



An
Bord
Pleanála

Inspector's Report ABP-310760-21

Development	House, garage and wastewater treatment plant
Location	Kilmore, Ballinspittle, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	21/4998
Applicant(s)	Sinead O'Reilly & Darren Daly
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Sinead O'Reilly & Darren Daly
Observer(s)	Siobhan White
Date of Site Inspection	19 th October, 2021
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. The 0.3035 hectare site is located in a rural area approximately 2km north-west of Garrettstown in County Cork. It comprises part of a field on the northern side of a minor road. There is a treelined hedgerow along the road frontage. Development in the vicinity includes detached housing along both sides of the road. There are two houses immediately south-west of the site, further houses to the north-east and houses on the opposite side of the road.

2.0 Proposed Development

- 2.1. The proposed development would comprise the construction of a four bedroom, part two-storey / part single storey, detached house and a detached single-storey garage. The house would have a stated gross floor area of 238 square metres and the garage would be 53 square metres in area. The house would be served by a private wastewater treatment plant with a polishing filter and a public water supply.
- 2.2. Details submitted with the application included a letter of consent from the landowner permitting the making of the application, a planning and design statement, a percolation report, and a soakaway test report.
- 2.3. The applicants submitted unsolicited information on 3rd June, 2021, addressing third party concerns.

3.0 Planning Authority Decision

3.1. Decision

On 9th June 2021, Cork County Council decided to refuse permission for the proposed development for one reason relating to the proposal constituting ribbon development.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

The Planner considered there were significant individual housing density concerns at this location and that, if permitted, the proposal would result in 11 houses (existing and permitted) within a 375m radius. It was also noted that the site is in an area under strong urban influence. The pattern of development and density of development arising were seen as incompatible with Development Plan provisions. The applicant Sinead O'Reilly was seen to meet with settlement policy because the parish where she is from and in which the site is located is geographically large. There was no objection to the visual impact of the proposal and it was considered the engineering concerns could be resolved. A refusal of permission for one reason relating to excessive density of development in an area where services are limited was recommended.

The Senior Executive Planner concurred with the Planner's recommendation.

3.2.2. Other Technical Reports

The Area Engineer sought further information relating to surface water drainage.

3.3. **Prescribed Bodies**

Irish Water had no objection to the proposal.

3.4. **Third Party Observations**

Objections to the proposal were received from John and Aoife White and Siobhan White. Concerns raised included those related to surface water drainage, concentration of wastewater treatment systems in the area, excessive density of development, traffic impact, loss of privacy, lack of housing need, and landscape and visual impact.

4.0 **Planning History**

I have no record of any planning application or appeal relating to this site.

5.0 Policy Context

5.1. Cork County Development Plan

Rural Housing

Objectives include:

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.

The proposed site is located within a designated 'Area under Strong Urban Influence'.

Objectives include:

RCI 4-2: Rural Area under Strong Urban Influence and Town Greenbelts (GB 1-1)

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.

5.2 EIA Screening

Having regard to the nature, scale and location of the proposed development, there is no real likelihood of significant effects on the environment. The submission of an EIAR is not required

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal may be synopsised as follows:

- The reason for refusal refers to ribbon development and makes the assumption that the adjacent plot would be developed in due course. A successful application would have to be granted on the adjacent plot. The registered owner of the land is prepared to enter into an agreement to sterilise the lands adjacent to the site for a period of five to seven years. The proposed

house would not form a group of five houses and so is not ribbon development in accordance with the County Development Plan definition.

- An Engineer's report is attached with the appeal addressing the engineering issues raised by the Area Engineer.
- There is a housing crisis in the parish. Ballinspittle is designated a key village. It had no new development between 2015 and 2020 and there are no units under construction in the village and no outstanding planning permission for additional units. The development plan acknowledges that upgrading of foul sewers and provision of a new wastewater treatment plan are required to accommodate further growth in the village and there is no plan to put this in place. There is currently nothing to buy or rent in the parish.

6.2 Planning Authority Response

The planning authority submitted that all relevant issues had been covered in its technical reports.

6.3 Observations

The observer raised concerns relating to the unsustainable pattern of development in a partially serviced area, the development undermining development plan objectives relating to the further development of Ballinspittle, and the lack of housing need. It was contended that the appellants did not address the grounds of the planning authority's refusal.

7.0 Assessment

7.1 Introduction

- 7.1.1. I consider that the principal planning issues relate to housing need and ribbon development. The Board will note that the appellant has raised the issue of the lack of housing development in the nearby settlement of Ballinspittle and has provided details to the planning authority on housing need. The observer has also raised the issue of housing need. Given the nature of the appeal submission, the Board may consider that this is not a new issue.

7.2 Housing Need

7.2.1. I acknowledge the submissions from the appellants to the planning authority on the issue of housing need and the entitlement to consideration of the proposed development in this location due to the appellant's (Sinead O'Reilly) connections to the area. It was the appellant's submission that she meets with Category d) of Objective RCI 4-2 of Cork County Development Plan, which relates to rural areas under strong urban influence. I further note the submission from the Planner in the report to the planning authority when addressing third party concerns on this matter. Therein it was stated:

"I note, the 'White' family, are vehemently objecting to the application for valid reasons, they consider the applicants connections are not local enough, it is an understandable position, but as this is a geographically large Parish the applicant is benefitting. I am satisfied the applicant's meet the qualifying criteria and housing eligibility criteria in Policy Objective RCI 4-2d in the CDP 2014"

This appears to suggest that, because the applicant happens to come from the same parish in which the site is located, this is an entitlement to eligibility under Objective RCI 4-2 of the Development Plan.

7.2.2. Prior to considering this issue, I must first acknowledge some of the other relevant objectives of Cork County Development Plan. Objective RCI 2-1 of the Plan relates to urban generated housing and this objective seeks to 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. Objective RCI 2-2 relates to rural generated housing and this seeks to sustain and renew established rural communities by facilitating those with a rural generated housing need to live within their rural community. It is also determined from the Plan that the site of the proposed development is located within a designated 'Area under Strong Urban Influence'. These are key matters requiring review when considering the applicant's eligibility under Category d) of Objective RCI 4-2.

7.2.3. I first note that the location in which the proposed development is intended to be developed is an area under significant pressure for one-off housing. This is a scenic area close to Garrettstown and its beaches. The development pressure is clearly evident by the extent of one-off houses in the immediate vicinity of this site. It is also

evident that much of this housing does not present as being associated with the main land use in this rural area, namely agriculture. It is apparent that the appellants would not be farming lands or be engaging in activities associated with the land in this area. There can be no other determination other than the appellants seek to develop a house in this location which will add to the significant number of houses in this area which have no need to be there in the context of the main rural land use, i.e. agriculture. It is reasonable to determine that the appellants have no rural generated housing need to be at this location. Thus, one could not reasonably determine that the proposed development could be seen to be in keeping with Objective RCI 2-2 of the County Development Plan.

7.2.4. The appellant Sinead O'Reilly is a nurse working in a hospital in the town of Bandon which is more than 15km from the site of the proposed development. The appellant Darren Daly is an electrical engineer operating out of Little Island in Cork. It is evident that the proposed development constitutes urban-generated development. There is no doubt that the appellants' urban-generated needs can be met in Bandon or in many of the other serviced settlements in the wider area. The need to expand the volume of one-off houses in this remote, unserviced, rural location within a pressured area close to Garrettstown and its amenities cannot reasonably be justified.

7.2.5. I note that the appellant Sinead O'Reilly has lived all her life in Castlelands in her family home. I am aware that this is a location south of Kinsale. There is no exact understanding of where the appellant resides but it is clearly some distance from the site of the proposed development. I further note that the appellant Darren Daly is from Ballymacus which is to the south-east of Kinsale and further again from the site. I note that the planning authority appears to have linked the eligibility of the appellant Sinead O'Reilly's residency in Castlelands to a parish and notes that the site of the proposed development is in the same parish. It appears that this somehow merits eligibility under Objective RCI 4-2 of the County Development Plan according to the Planner. I can find no reason to determine that, because a person may reside in a particular parish, this would afford such a person eligibility when considering planning permission for a house in a rural area elsewhere within that parish. This does not present as being a sound planning reason for permitting consideration of a house in a rural area where there is no genuine rural housing need. I submit that the

appellants have not lived in the local rural area in which they propose to build a first home. Furthermore, I do not consider that the appellants have in any way, for sound planning reasons, demonstrated that they have genuine rural housing needs which would warrant them eligibility under Category d) of Objective RCI 4-2 of Cork County Development Plan.

7.2.6. Further to the above, it is apparent that, based on what is known about the appellants' rural housing need, this proposal would run contrary to the *Sustainable Rural Housing Guidelines for Planning Authorities*, as the appellants have no known genuine 'rural' housing need within an area of the county that is evidently under significant development pressure for one-off housing, given the pattern of housing development in this rural area. The appellants' residential needs could clearly be met within the many serviced towns and villages in the wider area.

7.2.7. In addition to the above, I note national planning policy as set out under the *National Planning Framework* published in February, 2018. This includes the following:

- With reference to the development of rural areas, 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, while sustaining vibrant rural communities.
- National Policy Objective 19 seeks 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, it is policy 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 and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

7.2.8. From the details on the appeal file, it is clear that the appellants do not have any known justification that would merit permitting the development of a house on this

site. The National Planning Framework objective of managing the growth of areas that are under urban influence to avoid over-development would essentially be contravened. The proposal would, thus, be in conflict with the National Planning Framework.

7.3 The Question of Ribbon Development

7.3.1. I note the difference of opinion between the planning authority and the appellants over what does and does not constitute ribbon development. I further note the considerations on 'ribbon development' as set out in Appendix 4 of the "*Sustainable Rural Housing Guidelines for Planning Authorities*". These include the following:

- The Guidelines recommend against the creation of ribbon development for a variety of reasons.
- Other forms of development, such as clustered development, well set back from the public road and served by an individual entrance can be used to overcome these problems.
- Areas characterised by ribbon development will on most cases be located on the edges of cities and towns and will exhibit characteristics such as a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage.
- Whether a given proposal will exacerbate such ribbon development or could be considered will depend on:
 - The type of rural area and circumstances of the applicant,
 - The degree to which the proposal might be considered infill development, and
 - The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.

7.3.2. The provisions of Cork County Development Plan relating to ribbon development are set out in Paragraphs 4.6.7 and 4.6.8 and are as follows:

4.6.7 *“Ribbon development” is formed by the development of a row of houses along a rural road outside of settlement boundaries. The Sustainable Rural Housing Guidelines recommend against the creation of ribbon development for a variety of reasons relating to road safety, future demands for the provision of public infrastructure as well as visual impacts. Therefore, it is the policy of the Council to discourage development which would contribute to or exacerbate ribbon development (defined by Cork County Council as five or more houses on any one side of a given 250 metres of road frontage). Intending applicants are advised to consult with the Cork Rural Design Guide in relation to site selection.*

4.6.8 *The Planning Authority will assess whether a given proposal will exacerbate such ribbon development, having regard to the following:*

- *The type of rural area and circumstances of the applicant;*
- *The degree to which the proposal for a single dwelling might be considered an infill development;*
- *The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development;*
- *Local circumstances, including the planning history of the area and development pressures; and*
- *Normal Proper Planning and Sustainable Development Considerations.*

7.3.3. The applicable objective in the County Development Plan is as follows:

RCI 6-3: Ribbon Development

Presumption against development which would contribute to or exacerbate ribbon development.

7.3.4. It is evident that Cork County Development Plan has taken its definition of ribbon development from the example given in the Rural Housing Guidelines and that the wider understanding of what it constitutes is directly derived from these Guidelines.

7.3.5. I submit that much of the argument presented on the issue of ribbon development is academic debate. In real physical planning and sustainability terms, the matter is

clear. Whether there are three houses in a line, whether one does or does not ignore the houses on the opposite side of the road, etc. is only part of this issue. What one can definitively conclude about this proposal is that it clearly contributes to haphazard, urban-generated housing in a rural location which is a much sought after area for one-off housing close to Garrettstown and its beaches. Such development is disorderly, unnecessary, and unsustainable. Continued development of one-off housing in such a location undermines the rural character of this area. Such development should occur within serviced settlements. Such development ultimately produces unsightly visual sprawl into this rural area and brings with it an increased demand for providing services to meet the needs of the urban-generated housing occupiers, which is wholly unsustainable and uneconomic to be pursuing. It is reasonable to determine that this proposal would not provide for any coalescence of housing at this location and it would increase linear housing development.

7.3.6. I note that the Rural Housing Guidelines give an 'example' of five houses or more as ribbon development. It appears that the County Development Plan has taken this as definitive when its own provisions on ribbon development appear at first sight to be premised upon the provisions of the Guidelines. The Guidelines ask that, whether a given proposal would exacerbate ribbon development, it would depend on the type of rural area and circumstances of the applicant, the degree to which the proposal might be considered infill development, and the degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development. I submit that the proposed development fails in all counts when due regard is had to these provisions. The type of rural area in which this proposal seeks to be developed is a rural area under strong urban influence. The appellants have no rural-generated housing need to be accommodated at this location, when their urban-generated needs can be met appropriately in Bandon, Cork City or elsewhere in serviced towns and villages. The proposal is not infill development and there is no coalescence of housing at this location. I submit that it is reasonable for the Board to determine that this proposal constitutes 'ribbon development' in the understanding of what is provided for in the Rural Housing Guidelines, much of which appears to be the foundation of the provisions set out in Cork County Development Plan on this form of development. This linear, haphazard form of development in a rural area under significant

development pressure is unsustainable, unnecessary and should be avoided in the management of this rural area.

Appropriate Assessment

The site of the proposed development is located in a rural area at a significant distance from European sites, of which the closest is Courtmacsherry Bay SPA (Site Code: 004219). This site is separated from this European site by extensive areas of agricultural lands, roads, residential and other properties. Having regard to the nature, scale, and location of the proposed development, the nature of the receiving environment, and the significant separation distances to the nearest European sites, 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.

8.0 Recommendation

8.1 I recommend that permission is refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. The site of the proposed development is located in a scenic rural area close to the amenity area of Garrettstown in County Cork and within an area designated a rural area under strong urban influence in the Cork County Development Plan. It is the objective of Cork County Development Plan to 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 its settlement network (Objective RCI 2-1). It is also an objective of the Plan that, in rural areas 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. In addition, the *Sustainable Rural Housing Guidelines for Planning Authorities* and the National Policy Objectives of the *National Planning Framework* seek to promote rural generated housing need and to manage the growth of areas that

are under urban influence in order to avoid over-development and to ensure that the provision of single housing in rural areas under urban influence are provided based upon demonstrable economic or social need to live in a rural area.

Having regard to the location of the site within a rural area under strong urban influence in which there is extensive one-off housing and to the provisions of the Cork County Development Plan, the *Sustainable Rural Housing Guidelines for Planning Authorities* and the National Policy Objectives of the *National Planning Framework*, it is considered that the applicants do not have a demonstrable rural generated housing need as set out in the Development Plan and the *Sustainable Rural Housing Guidelines* and the proposed development does not comply with National Policy Objectives. The proposed development, in the absence of any identified locally based need for the house, 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. The proposed development would, thus, be contrary to the provisions of the *Sustainable Rural Housing Guidelines for Planning Authorities* and the rural policy provisions of the *National Planning Framework*, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Taken in conjunction with existing and permitted development in the area and specifically along the stretch of roadway onto which the proposed development would access, the proposed development would add to an undesirable level of linear development along this short stretch of road, would constitute ribbon development, would contravene Objective RCI 6-3 as set out in the current Cork County Development Plan, and would therefore, be contrary to the proper planning and sustainable development of the area.

Kevin Moore
Senior Planning Inspector

28th October 2021