



An  
Bord  
Pleanála

## Inspector's Report ABP-310933-21

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<b>Development</b>	House, garage and wastewater treatment unit
<b>Location</b>	Knocknagallagh, Bandon, County Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	21/4107
<b>Applicant(s)</b>	Claire Condon
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Graham Gill-Emerson
<b>Date of Site Inspection</b>	20 <sup>th</sup> October, 2021
<b>Inspector</b>	Kevin Moore

## **1.0 Site Location and Description**

- 1.1. The site of the proposed development is located on the northern side of a minor local road in a remote rural area approximately 10km south-west of Bandon in County Cork. The site forms part of a larger field which is used for grazing. The field falls steeply away from the public road. Excepting the roadside bank, there is no definition to the other boundaries of the site. There are four dwellings on the opposite side of the local road in the immediate vicinity of the site. There is an existing memorial adjoining the north-easternmost end of the site frontage.

## **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 floor area of the proposed house would be 247.2 square metres in area and the garage would be 24 square metres. The development would be served by an on-site bored well and a septic tank and percolation area.
- 2.2. Application details submitted included a site characterisation assessment relating to the proposed septic tank system and a letter of consent from the landowner permitting the making of the application.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 29<sup>th</sup> June, 2021, Cork County Council decided to grant permission for the proposed development subject to 14 conditions.

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

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

The Planner noted that the site is located within a rural area under strong urban influence and also noted the relevant development plan provisions. The Area Engineer's report and third party submissions were acknowledged. Reference was made to the open and exposed nature of the site and concerns were raised about

the visual impact of the two-storey element of the proposed house. It was considered that the applicant complies with development plan rural housing policy. It was recommended that further information be sought relating to a house redesign and the issues raised by the Area Engineer.

### 3.2.2. Other Technical Reports

The Area Engineer requested further information relating to sightlines, the siting of the bored well relative to neighbouring septic tank systems, surface water drainage, and the provisions for an existing memorial monument at the site.

### 3.3. **Third Party Observations**

Objections to the proposal were received from Claire Dineen and Graham Gill-Emerson. Concerns raised included those related to impact on the rural character and landscape of the area, the removal of a gravestone at the frontage, precedent, traffic impact, impact on water supplies, available alternatives, archaeological impact, impact on privacy, rural housing need, and ribbon development.

3.4. A request for further information was issued on 12<sup>th</sup> March 2021 and a response was received from the applicant on 2<sup>nd</sup> June, 2021. This included redesign of the proposed house to a single-storey unit.

3.5. Following the receipt of the further information the reports to the planning authority were as follows:

The Area Engineer had no objection to the grant of permission subject to the attachment of a schedule of conditions.

The Planner considered outstanding issues had been resolved and recommended that permission be granted subject to a schedule of conditions.

## 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.

#### *RCI 6-3: Ribbon Development*

Presumption against development which would contribute to or exacerbate ribbon development

The site is within a designated 'Rural Area under Strong Urban Influence'. The objective relating to this area is as follows:

#### *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 the appeal may be synthesised as follows:

- The appellant is not supportive of the location of the development because his house is not represented in the site layout drawings and the proposed garage is closer than 13 metres from the road.

## 6.2. Applicant Response

The applicant's response to the appeal may be summarised as follows:

- There is a substantial distance of over 37m between the proposed garage and the appellant's house and the garage is over 9m from the boundary.
- The proposed development would not overlook the appellant's property and uninterrupted views to the north-west will remain.
- Substantial changes were made to the design of the house by way of further information and the garage was relocated to a less prominent position.

Details submitted with the response included a site layout drawing and a section.

## 6.3. Planning Authority Response

The planning authority submitted that all relevant issues had been covered in its technical reports and had no further comment to make.

## 7.0 Assessment

### 7.1. Introduction

I consider that the principal planning issues relating to the proposed development include rural housing need, haphazard rural house development, traffic impact, effluent disposal, and the impact on residential amenity. The Board will note that, with the exception of the latter, these issues were raised by third parties in the submissions to the planning authority. They have not been raised in the appeal submissions and the Board may consider these issues to be new issues and may offer further consideration of these matters by the parties to the appeal.

### 7.2. Rural Housing Need

I note that the planning authority has determined that the applicant complies with Objective RCI 4-2 of the Cork County Development Plan which relates to the eligibility criteria for the development of a house in a rural area under strong urban influence. I acknowledge that the applicant has resided in her family home in the

townland of Farran, which is approximately 1.5km west of this site. The family farm and associated farm structures are located at Farran. The site forms part of an additional landholding separate from the family farm holding which was purchased relatively recently (2014). The site of the proposed development is located within an area designated a Rural Area under Strong Urban Influence. The original family farm holding is in an area designated a Tourism and Rural Diversification Area. The applicant works in Cork City as a HR Associate.

I first acknowledge that the applicant comes from the general rural area in which the site is located, with her family home being located in Farran, a neighbouring townland. I submit that it is evident that the applicant has no known associated connection with the new additional farm holding at Knocknagallagh. I acknowledge the Cork County Development Plan provisions as they relate to rural housing and note that urban generated housing in rural areas is discouraged and that such development should normally take place in the larger urban centres or the towns, villages and other settlements identified in the Plan's settlement network (Objective RCI 2-1). I then acknowledge Objective RCI 2-2 on rural generated housing, which seeks to sustain and renew established rural communities by facilitating those with a rural generated housing need to live within their rural community. The Board will note that the applicant works in Cork City, is not known to farm any lands herself, and has provided no details on any identifiable social or economic need to reside away from her family home at this remote rural location, notably one which is under strong urban influence. I then note Objective RCI 4-2 of the Development Plan and its various categories of eligibility for consideration of a rural house in an Area under Strong Urban Influence. Key components of this objective are the acknowledgement these areas are under significant urban pressure for rural housing and that applicants are required to 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 rural area. I reiterate that the applicant works in Cork City, does not appear to have anything to do with working the land, that the site forms part of a relatively recently acquired holding separate from the original farm holding, and that the applicant has not provided details of any social or economic need to reside at the location proposed. Being originally from an area does not bestow any social or economic need to have to reside in such an area.

Further to the above, it is apparent that, based on what is known about the applicant's actual rural housing need, this proposal would run contrary to the *Sustainable Rural Housing Guidelines for Planning Authorities*, as it has not been demonstrated that the applicant has any 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 applicant's residential needs could clearly be met within Cork City or the many serviced towns and villages in the wider area.

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.

From the details on the appeal file, it is clear that the applicant does 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. Haphazard Rural House Development

The site of the proposed development is in a remote rural location. It has frontage onto a very narrow local road in an area that is undergoing substantial change as new one-off housing becomes a prominent feature. This is a location which is rapidly becoming an area which will be facilitating ribbon development in the immediate future if this type of development continues to be permitted. Such development is unsustainable on planning grounds for many reasons, which include undermining road safety, increasing future demands for the provision of public infrastructure, and because of the adverse visual impacts that can frequently arise. In the instance of the current proposal, it is noted that the rural road network serving this site is very poor in width, structure and alignment. It cannot accommodate two-way vehicular traffic. As new houses build up at this location, one can be assured that there would be increased demand for improvement in services. The proposed development would not be serviced by any public or group water supply scheme and would be dependent on private wastewater treatment on the site. The proposed house would be sited at a location on a hill which is open and exposed, with panoramic views north and north-eastwards, which are indicative of the visibility of such a development. In the interest of protecting the rural character of the area, this is the type of development which should be avoided, especially within an area under strong urban influence where there is no genuine social or economic need for the development.

### 7.4. Traffic Impact

I have alluded to this issue in the previous paragraph. I submit to the Board that this is a very significant planning issue relating to the proposal. The local road is a very narrow road which cannot accommodate two-way vehicular traffic. Increasing urban generated housing along this road further undermines the carrying capacity of this road, increases conflict with those with a genuine rural need to utilise the road infrastructure in the area, and poses an increased traffic hazard. These concerns are compounded by the poor structure and alignment of this road network. I submit to

the Board that this unnecessary and unsustainable form of development poses a traffic hazard and should not be facilitated.

#### 7.5. Effluent Disposal

I note the proposed development has no public water services available to serve the house. It is intended to provide a bored well uphill of the location of the intended site of the proposed septic tank. I acknowledge the existence of houses on the opposite side of the local road on higher ground. I note from the details submitted by way of further information the location of the private on-site effluent treatment systems serving these houses, including a new house under construction. The groundwater flow direction is also noted. I put it to the Board that the reliance on a bored well supply, the siting of effluent treatment systems a short distance uphill of this site, and the distinct sloping nature of the site would cause concerns about potential pollution of the water supply source to the proposed house. It further brings with it the concerns of the increased concentration of effluent treatment systems within a confined area and the adverse impact such private infrastructure can have on essential water supplies.

#### 7.6. The Impact on Residential Amenity

It is my submission to the Board that the siting of the proposed house would have no notable adverse impacts on the amenities of established residents at this location by way of impact on privacy, overshadowing or overbearing impact. I acknowledge the private view from the appellant's house may be somewhat distorted with the location and scale of the proposed house and the siting of the garage forward of the house. However, the protection and preservation of a private view is not a matter for the Board to offer any deliberation on when considering the proper planning and sustainable development of this proposal in this area. Furthermore, there is no particular concern relating to impacts on neighbouring residents by the location and proximity of the proposed structures relative to the public road in this instance. Finally, I note a concern that had been previously raised with the planning authority about the impact of the proposed development on an existing memorial, which

comprises a small memorial stone/plaque at the north-eastern end of the site frontage. The siting of the proposed entrance should have no known adverse impact on this memorial.

### *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 Estuary SAC (Site Code: 001230). This site is separated from this European site by extensive rural 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 in accordance with the following reasons and considerations.

## **9.0 Reasons and Considerations**

1. 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 applicant does 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 as they relate to the management of growth of rural areas that are under urban influence. The proposed development, in the absence of any identified locally based rural social and/or economic 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. Having regard to the substandard nature of the local road onto which the proposed vehicular entrance would access, in terms of restricted width and poor alignment and structure, it is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements it would generate and which would interfere with the safety and free flow of traffic on the public road.
3. Having regard to the unserviced nature of the site, the dependence of the proposed development on a private on-site wastewater treatment unit and bored well supply, the concentration of residential development on higher ground opposite the site and its dependence on private wastewater treatment units discharging final effluent to ground, it is considered that the proposed development would be prejudicial to public health due to the risk of pollution to the source of water supply.

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Kevin Moore  
Senior Planning Inspector

3<sup>rd</sup> November 2021