



An
Bord
Pleanála

Inspector's Report

ABP-311681-21

Development	Outline permission for the construction of a single-storey dwelling house, domestic waste water treatment system and all associated site works.
Location	Ballinvriskig, Whites Cross, Co. Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2140389
Applicant(s)	Olan Ahern
Type of Application	Outline Permission
Planning Authority Decision	Refused Permission
Type of Appeal	First Party Appeal
Appellant(s)	Olan Ahern
Observer(s)	None
Date of Site Inspection	5 th May 2022
Inspector	Susan Clarke

1.0 Site Location and Description

- 1.1. The site has a stated area of 0.14ha and is located to the rear of an existing single storey dwelling at Ballinriskig, White Cross, County Cork. The rectangular shaped site has a flat topography and is located in a rural area, approximately 5km northeast of Cork city. The site currently forms part of the rear garden of the existing dwelling to the east of the site.
- 1.2. The appeal site is located in close proximity to a junction between a minor road and a regional road (R614) and in the immediate area of the subject site there is a small concentration of established rural houses. These houses are generally single storey in height. However beyond this small concentration of rural houses the predominant land use is agriculture. There is a large industrial animal nutrition plant to the northwest of the site and the White Cross GAA Club is located north of the site.

2.0 Proposed Development

Outline permission is sought for the construction of a single storey dwelling, provision of a wastewater treatment system and percolation area, and associated site works to facilitate the development.

3.0 Planning Authority Decision

3.1. Decision

The Local Authority issued a Notification of Decision to Refuse to Grant Permission on 21st September 2021 subject to one reason:

Having regard to the substantial amount of one - off housing already existing in this un-serviced rural area, which is not zoned for residential development and the backland nature of the site, the Planning Authority finds that the proposed development is haphazard in nature, would contribute to an excessive density of development which would militate against the preservation of the rural environment and give rise to an overconcentration of residential development in this green belt rural area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report (20th September 2021)

The Planner's Report is consistent with the decision of the Planning Authority.

The Planning Officer considered that the Applicant complies with the rural housing need criteria (category D). However, the Officer stated that the addition of another dwelling in the area, which is un-serviced, would exacerbate the unsustainable pattern of development in the area and lead to an excessive residential density in the Cork Metropolitan Greenbelt and as such recommended that permission be refused.

3.2.2. Other Technical Reports

Area Engineer (26th August 2021): Request Further Information in relation to sightlines and surface water control measures.

Environment (17th August 2021): No objection subject to condition.

Rural Water (1st September 2021): No objection subject to condition.

3.3. Prescribed Bodies

Irish Water: No comments received.

3.4. Third Party Observations

None received.

4.0 Planning History

Subject Site

CCC Reg. Ref. 06/11069: Retention permission granted in April 2007 for a front porch and sunroom extensions to the existing dwelling.

Neighbouring Sites

CCC Reg. Ref. 15/6447; ABP Ref. PL04.246089: Planning permission refused for the construction of a dwelling and wastewater treatment system in June 2016 for three

reasons relating to local need, urban sprawl and visual impact due to the removal of mature trees and hedgerows.

CCC Reg. Ref. 14/4387: Planning permission refused for the construction of a dwelling and wastewater treatment system in April 2014 due to suburbanisation of the rural area.

CCC Reg. Ref. 13/5512: Planning permission granted for the construction of a dwelling in September 2013.

CCC Reg. Ref. 13/4004: Planning permission granted for the construction of a dwelling and wastewater treatment system in April 2013.

5.0 Policy Context

5.1. National Planning Framework (NPF)

In planning for the development of the countryside, the NPF acknowledges that there is a need to differentiate between demand for housing in areas under urban influence and elsewhere, as per the following objective:

National Objective 19: Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements,
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2. Sustainable Rural Housing Guidelines for Planning Authorities (2005)

The Guidelines confirm development plans should identify the location and extent of rural area types as identified in the NSS (now superseded by the NPF). These include: (i) **rural areas under strong urban influence** (close to cities and towns, rapidly rising

population, pressure for housing and infrastructure); (ii) **stronger rural areas** (stable population levels within a well-developed town and village structure and in the wider rural area; strong agricultural economic base and relatively low level of individual housing development activity); (iii) **structurally weaker rural areas** (persistent and significant population decline and weaker economic structure); and, (iv) **areas with clustered settlement patterns** (generally associated with counties of the western seaboard).

Development plans must tailor policies that respond to the different housing requirements of urban and rural communities and the varying characteristics of rural areas.

5.3. **Cork County Development Plan, 2014 – 2020**

The operational development plan is the Cork County Development Plan, 2014 – 2020. The Cork County Development Plan 2022-2028 is due to come into effect in June 2022.

Section 4.4 of the County Development Plan sets out the 'Categories of Rural Generated Housing Need' and the appeal site is located within the Metropolitan Cork Greenbelt.

Policy Objective RCI 4-1 sets out the categories of housing need that are compliant with this area. The Metropolitan Cork Greenbelt is the area under strongest urban pressure for rural housing. Therefore, applicants shall satisfy the Planning Authority that their proposal constitutes an exceptional 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, including 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 full-time 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 full-time 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) Landowners including their sons and daughters who wish to build a first home for their permanent occupation on the landholding associated with their principle family residence for a minimum of seven years prior to the date of the planning application.

The relevant policies in relation to the proposed development include;

- Policy RCI 5-1 – Maintain Greenbelt
- Policy RCI 5-2 – Purpose of Greenbelt
- Policy RCI 5-4 – Exceptions over a period of time will eventually erode the Greenbelt

5.4. Natural Heritage Designations

The closest designated site is Cork Harbour SPA (004030), which is located approximately 5km from the subject site.

5.5. EIA Screening

Having regard to the nature and scale of the proposed development, comprising the construction of one residential dwelling and the provision of a new wastewater treatment unit and percolation area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A First-Party Appeal has been lodged by Olan Ahern, the grounds of which can be summarised as follows:

- The Applicant has been part of the local community for 34 years. He was educated at the local national school, Scoil Naomh Micheal and Glanmire Community College, played sport locally and has social connections in the area.
- The Applicant works in cork city, but due to Covid 19 is working remotely from the family home on the subject site.
- It is an objective of the Council to recognise the individual housing needs, that may arise from time to time, of people who live or grew up within a particular A3 zone.
- It is argued that compliance with local rural housing needs has been demonstrated.
- Whilst the application is for outline permission, it has been indicated that the proposal is for a small single storey dwelling that would conform to the principles of the Rural Design Guide.
- The site is screened from view by mature planting.
- It is impossible to adjudicate on the impact of a dwelling here in an outline permission without any specific house proposal.
- The site can be serviced regarding drainage and water without any adverse impact on the environment or on adjacent dwellings.
- There will be no traffic increase in the area as the Applicant lives at this location.

6.2. Planning Authority Response

No response received.

6.3. **Observations**

None.

7.0 **Assessment**

Having examined the application details and all other documentation on file, including the First-Party Appeal, inspection of the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Rural Housing Policy,
- Urban Sprawl,
- Architectural Treatment, and
- Appropriate Assessment.

Each of these issues is addressed in turn below.

7.1. **Rural Housing Policy**

The site is located in the Metropolitan Green Belt, where there is a strong presumption against permitting rural housing unless the applicant demonstrates a genuine need based on their personal circumstances, or links to, a particular area as set out in Objective RCI 4-1, subject to normal planning and environmental criteria. In refusing planning permission in this instance, Cork City Council considered that the Applicant had established a permanent housing need at this location in accordance with Category D of Objective RCI 4-1.

The First Party Appeal states that the Applicant has always lived at this location and therefore can be considered to originate from the area. Evidence has been submitted with the application, including the completion of the Supplementary Application Form, to demonstrate that the Applicant has sporting and educational links to the area.

As outlined above, Objective RCI 4-1 requires that applicants demonstrate that their proposal constitutes an exceptional rural generated housing need based on their social and / or economic links to a particular local rural area. These would include 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. The Supplementary Application Form demonstrates that the Applicant's occupation is not a rural resourced based activity. Notwithstanding the Applicant's connections to the area, I do not consider that the proposal constitutes an exceptional rural generated housing need based on social and / or economic links as per Objective RCI 4-1.

In conclusion, I consider that the overall policy requirement set out in the Development Plan is clear and unambiguous and in line with national and regional guidance including the National Planning Framework and NPO19. There is a strategic focus on providing housing in existing towns and villages and in preventing the scattering of urban generated housing across the countryside, especially metropolitan areas such as the subject site, which is under obvious pressures, with consequent impacts on the landscape and the provision of roads and other services. The application of the housing need criteria therefore has to be applied in a strict manner having regard to the presumption against such one-off rural developments. Whilst the Applicant states that he has social connections to the area, he has not demonstrated a genuine rural housing need to live in this location which is under strong urban influence given its proximity to Cork city and I recommend that planning permission should be refused on this basis.

7.2. Urban Sprawl

The Sustainable Rural Housing Guidelines for Planning Authorities highlight that piecemeal and haphazard development of rural areas close to large urban centres can cause problems as these urban centres grow in relation to: (1) The orderly and efficient development of newly developing areas on the edges of cities and towns. (2) Obstructing alignments for the future provision of infrastructure such as roads and electricity lines. (3) Undermining the viability of urban public transport because of very low densities. (4) Attendant later problems in terms of demands for higher public expenditure.

Policy Objective RCI 5-2(a) of the Development Plan aims to maintain "*the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built up areas, to focus attention on lands within settlements which are zoned for development and provide for appropriate land uses that protect the physical*

and visual amenity of the area". Furthermore, Policy Objective RCI 5-4 aims to *"recognise that by reason of the number of people currently living within Greenbelt areas, the granting of regular exceptions to overall policy is likely to give rise over the years to incremental erosion of much of the Greenbelt"*. I consider that the proposed development is contrary to the policy objectives of the Development Plan to prevent urban sprawl in the Metropolitan Cork Greenbelt and would set an undesirable precedent for other such development in the area and would be contrary to the proper planning and sustainable development of the area

7.3. Architectural Treatment

As this application relates only to outline permission minimal plans have been submitted in respect to the design of the proposed development. The Applicant states that the proposed dwelling will be a small single storey unit and will comply with the Cork Rural Design Guide. The dwelling would be well screened from the public road. In principle, I consider the design proposal to be acceptable.

7.4. Appropriate Assessment

The closest designated site is Cork Harbour SPA (004030), which is located approximately 5km from the subject site.

Having regard to:

- the nature and scale of the proposed development (i.e. construction of a single dwelling and the installation of a wastewater treatment system)
- the absence of a direct pathway connecting the subject site to the SPA,
- the nature of the immediate receiving environment (i.e. predominantly agricultural),
- the existing use of the site,
- the separation distance between the subject site and the SPA,
- no direct discharge to any surface waterbody,
- the relatively short-term construction phase, and

- no loss, fragmentation disruption or disturbance to European sites or their annexed species either directly or indirectly,

I do not consider that the proposal would be likely to significantly impact the qualifying interests of Cork Harbour SPA (004030). Furthermore, I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on any European site. As such, I consider that no Appropriate Assessment issues arise.

8.0 Recommendation

- 8.1.1. I recommend that outline permission be refused for the proposed development based on the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to National Policy Objective 19 of the National Planning Framework, 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, the location of the site within a Rural Area under Strong Urban Influence as identified in the Sustainable Rural Housing Guidelines for Planning Authorities, and in the Metropolitan Cork Greenbelt identified as being under strong urban pressure for development as set out in the Cork County Development Plan, 2014 – 2020, where housing is restricted to persons demonstrating a genuine housing need based on their connections to a particular area in accordance with Policy Objective RCI 4-1 of the Development Plan, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the said planning objective. In the absence of a clearly identified locally based need for this house, the proposed development would contravene Policy Objective RCI 5-1 of the Development Plan, would consolidate an existing pattern of urban sprawl that is incrementally eroding the Metropolitan Greenbelt, would lead to demands for the uneconomic provision of public services in an unserved rural area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Objective RCI 5-2 of the Cork County Development Plan 2014 -2020 sets out the purpose of the Metropolitan Cork Greenbelt, including the prevention of urban sprawl. Objective RCI 5-4 of the Plan recognises that the granting of regular exceptions to Greenbelt policies would incrementally erode the Greenbelt. Having regard to the location of the site within the Metropolitan Greenbelt, and to the extent of existing and permitted development in the vicinity, it is considered that the proposed development would consolidate an unwarranted and excessive concentration of suburban style development in this area, which would undermine the specific purpose and character of the Greenbelt lands. The proposed development would, therefore, contravene the stated objectives of the Development Plan, which seek to control urban sprawl, which policies are considered reasonable, and would be contrary to the proper planning and sustainable development of the area.

Susan Clarke
Planning Inspector

6th May 2022