planner's report to a permission granted under ref. 07/5744 for a dwelling on the site.

## **5.0 Policy Context**

### **5.1. Development Plan**

As per Figure 4.1 the site is within an area under strong urban influence.

Objective RCI 4-2 Rural Area Under Strong Urban Influence 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.

## **5.2. Natural Heritage Designations**

The site is c. 5km from the nearest point of the Blackwater River (Cork/Waterford) SAC to the south-east.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The 1st Party appeal against the planning authority's notification of decision to refuse permission can be summarised as follows:

- The appellant's dwelling in Youghal is too small to meet her family's needs.

- She is local with family nearby.
- 3 of her children currently attend Inch Primary school which is close to the site.

A submission from the landowner accompanies the appeal setting out the planning history and support for the applicant.

## 6.2. Planning Authority Response

None

## 6.3. Observations

None

## 7.0 Assessment

I consider that the substantive issue arising in the case is the applicant's compliance with the settlement location policy for the area.

I note that permission was previously secured for a dwelling on the site under ref. 07/5744. The said application would have been assessed against the settlement location policy as set out in the County Development Plan that applied at that time. The permission has expired with the County Development Plan 2014 now the applicable document to which regard must be had.

The site is within a rural area identified as being under strong urban influence in the current development Plan. Whilst the vicinity of the site has a low density of residential development, I submit that in view of the site's relative proximity both to Youghal and to Cork City and its obvious attractiveness for urban generated housing demand, this designation is considered to be entirely reasonable.

The current County Development Plan is explicit in objective RCI 4-2 that applicants must demonstrate 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 listed. This is effectively endorsed in the National Planning Framework. Of

particular note National Policy Objective 15 seeks to support the sustainable development of rural areas by managing the growth of areas that are under strong urban influence to avoid over development whilst sustaining vibrant rural communities. In addition, National Policy Objective 19 seeks to facilitate the provision of single housing in the countryside in areas under urban influence based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the siting and design criteria for rural housing in statutory guidelines and plans and to the viability of smaller towns and rural settlements.

In view of the development plan objectives for the area I consider that a high bar is set in terms of demonstrating an applicant's need to have a house at such a location based on genuine economic and/or social need so as to ensure the responsible management of the land resource in an area. In my opinion the case made in this instance falls materially short and does not comply with any of the criteria set out in objective RCI 4-2 in that:

- The appellant is not involved in a rural based enterprise which would necessitate her to live in the area of the appeal site. As per the details given on the supplementary planning application form she is employed in Cork City.
- She is not from the area. Although she states she is local and has family nearby no details have been provided to corroborate this claim and how such connections comply with what is intended and required in objective RCI 4-2.
- She currently owns and resides in a dwelling in Youghal.

Whilst I note the appellant's statement that her current accommodation is too small and that her children attend the local primary school, in addition to the background detail of the site owner's circumstances, these factors are not of relevance in terms of assessing compliance or otherwise with the prevailing settlement location policy.

I therefore submit that the case made in this instance does not constitute a rural generated housing need and concur with the planning authority's refusal of permission.

### ***Other Issues***

The house design as proposed is considered appropriate for its rural location and, subject to suitable landscaping, notably to the western boundary, could be satisfactorily assimilated into the landscape. Access is proposed onto a local road which was noted to be lightly trafficked with adequate sight lines available in both directions. Sufficient detail accompanies the application to support the case that the site conditions are adequate to accommodate an effluent treatment system.

### ***Appropriate Assessment***

Having regard to the nature and scale of the development and the distance to 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**

Having regard to the foregoing I recommend that permission be refused for the following reasons and considerations.

## **9.0 Reasons and Considerations**

The site is located in a “Rural Area under Strong Urban Influence” in the current Cork County Development Plan and in the Sustainable Rural Housing Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in April 2005. Furthermore, it is national policy in such areas under urban influence, as set out in National Policy Objective 19 of the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018, to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in such rural areas under urban influence. 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 that the proposed development would contravene materially objective RCI 4-2 of the County Development Plan, would be contrary to the

Ministerial Guidelines and to the over-arching national policy. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**October, 2020**