



An
Bord
Pleanála

Inspector's Report ABP-315578-23

Development	Construction of a house
Location	Woodside, Carrigrohane, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2241492
Applicant(s)	Mike O'Leary
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Mike O'Leary
Observer(s)	None
Date of Site Inspection	11/12/2023
Inspector	Gillian Kane

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1.0 Site Location and Description

- 1.1.1. The subject site is located on the southern side of the local road leading from Keery Pike to Tower, approx. 4km north of Carrigrohane in north Cork. The wider area is agricultural in nature with a significant degree of one-off housing on both sides of the road. A Golf Club lies to the south of the site and Blarney Lake lies to the north.
- 1.1.2. The subject site appears to be part of a larger holding that accommodates the applicants family home and two out-buildings. On the subject site is a large industrial shed, with access from the adjoining road through an agricultural entrance. The site slopes significantly to the east. A heavy tree belt separates the subject site from the one-off dwelling to the south-east. A low stone wall bounds the site to the north, adjoining the public road.

2.0 Proposed Development

- 2.1. On the 20th October 2022, planning permission was sought for the construction of a detached dwelling (409sq.m.) with detached garage, private bore well and treatment plant on a site of 0.39ha.
- 2.2. The application was accompanied by a site characterisation form, construction management plan, letter of consent to the making of the application and statutory declaration.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 14th December 202, the Planning Authority issued an order with a decision to REFUSE to grant permission for the following two reasons:

- 1 The proposed development site is located within the City Hinterland, which is the area under the strongest urban generated pressure for rural housing. The provisions of the Cork City Development Plan 2022-2028, specifically Section 3.52 and 3.54 set out criteria for the assessment of single houses in the City Hinterland. Having regard to the proximity of the site to established settlements, and the limited sized size of the landholding, it is considered that the proposed development is contrary to these provisions and objectives which seek to protect the city hinterland. Further, the applicant has not provided sufficient evidence of an

exceptional, genuine and justifiable need for housing in an area designated as being under strong urban pressure, in compliance with the relevant rural housing policy and criteria set out in the Cork City Development Plan 2022 sections 3.52 and 3.54 and National Policy Objective 19 of the National Planning Framework 2018. The proposed development would therefore contravene the development plan, which seeks to protect and improve rural community and provide for the development of agriculture, and would be contrary to the proper planning and sustainable development of the area.

- 2 Having regard to the substantial amount of one-off housing already existing in this rural area, which is not zoned for residential development and the location of the site in an area which is on a scenic route (Objective 6.15) and which is designated as prominent and strategic (Para 6.36), thereby requiring the highest degree of protection in the current City Development Plan. It is considered that the proposed development would give rise to erosion of the of the open rural character of the area, would contribute to an excessive level of density, and would unduly impact on the visual character of these lands. The proposed development would militate against the preservation of the rural environment, would seriously injure the visual amenities of the area and would give rise to an over concentration of residential development in a 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. **Environment Report:** No objection subject to conditions.
- 3.2.2. **Area Engineers Report:** No objection subject to 11 no. conditions.
- 3.2.3. **Rural Water Report:** No objection subject to condition that the proposed WWTS is registered.
- 3.2.4. **Planning Report:** Criteria of section 3.53 are note met: nearest village is less than 1km from site, farm is less than 30ha, applicant does not work in the area, is not engaged in farming, has no landholding and thus has no demonstrable need to live at this location. There is no exceptional rural generated housing need. To permit the

development would erode the rural character of the landscape, particularly given the number of one-offs in the immediate area. Recommendation to refuse permission for two reasons.

3.2.5. **Senior Planner:** Recommendation to refuse permission.

3.3. **Prescribed Bodies**

3.3.1. **Irish Water:** No objection

3.4. **Third Party Observations**

None on file.

4.0 **Planning History**

4.1.1. None on the subject site.

4.1.2. Adjoining site to the west:

- Planning Authority reg. ref. 09/7629: Permission granted for demolition of existing farmyard structures, construction of dwelling, conversion of ruin to domestic garage / store, detached garage
- Planning Authority reg. ref. 08/6035: Permission refused for construction of 4 no. houses
- Planning Authority reg. ref. 08/10110: permission granted for one house, permission for second house refused.

5.0 **Policy Context**

5.1. **Cork City Development Plan 2022-2028**

5.1.1. The subject site is zoned "Objective 20 City Hinterland", which has the stated objective to protect and improve rural amenity and provide for the development of agriculture. The primary objective of this area is to preserve the character of the City Hinterland generally for use as agriculture, rural amenity, open space, recreational uses, green and blue infrastructure and to protect and enhance biodiversity. **Section 3.51** states that the City Hinterland is a largely rural area that comes under strong pressure for the construction of urban generated single rural dwellings.

- 5.1.2. **ZO 20.3** The City Hinterland helps to maintain a clear distinction between urban areas and the countryside and avoid the harmful impacts of urban sprawl.
- 5.1.3. **ZO 20.4** Single housing in the City Hinterland will be facilitated only where the objectives and requirements on rural housing set out in Chapter 3 Delivering Homes and Communities are met. Housing must be based on exceptional rural housing need and on the core considerations of demonstrable economic or social need to live in a rural area. Other considerations including siting and design criteria are also relevant.
- 5.1.4. **Objective 3.13** Rural Generated Housing:
- a) To sustain and renew established rural communities, by facilitating those with a rural generated housing need to live within their rural community (see Objective 11.9 – One-Off Housing: Demonstrable Need to Reside on Landholding);
 - b) To discourage urban generated housing in the City Hinterland;
 - c) The City Hinterland is the area under strongest urban generated pressure for rural housing. Therefore, single rural housing applicants must satisfy Cork City Council that their proposal constitutes an exceptional rural generated housing need and satisfies all the requirements of this Plan. Any application for the development of a single rural dwelling must set out a comprehensive and conclusive demonstrable economic or social need to live in a rural area.
- 5.1.5. **Objective 11.9** One-Off Housing: Demonstrable Need to Reside on Landholding
With reference to Objective 3.13 – Rural Generated Housing, applicants shall satisfy the Planning Authority that their proposal represents a demonstrable need to reside on the land 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;
- 5.1.6. d. 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
- 5.1.7. **Section 3.52** Cork City Council will seek to accommodate urban generated rural housing within the Urban Towns and Hinterland Settlements (Kerry Pike, Kileens and Upper Glanmire), which provide the necessary infrastructure and services to support housing.
- 5.1.8. **Section 3.53** National Policy Objective 19 requires that Planning Authorities must set out a rural housing policy that requires applicants to set out “demonstrable economic or social need to live in a rural area.” Rural-generated one-off housing will be considered outside of the designated villages providing:
- The overall objective of maintaining the open character of the lands is maintained;
 - The nearest village is more than 1 kilometre from the subject site on a farm / landholding;
 - The farm is greater than 30 hectares in size;
 - Proposals for new dwellings are supported by a demonstrable case to justify a genuine need to reside on the farm holding; and
 - The proposed dwelling ideally utilizes the conservation / conversion of an agricultural built heritage asset (e.g. farmhouse, cottage or historic farm building of built heritage significance).
- 5.1.9. **Objective 6.15** Development on Scenic Routes a. To protect the character of those views and prospects obtainable from scenic routes identified in this Plan; b. To require those seeking to carry out development in the environs of a scenic route to demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features. In such areas, the appropriateness of the design, site layout, and landscaping of the proposed development must be demonstrated along with mitigation measures to prevent significant alterations to the

appearance or character of the area; c. To encourage appropriate landscaping and screen planting of developments along scenic routes which provides guidance in relation to landscaping

5.2. Natural Heritage Designations

5.2.1. The site is not located within or directly adjacent to any Natura 2000 sites. There is a designated site located approx. 11km to the east, Cork Harbour SPA (site code 004030).

5.3. EIA

5.3.1. Having regard to nature and scale of the development and the location of the site 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

6.1.1. An agent for the applicant has submitted an appeal against the decision of the Planning Authority to refuse permission. The agent expresses disappointment that they were not given the opportunity to respond to the Planning Authority's concerns by way of further information. The grounds of the appeal can be summarised as follows:

- The proposed dwelling complies with the rural housing design guide in shape, size and form. The proposed dwelling respects the landscape and provides for the applicants needs in terms of guests and carers.
- The proposed dwelling will benefit from morning and evening sun, passive solar heat gain, high insulation values, reduced carbon footprint and running costs. No overlooking will arise.
- The proposed dwelling will be screened by mature trees and the applicants fathers house to the west. Subject site is infill, set back from the road and recessed into the slope.

- The proposed entrance is in the same vicinity as the existing entrance, allowing for sight lines and safety.
- The applicant has a shed that he uses for storage and a work shop. There are no objections to the proposal, and it is serviced with ESB and telecoms. Irish Water did not object.
- The original land holding consisted of 95 acres. Applicant's father has refurbished an existing farm building. No structures available for conversion for a possible wheelchair user. Existing buildings do not have a view.
- The applicant has medical needs that require a single storey dwelling.

6.1.2. Appeal is accompanied by a letter from the applicant stating that he requires a single storey dwelling next to his father who is his primary carer and a letter from a GP outlining medical history and that a single storey dwelling is required.

6.2. **Planning Authority Response**

6.2.1. None on file

6.3. **Observations**

6.3.1. None on file.

7.0 **Assessment**

7.1.1. I have examined the file, considered all policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Rural Housing Policy
- Impact on Visual Amenity
- Appropriate Assessment

7.2. **Rural Housing Policy**

7.2.1. The subject site is located in an area that is designated as being under strong pressure for the construction of urban generated single rural dwellings. It is less than

one kilometre from two urban settlements (Tower to the north-west and Kerry Pike to the south-east), and in an area that has a significant number of one-off houses.

- 7.2.2. The applicant is not engaged in a rural or agricultural enterprise, works in an urban area and no farm holding is associated with the application. Therefore Objective 11.9 which requires a demonstrable need to reside on a landholding does not apply.
- 7.2.3. For urban generated housing, such as the proposed development, single rural housing applicants must satisfy the Planning Authority that their proposal constitutes an exceptional rural generated housing need and satisfies all the requirements of this Plan. Any application for the development of a single rural dwelling must set out a comprehensive and conclusive demonstrable economic or social need to live in a rural area. The development plan recognises the strong pressure for urban generated housing in the subject area and states that rural-generated one-off housing will be considered outside of the designated villages providing certain criteria are met. As noted by the Planning Authority, the applicant does not comply with the required criteria: namely that the open character of the lands is not maintained, the subject site is less than 1km from a village, it is not connected to a farm of greater than 30ha, does not have a demonstrable case to justify a genuine need to reside on the farm holding (as the subject site is not on a farm holding) and does not utilise the conservation / conversion of an agricultural built heritage asset.
- 7.2.4. The applicant has submitted details of his medical requirement for a single storey dwelling. Notwithstanding that a medical reason is not provided for in the Councils rural housing policy, the proposed dwelling is a two-storey dwelling on a sloping site and so does not comply with the stated possible future needs of the applicant.
- 7.2.5. Given the acknowledged need of the development plan to protect the open countryside from inappropriate development, and the objective of the development plan to locate new housing development on suitable zoned or designated land, it is considered the need for new one-off house in the open countryside must be robustly demonstrated. The applicant has not demonstrated an economic or social need to live in this rural area that is under strong urban pressure. I am satisfied that the applicant does not comply with section 3.52 or section 3.53 of the 2022 City Development Plan.

7.3. Impact on Visual Amenity

- 7.3.1. The subject site is located on a designated Cork City Scenic Route HVP3 – a route between Clogheen, Tower and Blarney on the road to Blarney Lake. Section 6.63 of the development plan states that these prominent areas are of strategic importance to the purpose and function of the hinterland. Section 6.37 of the plan recognises that this scenery and landscape is of enormous amenity value to residents and tourists and constitutes a valuable economic asset.
- 7.3.2. The proposed development of another one-off house along this route would further erode the valuable scenic route, which is identified for protection in the development plan. The applicant has not demonstrated that there will be no adverse obstruction or degradation of the views towards and from vulnerable landscape features, as required by Objective 6.15 of the plan. Given the number of one-off dwellings in the area, it is considered that the proposed development would further erode this sensitive and significant landscape, to the detriment of the scenic route. The visual amenity of the area which the development plan seeks to protect, would be adversely affected by the proposed development.

7.4. Appropriate Assessment

- 7.4.1. The subject site is located approximately 10 kilometres west of Cork Harbour SPA (Site Code. 004030). Having regard to the nature and scale of the proposed development within a serviced urban area and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

I recommend permission be REFUSED for the following reasons:

1. Having regard to –
 - (i) Objective 3.13, Sections 3.51, 3.52 and 3.53 Housing in the City Hinterland of the Cork City Development Plan 2022-2028 that seeks to manage the development of rural housing in the open countryside by requiring applicants to demonstrate compliance with criteria under which it is the policy objective to facilitate rural housing in this rural area under strong urban pressure,

(ii) the pattern of development in the area which is considered to have the characteristics of rural areas under strong urban pressure, and significant degree of one-off rural housing

it is considered that the applicant has not sufficiently demonstrated an economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements and, therefore, the proposed development does not comply with policies and objectives of the Development Plan. The proposed development would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would contravene the provisions of the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development by reason of its siting along the Cork City Scenic Route HVP3, to which Objective 6.15 applies, seeking to protect the character of these views and prospects obtainable from the scenic routes. This objective is considered reasonable. The proposed development, which is not related to the amenity potential of the area or the use of the area for agriculture, would contravene materially that development objective indicated in the Development Plan for the use primarily of the area for the purpose of protecting and improving high amenity areas. 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.

Gillian Kane
Senior Planning Inspector

03 January 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	Single house in the countryside		
Development Address	Woodside, Carrigrohane, Cork		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes	Yes	
	No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
No		No	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment (if relevant)	Conclusion
No	N/A		No EIAR or Preliminary Examination required
Yes			

4. Has Schedule 7A information been submitted?

No	n/a	Preliminary Examination required
Yes	n/a	Screening Determination required

Inspector: _____

Date: _____