



An
Bord
Pleanála

Inspector's Report

ABP-315581-23

Development	Construction of a house
Location	Knockroe, Bandon, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	22/6420
Applicant(s)	Jeremy Connolly
Type of Application	Planning permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Jeremy Connolly
Observer(s)	None
Date of Site Inspection	19 July 2023
Inspector	Cáit Ryan

1.0 Site Location and Description

- 1.1. The site is located in a rural area, approximately 1.7km south of Innishannon and approximately 4km east of Bandon. The site is accessed from local road L-7231-0. This is a rural area which is characterised by farmland with a considerable level of one-off houses.
- 1.2. The site area is given as 0.31ha. It is bounded by a private laneway to the south east, which accesses the farmyard complex and dwelling house on the landholding, located approximately 170m south west of the site. There is an underpass directly to the north west of the site, which links the lands on the south western side of the road with the landholding opposite. There is a stream to the north west of the underpass, which runs from south west to north east. The site is located on a bend, and there is a gradual incline in an easterly direction along the roadside frontage of the site. Save for the western end of the roadside frontage, the site is elevated above the adjoining public road, and generally falls from south east to north west. The roadside boundary comprises of sod bank and some mature trees. There is a gap in the roadside boundary at its western end, and electric fence wiring is in place within the site at this location.

2.0 Proposed Development

- 2.1. The proposed development is for a dwelling house, septic tank and percolation area and all associated site works for the purposes of housing a farm manager.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused permission for 2 no. reasons:

1. The application is located in a Rural Area under Strong Urban Influence as identified in the current Cork County Development Plan, 2022 wherein it is the

policy of the Planning Authority to restrict rural housing to persons who can demonstrate a genuine rural housing generated housing need based on their social and/or economic links to a particular rural area and to certain limited categories of applicants. Based on the information submitted with the application the Planning Authority is not satisfied that the applicant has demonstrated that they come within the scope of the housing need criteria for a dwelling at this location as set out in development plan objective RP 5-4. The proposed development would, therefore, contravene materially this stated objective and the provisions of the Plan with regard to the provision of sustainable rural housing and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Policy Objective RP 5-22 of the Cork County Development Plan, 2022 seeks to 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. The proposed dwelling on an individual site disconnected from the existing farm complex does not have regard to its rural location and the housing typology from the area and would be out of character with the existing pattern of development in the area. The proposed development would seriously injure the visual amenities of the area and would contravene materially objective RP 5-22 of the Cork County Development Plan, 2022. 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 Reports

Basis for planning authority decision:

Senior Executive Planner includes:

- The proposed dwelling is intended to be occupied by a prospective farm manager, no details of which have been provided.

Report endorsed by Senior Planner.

3.2.2. Other Technical Reports

Area Engineer includes:

- Further Information (FI) to show how sightlines are to be achieved. LHS sightline requires intervention and encroaches on third party property
- BRE calculations required for soakaway, and FI required for surface water drainage calculations for entrance and driveway.
- Further Information required for correct Code of Practice to be referenced regarding proposed septic tank.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

Subject Site:

None

Sites in the Vicinity:

P.A. Ref. 19/5363: Planning permission was granted in 2019 for construction of livestock underpass, effluent holding tank and all associated site works at Knockroe. This underpass has been constructed, and is located approximately 5m north west of the current appeal site.

Other recent planning applications on the landholding of which the site forms a part relate to agricultural structures located in the farmyard complex, close to the main dwelling house on the landholding. These are outlined as follows:

P.A.Ref. 20/5545: Permission granted in 2020 for construction of a milking parlour and handling area, extension to collecting yard, and demolition of part of shed and of existing milking parlour.

P.A. Ref. 16/4927: Permission granted in 2016 for construction of cubicle live stock housing, a silage pit, a slurry store and associated site works.

5.0 Policy Context

5.1. Development Plan

The site is approximately 0.6km west of the High Value Landscape in the vicinity of the Bandon river.

In terms of rural settlement policy, the site is located within Rural Area under Strong Urban Influence in the Cork County Development Plan 2022-2028, which is described as one which is within easy commuting distance of Cork City. It is stated (Section 5.4.4) that these areas exhibit characteristics such as rapidly rising population, evidence of considerable pressure from the development of (urban generated) housing in the open countryside due to proximity to such urban areas / major transport corridors, pressures on infrastructure such as the local road network and higher levels of environmental and landscape sensitivity.

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 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 full-time basis (or part – time basis where it can be demonstrated that it is the predominant occupation), 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 (or part – time basis where it can be demonstrated that it is the predominant occupation), 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. It is not necessary for the applicant to show that they have already returned to Cork, provided they can show that they genuinely intend taking up permanent residence.

In relation to **Environmental and Site Suitability Requirements, Section 5.6.3** states that the planning and sustainable development criteria, against which an application is assessed, would include:

- Whether the siting, design and scale of the proposal is appropriate to the surroundings;
- Whether any proposed vehicular entrance would endanger public safety or give rise to a traffic hazard;

- Whether an excessive length of roadside hedgerow or trees need to be removed to provide an entrance.

It also states (Section 5.6.5) that those intending to build houses in rural areas are advised to consult the Cork Rural Design Guide for advice on site choice, design, and landscaping at an early stage in their preparations.

Objective 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.

5.2. Sustainable Rural Housing Guidelines for Planning Authorities

These guidelines differentiate between Urban Generated Housing and Rural Generated Housing and directs urban generated housing to towns and cities and lands zoned for such development. Urban generated housing has been identified as

development which is haphazard and piecemeal and 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 perhaps seeking to build their first home near the family place of residence.

5.3. National Planning Framework

- 5.3.1. 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.
- 5.3.2. 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.

5.4. Natural Heritage Designations

Special Area of Conservation: Courtmacsherry Estuary SAC (Site Code 1230) is approximately 8.8km south of the site.

Special Protection Area: Courtmacsherry Bay SPA (Site Code 004219) is approximately 9.5km south of the site.

Proposed Natural Heritage Area: Bandon Valley Below Innishannon (Site Code 001515) is approximately 1.2km east of the site.

5.5. EIA Screening

See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I

have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are as follows:

- Applicant is a dairy farmer and has grown herd from 40 cows to over 300 cows. 4 no. part-time staff are employed, and applicant is actively looking to employ a full-time farm manager.
- Applicant offers accommodation as part of remuneration package and cannot afford to pay €2000/month for farm manager's rent. There is no property available to rent in the area. Temporary accommodation such as a mobile home is not acceptable in attracting a full-time long-term worker. The farm manager must be present on the farm at all times in order to birth animals.
- Reason to position the house at the end of the lane was to give a potential farm manager some separation from the yard for a healthy work/life balance. Applicant and his wife live in the yard at present and have had many farm workers staying in their house. Mobile home in yard also houses workers. Applicant is open to moving the location of the house.
- Photographs are attached showing 2 no. nearby houses (houses of applicant's siblings). These are recent builds with a modern look. Applicant is open to advice and would adjust the look of the house if so advised.

6.2. Planning Authority Response

The planning authority confirmed that it has no further comment.

6.3. Observations

None

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:

- Rural Settlement Policy
- Visual Impact
- Traffic Hazard – New Issue
- Appropriate Assessment

7.2. Rural Settlement Policy

7.2.1. The proposed development comprises the provision of a new dwelling house served by septic tank and percolation area in an area identified in the Cork County Development Plan 2022-2028 as Rural Area under Strong Urban Influence. The applicant is a dairy farmer, and is seeking to provide a new dwellinghouse on the 51ha landholding to accommodate a prospective farm manager. The applicant lives in the dwelling house next to the farmyard complex. The documentation on file includes the planning authority's Supplementary Planning Application Form SFI relating to local housing need, completed by the applicant. The applicant indicates that he is owner of the landholding, including existing dwelling.

7.2.2. The grounds of appeal set out the need to attract a prospective farm manager to the vacant position, and to have a farm manager present on the farm due to the nature of the farm work. No details have been submitted regarding the potential occupier(s) of the proposed dwelling house, and the applicant outlines the difficulty in attracting prospective employees due to lack of accommodation offering.

7.2.3. I note the particular circumstances set out in this case regarding the intended occupier, which is directly linked to farming operations on this landholding. However, as the applicant in this case is seeking to provide a new dwelling house on the landholding to be occupied by a future employee, this would not be in compliance with any of the categories set out in Objective RP 5-4 (a) – (e). Accordingly, refusal of permission is recommended on the basis that the proposed development would contravene Objective RP 5-4 of the current Development Plan.

7.3. Visual Impact

- 7.3.1. The proposed single storey, flat roof dwelling house has a stated floor area of 103.3sqm. The design of the house incorporates a recessed porch and carport. Based on the external dimensions shown on plan, the footprint of the overall structure would be 117.4sqm. The dwelling is 3.1m in height. The entrance to the dwelling is on the south east elevation facing the laneway to the rear. A smooth plaster finish is proposed on this elevation. The north west elevation comprises smooth plaster finish and timber panelling.
- 7.3.2. The dwelling would be located at an elevated position, approximately 23m from the roadside boundary, and would appear prominent when viewed on the approach towards the site from the north west. While mature planting along the roadside boundary would screen the proposed development to a degree, the dwelling would be more visible from the adjoining road when trees are not in full leaf. Although the particularly low scale of the proposed dwelling is noted, I note also that the Cork Rural Design Guide outlines that the flat roofed shape is one of the characteristics to avoid. I note that images of 2 no. dwellings in the vicinity of the site, owned by the applicant's siblings, are on file, showing a flat roof and a mono-pitch roof design. However, I consider that notwithstanding the low-rise nature of the proposed dwelling, that the proposed structure would be positioned in a prominent location, and its overall design would not respect the character, pattern and tradition of existing built forms. Accordingly, I consider that the proposed development would not be in compliance with Objective RP 5-22 of the Development Plan. Refusal of permission is recommended on this basis.

7.4. Traffic Hazard– New Issue

- 7.4.1. The local road L-7231-0 serving the site is substandard in terms of horizontal and vertical alignment. The proposed entrance is approximately 52m north west of the private laneway which serves the farm complex and existing dwelling on the landholding.
- 7.4.2. The 'Sightlines' drawing lodged with the application show 90m sightlines to the north west and to the south east. Unsolicited Further Information lodged on 9 December 2022 shows amended sightline distances of 80m.

- 7.4.3. Having regard to the horizontal and vertical alignment along this stretch of local road, and the plans and particulars on file, I consider that it has not been adequately demonstrated that a 90m sight triangle can be achieved at this location. This is noting in particular that to achieve sightlines in a north westerly direction (towards Innishannon) would require the continued maintenance of the vegetation so that it would not interfere with the sightlines in the future, and may require consent of the adjoining landowner. In addition, existing poles within or proximate to the sight triangle in a north westerly direction are not shown on plan. With regard to sightlines in a south easterly direction, I note the gradual incline along the roadside frontage of the application site, and mature trees along this boundary. I consider that the lodged drawing does not adequately demonstrate the extent to which existing vegetation would be required to be removed in this direction to achieve 90m sightlines. The 90m distance is indicated to the centreline of the road, rather than to the near side. It is considered that the provision of a safe and adequate access is likely to necessitate the removal of existing vegetation in excess of that indicated on plan.
- 7.4.4. Having regard to the proposal to create a new entrance to serve the proposed dwelling house at the location shown on a winding road, and in the context of vertical alignment to the south east resulting in limited visibility, I consider that the additional turning movements generated by the proposed development at this location would endanger public safety by reason of traffic hazard, and notwithstanding the proposed improvements to the sightlines.
- 7.4.5. It is noted that this issue did not form one of the reasons for refusal of the planning authority's decision. However, I note that the Area Engineer recommended Further Information relating to *inter alia* sightlines, and the Planner's report noted this. This is a new issue and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue this matter.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the nature and scale of the proposed development, which comprises a dwelling house, septic tank and percolation area, the nature of the receiving environment, and the absence of a direct hydrological link to any European sites, it is considered that the proposed development would not be likely to have a

significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

8.1. It is recommended that permission be refused for the reason set out below.

9.0 Reasons and Considerations

1. The site is located within an area identified as Rural Area under Strong Urban Influence in the Cork County Development Plan 2022-2028, and as also identified in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of Environment, Heritage and Local Government in April 2005, an area where housing is restricted to persons demonstrating local need in accordance with the criteria set out in Objective RP 5-4 of the current Development Plan. Having regard to the information submitted with this application and appeal, it has not been demonstrated that the applicant comes within the scope of the housing need criteria for a house at this location as set out in Objective RP 5-4, or as set out in the Guidelines. The proposed development 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, therefore, be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is located within 'Rural Area under Strong Urban Influence' as set out in the Cork County Development Plan 2022-2028, where emphasis is placed on the importance of designing with the landscape and of siting of development to minimise visual intrusion as set out in the Cork Rural Design Guide, which guidance is considered reasonable. Having regard to the topography of the site and the elevated positioning of the proposed development, and notwithstanding the low-rise scale of the proposed dwelling, it is considered that the proposed development, particularly by reason of its flat roof design, would form a discordant and

obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area and would militate against the preservation of the rural environment, and would not be in accordance with Objective RP5-22 of the current Development Plan. 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

7 September 2023