



An
Bord
Pleanála

Inspector's Report

ABP-314467-22

Development	Permission for new two storey dwelling, domestic garage, sewerage system, site entrance and all associated works
Location	Rathard, Aherla, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	22/4562
Applicant(s)	Sinead O'Connor
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Sinead O'Connor
Observer(s)	None
Date of Site Inspection	18 July 2023
Inspector	Cáit Ryan

1.0 Site Location and Description

1.1. The site is located in a rural area between Aherla village to the north and the Kilbonane to the south. It is located approximately 12km west of Ballincollig, and is approximately 3.5km from the N22, which links Tralee to Cork City. The site is accessed by means of local road L-2217-0 which travels south from Aherla and continues south towards Kilbonane National School. This rural area is characterised by farmland with a considerable level of one-off houses.

1.2. The site partially fronts onto a fork in the road. The local road on the eastern side of the fork is L-6246-0, which continues north to a crossroads just east of Aherla. The local road to the north of the crossroads connects to the N22 further north.

The local road L-2217-0 is winding on the approach to Aherla village. One dwelling has recently been constructed and a further house is partially built close to the village, and there are a small number of older/extended houses on this approach road. The general area of the subject site is elevated above lands further north toward Aherla village. There is a slight gradient on the local road along the roadside boundary of the site, falling from south to north.

1.3. There is a large cluster of ribbon development, particularly on the western side of the local road, a short distance south of the subject site and extending a short distance beyond Kilbonane National School.

1.4. The subject site forms part of an existing field, and is of irregular shape. It is bounded to the south by a field, which in turn is bounded a bungalow. The roadside boundary, comprising a sod bank and mature hedgerow and trees, extends to approximately 107m. The field in which subject site is located falls gradually to the west and to the north. There is an existing gap in the roadside boundary to access the field, to the north of the subject site.

The southern site boundary comprises a sod bank, hedgerow and trees, with a gap to the field to the south. There are no western or northern boundaries to the subject site in this field at present.

2.0 Proposed Development

- 2.1. It is proposed to erect a part single-, part two-storey dwelling house, with a stated floor area of 252sqm. The dwelling would be accessed by means of a new entrance from the local road to the east. The proposed development includes a domestic garage of 40sqm. A sewerage system comprising a secondary treatment system and polishing filter is proposed. A new well in the southeastern corner of the site would serve the proposed development. Documentation submitted with the application includes details of ownership of the subject site and the applicant's connections to the area.
- 2.2. The house would be located approximately 14m from the eastern (roadside) boundary and faces north. The house design comprises three main blocks. A two-storey gable-fronted element is connected by a part two-storey, part single-storey link, to a single-storey gable fronted element to the west. The two-storey eastern block has an overall depth of 15.6m, facing the roadside boundary, and a ridge height of approximately 7.7m. External finishes primarily comprise a render finish, with natural stone proposed on the front (north) elevation of the single-storey element. The domestic garage would be located to the east of the dwelling, approximately 3.8m from the roadside boundary. New boundary treatment along the western and northern site boundaries comprise a post and wire fence, with hedgerow inside.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused permission for 2 no. reasons:

1. The proposed development would exacerbate the density of development at this location and would contravene Objective RCI 6-3 of the Cork County Development Plan 2014, which is a presumption against development that would contribute to or exacerbate ribbon development. The proposed development would be in conflict with the provision of the Development Plan

and would therefore be contrary to the proper planning and sustainable development of the area.

2. The Planning Authority is concerned that by reason of the proposed development, an infill site would be created to the immediate south. The proposal would therefore lead to haphazard development in a rural area where there are already concerns relating to the density of development and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Basis for planning authority decision:

Area Planner includes:

- The applicant has demonstrated a genuine rural generated housing need and the main concern is the issue of ribbon development.

Report endorsed by Senior Executive Planner.

3.2.2. Other Technical Reports

Area Engineer includes:

- The site is located on the local primary road L-2217, in a 80km/h zone. Sightlines of 90m have been indicated on the proposed site layout, and are acceptable.
- The roadside boundaries which comprise mature sod and stone ditches, with some mature vegetation, will be modified to achieve the required sightlines.
- With regard to wastewater, a new secondary treatment system with raised soil polishing filter is proposed. This is acceptable, given the recommendation in the submitted site assessment to EPA Code of Practice Guidelines.
- Surface water is disposed of by means of an on-site soakaway. The site is not affected by flooding.

- No objection to the proposed development, subject to standard conditions, relating to entrance recess, etc.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

No observations were received.

4.0 Planning History

Subject Site

There is no record of any relevant planning history on the subject site (as per Area Planner's report).

Sites in the Vicinity

P.A. Ref. 22/4128 Planning permission was refused in 2022 for a dwelling house, domestic garage and effluent treatment system at Rathard, Aherla, on a site located approximately 20m south of the current appeal site. Permission was refused for 2 reasons relating to ribbon development and design of the house.

P.A. Ref. 21/6187 Planning permission was granted in 2021 for a house at Rathard, Aherla, on a site approximately 320m northwest of the current appeal site. This site is directly south of the development boundary of Aherla village, on the opposite (northern) side of the road.

Permission was subsequently granted for a change of house type by separate applicants; **P.A. Ref. 22/5255** refers. This dwelling is partially built.

P.A. Ref. 17/4873 Planning permission was granted in 2017 for a house at Rathard, Aherla, on a site approximately 390m northwest of the current appeal site. This site is located directly to the west of the P.A. Ref. 21/6187 site, and is also located directly south of the development boundary of Aherla village.

P.A. Ref. 09/4291 Planning permission was refused in 2009 for a house at Rathard, Aherla, on a site approximately 55m to the north of the current appeal site. The refusal of permission was based on density of development/linear roadside development.

A previous application for a house on this site was also refused in 2008; **P.A. Ref. 08/5157** refers.

P.A. Ref. 22/4222 Permission was granted in 2022, subject to 52 no. conditions, for 9 no. dwelling houses with individual wastewater treatment units, on a site accessed from new entrance from the L-2217. Ancillary site development works include the provision of a new footpath along the L-2217, to connect to the existing footpath network to the north. The site is located within the southern extent of the Aherla development boundary, on the approach to the village, and approximately 295m north of the current appeal site.

This planning permission has not been implemented at time of writing.

P.A. Ref. 21/5987 and ABP-311509-21 Planning permission was refused in 2022 for a bungalow with ancillary works at Rathard, Kilbonane, Aherla. Permission was refused for 2 no. reasons relating to housing need and visual amenity.

The site is located approximately 0.7km south of the current appeal site, and Kilbonane National School is located opposite this site to the north.

P.A. Ref. 18/5680 Permission was granted in 2018 for a dwelling house and wastewater treatment system at Rathard, Aherla. This site is located approximately 440m south of the current appeal site.

Current Planning Applications

P.A Ref. 23/4840 Planning permission is currently sought for a dwelling and all associated works on a site approximately 315m south of the appeal site. Further Information has been sought by the planning authority.

5.0 Policy Context

5.1. Development Plan

The operative development plan at the time of the planning authority's decision on the application (14 March 2022) was the Cork County Development Plan 2014.

The Cork County Development Plan 2022-2028 subsequently came into effect on 6 June 2022.

Cork County Development Plan 2022-2028

The subject site is located within Rural Area Under Strong Urban Pressure.

It is located within the Greater Cork Ring Strategic Planning Area.

The Landscape Character Type in this area is Broad Fertile Lowland Valleys.

Objective RP 5-2: Rural Generated Housing Sustain and renew established rural communities, by facilitating those with a rural generated housing need to live within their rural community. Encourage the provision of a mix of house types in towns and villages to provide an alternative to individual rural housing in the countryside.

Objective RP 5-4: 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 a number of categories of housing need, including:

(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.

Section 5.7.1 (Ribbon Development) states that it is policy of the Council to discourage development which would contribute to or exacerbate ribbon

development (defined by County Council as five or more houses on any one side of a given 250 metres of road frontage).

Section 5.7.2 (Ribbon Development): 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.

Objective RP 5-24: Ribbon Development: Presumption against development which would contribute to or exacerbate ribbon development.

RP 5-22: Design and Landscaping of New Dwelling Houses and Replacement Dwellings in Rural Areas

- a. Encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.
- b. Promote sustainable approaches to dwelling design by encouraging proposals to be energy efficient in their design, layout and siting, finishes, heating, cooling, and energy systems having regard to the need to reduce reliance on fossil fuels and reduce carbon emissions.
- c. Foster an innovative approach to design that acknowledges the diversity of suitable design solutions in most cases, safeguards the potential for exceptional innovative design in appropriate locations and promotes the added economic, amenity and environmental value of good design.
- d. Require the appropriate landscaping and screen planting of proposed developments by retention of existing on-site trees hedgerows, historic boundaries,

and natural features using predominantly indigenous/local trees and plant species and groupings.

Objective GI 14-9: Landscape

- a) Protect the visual and scenic amenities of County Cork's built and natural environment.
- b) Landscape issues will be an important factor in all land-use proposals, ensuring that a pro-active view of development is undertaken while protecting the environment and heritage generally in line with the principle of sustainability.
- c) Ensure that new development meets high standards of siting and design.
- d) Protect skylines and ridgelines from development.
- e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

5.2. National Planning Framework

5.2.1. **National Policy Objective 15** Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

5.2.2. **National Policy Objective 19** makes a distinction between areas under urban influence and elsewhere. It seeks to ensure that the provision of single housing in rural areas under urban influence on the basis of demonstrable economic and social housing need to live at the location, and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.3. Sustainable Rural Housing Guidelines for Planning Authorities

These guidelines differentiate between urban generated housing and rural generated housing and directs urban generated housing to town and cities and lands zoned for

such development. Urban generated housing has been identified as development which is haphazard and piecemeal land gives rise to much greater public infrastructure costs. Rural generated housing includes sons and daughters of families living in rural areas and having grown up in the area and are perhaps seeking to build their first home near their family place of residence.

Appendix 4 sets out that these 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.

5.4. Natural Heritage Designations

None relevant.

5.5. EIA Screening

The proposed development is for the construction of a single dwelling house, a domestic garage and a private wastewater treatment system on a greenfield site in a rural area. Having regard to the nature, size and location of the proposed development, and the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental 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

The main points may be summarised as follows:

- There is substantial ribbon development to the southern end of proposed site. This is the primary road which passes by Kilbonane National School, east of Aherla village and onwards to Killumney village or the main N22 road.

The proposed site is not along this primary road. It is on a slip road which accesses Aherla village, a minor roadway with little traffic usage. The proposal is not adding to existing ribbon development.

- The site is not visible from the public road where the existing dwellings are located.
- Very little intervention to the mature roadside boundary ditch is required to facilitate a new entrance. The proposed dwelling will hardly be visible.
- There is a distance of 70m between the last dwelling to the south (applicant's family home) and the proposed site. Creating an infill site does not automatically result in a new dwelling in the future. It is within the control of the planning authority not to permit any dwellings on this land, as has been the case recently.
- A new scheme of 9 no. dwelling units has recently been permitted approximately 350m to the north; P.A Ref. 22/04222. It is acknowledged that this is within the development boundary.
- The applicant currently resides in the family home with her parents, partner and son.
- The site is being purchased from a family member, her uncle in law.
- The applicant is willing to accept any conditions/changes that An Bord Pleanála may wish to impose.

There is the option to move the proposed site further north on the landholding to increase the separation distance between the proposed site and any existing properties to the south. However, the landscape is a little more open here with further landscaping required, and it is suggested that the currently proposed site is the better option.

6.2. Planning Authority Response

The planning authority has confirmed that it has no further comment to make.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, having inspected the site, and having regard to the relevant local policies and guidance, I consider that the main issues in this appeal are as follows:

- Ribbon Development
- Density

7.2. Ribbon Development

- 7.2.1. On site inspection it was noted that there is an extensive amount of ribbon development and one-off housing in the wider area. Ribbon development is extensive to the south of the site on the approach towards, and just beyond, Kilbonane National School. There are approximately 24 houses on this stretch of road, extending from the northernmost house on eastern side of the road (approximately opposite the applicant's family home) to just south of Kilbonane NS. This is over a distance of approximately 0.7km.
- 7.2.2. The northernmost dwelling (the applicant's family home), on the western side of the road in this cluster, is approximately 0.5km from the southern development boundary of Aherla village. The appeal site is approximately 70m north of the applicant's family home. In addition, further to the north of the appeal site, on a short stretch of road directly south of the development boundary of Aherla village, 2 no. houses were permitted in recent years, as set out under Planning History; P.A. Ref. 17/4873 and P.A. Ref. 21/6187 (amended by P.A. Ref. 22/5255) refer. Elsewhere in the vicinity, I note that ribbon development also extends outwards along other approach roads from Aherla village.
- 7.2.3. As indicated the planning history in the area and the pattern of development on the ground suggests that the area in which the site is located is under significant development pressure.
- 7.2.4. I note that the appeal submission contends that the site is on a slip road, in contrast to the primary road which passes by Kilbonane National School, east of Aherla

village and onwards to Killumney village or the main N22 road. The appeal submission also asserts that the proposal is not adding to existing ribbon development.

- 7.2.5. I note the location of the subject site relative to both local roads, the L-2217-0 (leading directly to Aherla village to the north) and the L-6246-0 (connecting Kilbonane NS to the just east of Aherla village, and onwards to the N22). While much of the site's roadside frontage bounds the local road L-2217-0, the most southerly extent of the roadside frontage bounds L-6246-0, albeit over a limited distance. The proposed dwelling house is, however, shown to be located at the southern part of the site. I am of the opinion that notwithstanding the mature vegetation along the roadside boundary, the proposed development would, if permitted, be visible from adjoining public roads. In addition, while there would be an approximately 70m gap between the proposed development and the existing house to the south, I consider that the proposed development would extend the existing pattern of ribbon development further north.
- 7.2.6. Section 5.7.1 of the Cork County Development Plan 2022-2028 states that ribbon development is defined by Cork County Council as five or more houses on any one side of a given 250 metres of road frontage. A 250m distance from the subject site (front a point taken near its southern boundary) southwards includes 4 no. existing houses on the western side of the road. The proposed development would, if permitted, increase this to 5 no. houses. It is therefore considered that the proposed additional dwelling would contribute to ribbon development. I note also that further south of this group of dwellings, on the opposite side of a cul de sac, is further ribbon development.
- 7.2.7. I consider that having regard to the pattern of development in the area, the site's proximity to the cluster of ribbon development to the south, the proposed development would extend the existing pattern of development and would contravene Objective RP 5-24 which states that there is a presumption against development which would contribute to or exacerbate ribbon development. Furthermore, the proposal would erode the rural character of the area, would lead to

increasing demands for facilities and services which would result in unsustainable patterns of development. The proposal should therefore be refused.

7.3. **Density**

Refusal Reason 2 of the planning authority's decision to refuse permission relates to concern that by reason of the proposed development, that an infill site would be created to the immediate south, and would lead to haphazard development in a rural area where there are already concerns relating to the density of development. I note the site context, whereby in the event of a grant of permission for the subject appeal, there would be an approximately 70m gap between the appeal site and the applicant's family home, and further ribbon development to the south. As outlined previously, a planning application to construct a dwelling on a site a short distance south of the current appeal site and the applicant's family home, was refused by the planning authority; P.A. Ref. 22/4128 refers. While I note the concerns of the planning authority, I am of the opinion that in the event that the Board were minded to grant permission for the proposed development, that any future planning application on adjoining lands would be assessed on its merits.

Accordingly, I am of the view that concerns relating to the creation of an infill site would not in itself be sufficient grounds for refusal of permission.

7.4. **Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed development, which comprises a dwelling, garage and sewerage system, and the distance of the proposed development 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. It is recommended that planning permission be **refused** for the reason set out below.

9.0 Reasons and Considerations

1. The site is located within a rural area which has been subject to intense development pressure in recent years, with an extensive ribbon of development to the south of the site, and within a short distance of Aherla village to the north. The proposed development would contribute further to the pattern of ribbon development and thereby contravene Objective RP 5-24 of the Cork County Development Plan 2022-2028, which provides for a presumption against development which would contribute to or exacerbate ribbon development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Cáit Ryan
Senior Planning Inspector
14 August 2023