



An
Bord
Pleanála

Inspector's Report ABP-308274-20

Development

Permission sought for the construction of a single storey dwelling house and associated site works, and

Retention permission sought for: (i) The existing mobile home (26.1 sqm) on a temporary basis until the proposed dwelling house is completed/occupied, (ii) The existing on-site domestic wastewater treatment and disposal system, (iii) The existing bored well, and (iv) The existing vehicular entrance.

Location

Ballybrassil, Cobh, Co. Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

20/5437

Applicant(s)

JP & Shakira D'Arcy

Type of Application

Permission and retention permission

Planning Authority Decision

Refusal

Type of Appeal	First Party -v- Decision
Appellant(s)	JP & Shakira D'Arcy
Observer(s)	None
Date of Site Inspection	18 th December 2020
Inspector	Hugh D. Morrison

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2.0 Site Location and Description

- 2.1. The site is located within the townland of Ballybrassil, which lies 2.5 km to the east of Cobh and 1.4 km to the south-east of Ballymore. The southern portion of this townland slopes downwards towards the coastline with Cork Harbour and it is punctuated by a scattered pattern of old and new dwelling houses within their own individual plots interspersed among small fields/paddocks. The local road (L7019-0), which serves the townland from the west, is of single lane width. It passes by Glenmore Beach on its approach to the site.
- 2.2. The site itself is of elongated form and rectangular shape. It stretches from east-to-west across the local slope and it extends over an area of 0.2538 hectares. Formerly, the site was accessed only off a private road to the east. More recently, an access off the local road to the west has been constructed and on-site there is a gravel driveway between the two accesses. An extensive lawn accompanies this driveway. The site accommodates a single storey blockwork building under a double pitched tiled roof. This building is centrally sited and it is in use for storage. The site also accommodates a mobile home, which is sited to the east of the building.
- 2.3. The site is bound by fencing and hedgerows. In addition, the northern boundary is accompanied by an embankment.

3.0 Proposed Development

- 3.1. The proposal entails two strands:
- Planning permission for the construction of a single storey, three-bed, dwelling house (121 sqm) and associated site works, and
 - Retention permission for:
 - (i) The existing mobile home (26.1 sqm) on a temporary basis until the proposed dwelling house is completed/occupied,
 - (ii) The existing on-site domestic wastewater treatment and disposal system,
 - (iii) The existing bored well, and
 - (iv) The existing vehicular entrance.

The existing uncompleted storage structure (granted permission under reg. no. 3310/1982) would be demolished and the proposed dwelling house would take its place.

4.0 **Planning Authority Decision**

4.1. **Decision**

Permission was refused for the following reasons:

- The site is in an Area under Strong Urban Influence as defined by the Sustainable Rural Housing Guidelines. The site is in the Metropolitan Green Belt and in a High Value Landscape as designated by the Cork County Development Plan 2014 – 2020. The proposal is critiqued as follows: When taken in conjunction with existing development in the vicinity, it “would constitute an excessive density of development and undesirable ribboning in a scenic coastal rural area, would militate against the preservation of the rural and scenic visual amenities of the area and would lead to the creation of infill sites/expectation of permission on adjoining lands, in a rural area where there are no sewerage facilities or water mains and the intensification of such a pattern would be prejudicial to public health and eventually leads to demands for the uneconomic extension of public facilities to the area.”
- The proposal would be prejudicial to public health as the further proliferation of on-site wastewater treatment systems and percolation areas would create a significant risk of pollution of groundwater and hence private wells.
- The proposal would materially contravene condition no. 2 of the permission granted to application reg. no. S/96/1686, which requires the sterilisation of the subject lands against future development in perpetuity.

4.2. **Planning Authority Reports**

4.2.1. Planning Reports

See decision.

4.2.2. Other Technical Reports

- Cork County Council:
 - Area Engineer: No objection, subject to mainly standard conditions: One requires that utility poles within the sight visibility splays be re-sited.
 - Liaison Officer: No comment.

5.0 Planning History

(i) The site and relevant adjacent sites

- Relevant adjacent sites:
 - 96/1686: Applicant – Ashley Tubb: Proposal – Dwelling house sited on the adjoining site to the east of the current application site: Permitted, subject to a condition, denoted as No. 2, which mandated a Section 38 agreement, under the Local Government (Planning and Development) Act, 1963 (as amended), in which the applicant undertook “that no further housing shall be carried out on the lands outlined on map lodged with the Planning Authority on 23/8/96”. These lands included the current application site.
 - 97/2772: Applicant – Ron Tubb: Proposal – Dwelling house proposed for the vicinity of the current application site: Refused at appeal PL04.103902 on the grounds of unacceptable density/proliferation of septic tanks and bored wells/prejudicial to public health, inadequate and substandard roads/traffic hazard, and contravention of Condition No. 2 attached to permission granted to 96/2772.
- The site itself:
 - 99/6832: Applicants – Marcus & Sharon Bickerdike: Proposal – Demolition of structure and construction of dwelling house: Refused on the grounds of contravention of Condition No. 2 attached to permission granted to 96/2772.
 - 00/4799: Applicants – Marcus & Sharon Bickerdike: Proposal – Demolition of structure and construction of dwelling house: Refused on the grounds

of contravention of Condition No. 2 attached to permission granted to 96/2772.

- 02/1838: Applicants – Marcus & Sharon Bickerdike: Proposal – Demolition of structure and construction of dwelling house: Refused on the grounds of excessive density/no public water services, inadequate and substandard roads/traffic hazard, contravention of Condition No. 2 attached to permission granted to 96/2772, and unacceptable density/proliferation of septic tanks and bored wells/prejudicial to public health.
- 06/6616: Applicants – Marcus & Sharon Bickerdike: Proposal – Demolition of structure and construction of dwelling house: Refused at appeal PL04.219018 on the grounds of excessive density/rural environment/no public water services, and unacceptable density/proliferation of septic tanks and bored wells/prejudicial to public health.
- 16/7056: Applicants – JP & Shakira D’Arcy: Outline proposal – Construction of single storey dwelling house, on-site domestic wastewater treatment and disposal system, bored well, vehicular entrance, and associated site works. (Existing structure (permitted under application 82/3310) to be incorporated into the future design of the dwelling house): Refused on the following grounds:
 1. *The proposed development when taken in conjunction with existing development in the vicinity, would constitute an excessive density of development in a rural area, and would lead to the creation of infill sites/expectation of permission on adjoining lands, in a rural area where there are no sewerage facilities and the intensification of such a pattern would be prejudicial to public health and eventually leads to demands for the uneconomic extension of public facilities to the area. The proposed development would therefore not be in accordance with the Sustainable Rural Housing Guidelines...and would be contrary to the proper planning and sustainable development of the area.*
 2. *The proposed development would endanger public safety by reason of traffic hazard because the site is served by a narrow winding and*

substandard access road which is inadequate to cater for the additional traffic movements likely to be generated by the proposed development.

3. *The proposed development would endanger public safety by reason of traffic hazard because the access laneway from the public road to the site is unsatisfactory by virtue of its restricted width and substandard surface.*

- PPC 20/45: Pre-application consultation occurred on 18th February 2020: Previous reasons for refusal were discussed, along with revised access arrangements and installation of wastewater treatment unit. Applicant advised of Planning Authority's concern over density of development in an un-serviced area and adverse precedent.

(ii) Sites in the surrounding area:

The case planner's report summarises applications for dwelling houses in the surrounding area in conjunction with a map. The majority of these applications were refused permission.

6.0 Policy and Context

6.1. National Planning Framework

Objective NPO 19 states the following:

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.

6.2. National Planning Guidelines

Sustainable Rural Housing Guidelines

6.3. **Development Plan**

Under the Cork County Development Plan 2014 – 2020 (CDP), the site is shown as lying within the Metropolitan Green Belt. Policy Objective RCI 4-1 is thus of relevance. Policy Objectives RCI 2-1 and 2-2 distinguish between urban and rural generated housing need, while Policy Objectives RCI 6-1 and 6-2, variously, relate to the design and landscaping of one-off dwelling houses, and their servicing.

Under the CDP, the site is also shown as lying within the Landscape Character Type “City Harbour and Estuary”, wherein the landscape value and sensitivity are very high and the landscape is of national importance. Policy Objective GI 6-1 addresses landscape and Policy Objective RCI 6-1 addresses the design of new buildings in the landscape.

6.4. **Natural Heritage Designations**

- Cork Harbour SPA (004030)
- Great Island Channel SAC (001058)

7.0 **The Appeal**

7.1. **Grounds of Appeal**

- Previous refusal cited and subsequent pre-planning discussions during which engineering concerns were allayed. A new entrance to the site (where an overgrown agricultural one existed) doubles as a passing place and has received the support of neighbours. The Area Engineer is supportive.
- Attention is drawn to the third reason for refusal, which cites a Section 38 agreement attached to permitted application 96/1686. This agreement was not referred to in the previous refusal of 16/7056 or during pre-application consultations. It is critiqued insofar as it was signed by the applicant, Ashley Tubbs, who was not the owner of all of the lands in question: His father Ronald Tubbs was. An accompanying legal opinion states that only the registered owner of the land could undertake to sterilise it. Likewise, this agreement is flawed as there is no set period stipulated in it.

- Attention is drawn to 96/1686, which was permitted on the basis that Ashley could thereby care for his mother, who has since passed away, leaving Ronald as a widower who needs to be cared for. Shakira is now involved in caring for her grandfather. Notwithstanding the precedent for doing so, insufficient weight was given to this factor by the Planning Authority
- Attention is drawn to 12/5441, a permitted application for a dwelling house nearby, where the County Manager regarded the applicant's exceptional circumstances as key to this decision. The applicants' circumstances are surely exceptional, too. The dwelling house subsequently built is now on the market, whereas the applicants' intention would be to remain indefinitely in the area.
- Attention is drawn to 06/4023, an application permitted at appeal PL04.216874 for a dwelling house nearby. Previous refusals on this site had been due to access and excessive density and yet permission was granted, due to the applicant's housing need. The current applicants have a greater housing need again, by virtue of their current living circumstances.
- The applicants currently reside on the site, which they own, with their two children in a mobile home. The current proposal would enable them to continue to do so and thus avert becoming homeless.
- A wastewater treatment system (PE up to 10) was installed on the site 3 years ago in accordance with the relevant EPA CoP. This system is working effectively, and it is the subject of a maintenance contract. Samples of discharge and a report on the quality of ground water can be undertaken if required. The Area Engineer raised no objection to the system.
- A bored well was installed. Once settled, samples of water were clear of coliforms and E. Coli.
- The Planning Authority has been overly concerned with precedent and has failed to assess the current proposal "on its merits". In this respect, the Area Engineer is of the view that adjoining sites to the north would be unsuitable for development due to substandard access points.

- The applicants have elaborated on their personal circumstances in a supporting letter, which refers to Shakira’s caring responsibilities for her grandfather, Ronald, and, in time, her parents, too. He resides in an annex to her parents’ dwelling house. Her uncle, Ashley, and his wife are childless and so the applicants anticipating caring for them, in time, too.
- Notwithstanding the Planning Authority’s concerns over density of development in an un-serviced area, the following applications for dwelling houses have been permitted: 12/4052, 13/4121, and 16/6211. (These applications pertain to 2 recently constructed dwelling houses to the south-west of the site).
- The applicants’ earlier application set out how Ronald Tubb’s original landholding of 0.89 hectares has been developed to provide 2 dwelling houses and with the additional one now proposed the density of development would be low at 3.37 dwellings per hectare.

7.2. **Planning Authority Response**

None

7.3. **Observations**

None

7.4. **Further Responses**

None

8.0 **Assessment**

8.1. I have reviewed the proposal in the light of the Sustainable Rural Housing Guidelines, the CDP and the LAP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

(i) Rural housing policy and planning history,

- (ii) Visual and landscape impacts,
- (iii) Development standards,
- (iv) Traffic and access,
- (iv) Water, and
- (v) Appropriate Assessment.

(i) Rural housing policy and planning history

- 8.2. The site lies within the Metropolitan Cork Green Belt, an area that is under the strongest urban pressure for rural housing. Objective RCI 4-1 of the CDP addresses rural housing within the Green Belt: Four categories of housing need are set out therein.
- 8.3. The applicants have completed a supplementary application form, which covers such of their personal circumstances that have a bearing on housing need. The cover letter from their agent also comments on these circumstances. From these two sources the following points emerge:
- Both applicants have resided on the site for 4.5 years.
 - James is a motor technician for Car Care and Performance, a company that is based in the Euro Business Park on Little Island, Co. Cork. Shakira is a homemaker, who also works part time in administration for this company.
 - Both applicants resided nearby in The Lodge, Cuskinny between 2008 and 2015. Prior to this period, they resided nearby in Rose Cottage, Glenmore for 4 years.
 - Shakira resided in the dwelling house, denoted as ““A” family home” on the map which accompanies the agent’s cover letter, for 17 years. She attended Walterstown National School during these years between 1991 and 1997.
 - Shakira’s mother, Sharon Bickerdike, is in the process of transferring ownership of the site to Shakira.
 - Both applicants confirm that they have not/do not own a residential property and that they have not either obtained planning permission for a rural house or built a rural house in the past.

- 8.4. The applicants have submitted a letter, which elaborates upon their personal circumstances. Thus, Shakira states that her family of origin have resided in Glenmore since 1976, when her grandparents moved there. Her parents reside nearby, and her grandfather, Ron Tubb, resides with them in an annex to their dwelling house: Shakira assists with his care. She anticipates assisting with her parents' care in time and that of an uncle, Ashley Tubb, and aunt, who also reside nearby.
- 8.5. The applicants' letter also outlines the increasingly unsuitable accommodation that their mobile home affords for their children. Local housing is prohibitively expensive and yet as a family they are integrated socially and educationally into the locality of the site.
- 8.6. Under Objective RCI 4-1, the only category of housing need that the applicants could come within is Category 4, which reads as follows: "Landowners including their sons and daughters who wish to build a first home for their permanent occupation on the landholding associated with their principal family residence for a minimum of seven years prior to the date of the planning application."
- 8.7. The planning history of the site and surrounding sites indicates that Shakira's Uncle, Ashley Tubb, obtained planning permission (96/1686) for a dwelling house to the east of the site on the basis that he could thereby care for his mother, who resided with his father, Ron Tubb, in an existing dwelling house to the north. (This existing dwelling house is where Shakira's parents currently reside along with her grandfather, Ron Tubb).
- 8.8. Planning permission was granted subject to Condition No. 2, which states "No further housing development shall be carried out on lands outlined on map lodged with the Planning Authority on 23/08/96. Before development commences provision to this effect shall be embodied in an Agreement between the landowner and the Planning Authority pursuant to Section 38 of the Local Government (Planning and Development) Act 1963." The accompanying reason stated, "To maintain the density of development at a level consistent with the amenities of the area." Subsequently, an Agreement to this effect was made between the applicant, Ashley Tubb, and Cork County Council on 13th November 1996.

- 8.9. The lands, which are the subject of the agreement, are shown in an accompanying map as including a continuous area of land that includes the current application site, the site of the existing dwelling house, and the site of the then proposed and since constructed dwelling house. On this basis, the site of the original dwelling house may still be “associated” with the current application site. In this respect, the submitted plans simply show the application site by means of a red edge, i.e. they do not make explicit the landownership of the adjoining lands, which are the subject of this agreement. Accordingly, confirmation of association remains outstanding.
- 8.10. Furthermore, from the information before me, it is clear that Shakira’s parents presently reside with her grandfather in the dwelling house to the north-east of the site. Whether they have resided there for the last 7 years is unclear and so whether this dwelling house can be deemed to be “the principal family residence for a minimum of seven years prior to the date of the planning application” remains to be confirmed, too. I note, in this respect, that Shakira resided in this dwelling house for a 17-year period at an earlier stage in her life. Nevertheless, it is the last 7 years that is of importance for the purposes of Category 4 of Policy Objective RCI 4-1.
- 8.11. Even if confirmation of the above cited points were to be forthcoming, the restriction imposed upon the application site by the extant agreement would remain to be addressed, along with Condition No. 2 attached to the permission granted to application 96/1686. This agreement has been critiqued by the applicant’s solicitor in his submitted opinion upon it. However, unless it is the subject of a successful legal challenge or it is the subject of withdrawal or amendment by agreement between the Planning Authority and the applicants, the agreement continues to be applicable.
- 8.12. The current proposal is not only for the construction of a dwelling house but for the retention of a mobile home on the site until this dwelling house is completed/occupied. In this respect, in the absence of an established housing need for the proposed dwelling house, the retention of the mobile home as a dwelling on the site would be without justification, too. Conversely, if the dwelling house were to be permitted, then this mobile home would, under Class 17 of Part 1 of Schedule 2 to Article 6 of the Planning and Development Regulations, 2001 – 2020, be exempted development for the duration of any construction period.

8.13. I conclude that the applicants have not demonstrated that their housing need comes within the categories set out in Objective RCI 4-1 of the CDP. I conclude, too, that, as the site continues to be the subject of a sterilisation agreement, the provision of a new dwelling house upon it continues to be prohibited.

(ii) Visual and landscape impacts

8.14. Under the CDP, the site lies within the Landscape Character Type “City Harbour and Estuary”, wherein the landscape value and sensitivity are very high and the landscape is of national importance.

8.15. The site is situated on the lower slopes of Ballybrassil close to its shoreline with Cork Harbour. This site is of elongated form and it extends across the local slope. The surrounding area comprises dwelling houses on their own individual plots interspersed with small fields/paddocks. The local road to the west of the site is enclosed by means of hedgerows and other boundaries, as is the southern boundary to the site, which is denoted by a hedgerow beyond which there are several trees. The visibility of the site from the local road has been increased, as a result of the formation of its western access from this road.

8.16. The permitted storage building on the site is sited central. This building is of rectangular form under a double pitched roof. It has a floor area of 46.75 sqm and a ridge height of c. 4m.

8.17. The siting of the proposed dwelling house would overlap with the storage building, which would be demolished. This dwelling house would have a floor area of 121 sqm. Its form and design would emulate that of the storage building. Thus, the dwelling house would be of rectangular form under a double pitched roof. Its elongated shape would be relieved by a flat roofed projecting element at either end of the principal (southern) elevation. Accordingly, although the dwelling house would be larger than the storage building, its visual and landscape impacts would be comparable to those of this building.

8.18. I conclude that the proposal would result in marginally greater visual and landscape impacts than those that pertain at present, due to the proposed larger replacement building and the greater visibility of the site that has resulted from the new western access.

(iii) Development standards

- 8.19. The proposal would entail the provision of three-bed dwelling house over a floor area of 121 sqm. This single storey dwelling house would be laid out to provide day time accommodation in its eastern half and night time accommodation in its western half. Its principal elevation would have a southerly aspect.
- 8.20. The proposed dwelling house would be accompanied by an extensive garden area, which would be enclosed to the north by an embankment and to the south by a mature hedgerow.
- 8.21. The proposal would afford a satisfactory standard of amenity.

(iv) Traffic and access

- 8.22. The local road (L7109-0), which serves, the site is of single lane width. The applicants have undertaken a survey of this road, which indicates that the portion from Glenmore beach to the bend to the south of the western access to the site is typically 2.6 or 2.8m wide, while in the vicinity of this access it is typically 3.1m. On this bend it widens out to 3.6m. This stretch of road is not served by formal passing places. Instead, the beach car park and entrance ways to existing dwelling houses fulfil this function. The new western access to the site contributes in this respect.
- 8.23. The applicants' previous application 16/7056 for a dwelling house on the site was refused on several grounds including one that critiqued the restricted width and substandard surface of the private road from the local road to the eastern access point to the site. This critique appears to have prompted the formation of the western access directly from the local road.
- 8.24. The proposed access encompasses almost the entire western boundary of the site. At its mouth, it is c. 17m wide and, as this access is from a rising portion of the local road, it, too, is ramped over its southern portion. The centre of the access is c. 30m north of the bend in the local road and c. 50m south of the bend in the local road to the north, which marks its transition to a private road. While the southern sightline extends to the southern corner, the northern one is short and it does not extend to the northern corner "on the ground".
- 8.25. Given the gradients at play, the gravel surface of the access is resulting in gravel being swept onto the local road. If this access were to be retained, then it would

need to be provided with a sealed surface. Surface water drainage arrangements would also be needed to prevent run-off onto the local road.

- 8.26. Clearly, the narrowness of the local road and its variable horizontal and vertical alignments means that it is not well placed to accommodate increases in traffic usage, such as would be generated by additional dwelling houses. The current proposal is for one additional dwelling house and so the question arises as to whether there could be more. In this respect, the applicant has expressed the view that potential house plots to the north would be incapable of being served by acceptable means of access. I am not persuaded that this is necessarily so. Indeed, the provision of a satisfactory northern sightline for the applicants' access may ultimately hinge on the removal of part of an embankment/hedgerow to the western boundary of the adjoining paddock to the north, which would, by the same token, enhance its prospects of being provided with a satisfactory access. I note, in this respect, from the cover letter of the applicants' agent that this possibility was explored with the adjoining landowner, but no agreement was forthcoming.
- 8.27. I conclude that the local road is not well placed to accommodate additional traffic. I conclude, too, that the new western access is served by a poor northern sightline and that its improvement would enhance the prospects of a satisfactory access being provided to adjoining land to the north and potential pressure for its development with a resultant greater increase in traffic.

(v) Water

- 8.28. The existing mobile home is served by a bored well and an on-site domestic wastewater treatment and disposal system. The former is sited in the north-western corner of the site and the latter is sited in the south-eastern quadrant, i.e. c. 80m apart.
- 8.29. The applicants have submitted Laboratory Reports of water samples taken from their bored well on 25th March 2020, after it was first bored, and on 10th April 2020, when conditions had had time to settle. The first sample had bacterial coliforms within it, including E. coli, while the second sample was clear.

The applicants' plan entitled "laneway" shows two bored wells to the south/south south-east of their percolation area at distances down slope of c. 40m. (Other bored wells are also shown up slope of the site). The Site Characterisation Assessment

states that there are 17 dwelling houses within 250m of the site, all of which are assumed to rely upon bored wells. Under Table B.3 of the EPA's relevant Code of Practice (CoP), the appropriate minimum separation distance between the percolation area and the downslope bored wells is 40m.

8.30. The Site Characterisation Assessment also sets out the following information:

- The aquifer is locally important and of extreme vulnerability. The Response Matrix is thus R2¹.
- Ground water flow is assumed to be down slope and so in a southerly direction.
- The trial hole was dug to a depth of 2.1m, i.e. 97.55m OD. The initial 1m depth of sub-soil was composed of gravel, silt/clay, sandy, and the subsequent 1m depth was composed of gravel, silt, sandy.
- The T-test holes yielded an average result of 9.67 min per 25mm. No P-tests were undertaken. An accompanying note states: "Due to the extreme vulnerability category of the aquifer, the low T value, and the density of dwellings, a precautionary approach requires that the quality of treated effluent discharged to ground water must be high in order to mitigate the risk of microbial contamination." Accordingly, a package wastewater treatment system and polishing filter was recommended and subsequently installed 3 years ago with an invert level of 98.58m OD for the percolation pipes. A further note in the recommendation states, "The percolation trenches have been arranged so as to dispense the discharged treated wastewater over a wide area, further reducing the concentration of possible contaminants and mitigating the risk to downslope wells."

8.31. The cover letter of the applicants' agent states that "now with a fully functioning wastewater treatment system and a clean drinking water supply it appears that their site and its current services have not put any extra strain on the area regarding sewerage treatment or the endangering of public health." While the Area Engineer raises no objection, the Planning Authority's refusal cites a significant risk of pollution from the further intensification of private provision, which would be prejudicial to public health and which would lead to the demand for the uneconomic extension of

public provision. Previous refusals for the site and other sites in the surrounding area at Planning Authority and Board levels have expressed such concerns.

- 8.32. I conclude that, in the absence of favourable sampling results from the applicants' bored well and that of their neighbours' bored wells down slope from their percolation area over a sustained and fully representative period of time, it would be premature to accede to the retention of their bored well and wastewater treatment system. Furthermore, I conclude that these utilities would only be justified if the proposed dwelling house were to be justified in planning terms, a pre-condition which does not pertain at present.

(v) Appropriate Assessment

- 8.33. The proposed dwelling house would not be sited in or near to any Natura 2000 site. Furthermore, there are no source/pathway/receptor routes between the site and any Natura 2000 site in the wider area. Accordingly, the proposal would not be likely to have any significant effects on the Conservation Objectives of such Natura 2000 sites during either its construction or operational phases.
- 8.34. Having regard to the nature, scale, and location of the proposed development, the nature of the receiving environment, and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. That (i) permission and (ii) retention permission be refused.

10.0 (i) Reasons and Considerations

1. Having regard to the Cork County Development Plan 2014 – 2020, the site lies within the Metropolitan Green Belt and so applicants for rural housing within this Green Belt must demonstrate that they have a housing need that comes within one of the Categories set out in Policy Objective RCI 4-1. The applicants proposed a dwelling house for the site and yet they have not demonstrated that their housing need comes within one of these Categories. In these

circumstances, it would be premature to accede to the grant of planning permission, as to do so would risk undermining the Development Plan's Rural Housing Strategy and Green Belt. It would thus be contrary to the proper planning and sustainable development of the area.

2. Having regard to Condition No. 2 attached to the permission granted to application reg. no. 96/1686, the site is the subject of an agreement under which "no further housing shall be carried out". The applicants propose to construct a dwelling house upon the site and so this dwelling house would materially contravene this Condition. It would thus be contrary to the proper planning and sustainable development of the area.

(ii) Reasons and Considerations

1. Having regard to (a) the absence of a demonstrable housing need for the proposed dwelling house and (b) the extant housing sterilisation agreement upon the site, to grant retention permission for (i) the mobile home on the site, (ii) the on-site domestic wastewater treatment and disposal system, (iii) the bored well, and (iv) the vehicular entrance in the western boundary of the site would, in principle, be premature. Furthermore, it remains to be demonstrated that items (ii) and (iii) would be compatible with safeguarding public health and, as item (iv) has a sub-standard northerly sightline, its compatibility with road safety has yet to be achieved. In these circumstances, the retention of all these items would be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

2nd March 2021