



An
Bord
Pleanála

Inspector's Report ABP317482-23

Development	Single storey dwelling and detached garage; sewage treatment system
Location	Ardra, Union Hall, Co Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	2310
Applicant(s)	Lisa Nyhan
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First party
Appellant(s)	Lisa Nyhan
Observer(s)	Tony Lowes Friends of the Irish Environment; Claudia Kinmouth; David Beechinor; Nicolas Smale; Hannah Connolly; Margaret Kinmouth; Aodhan Hobbs.
Date of Site Inspection	4 th December 2023.
Inspector	Ann Bogan

1.0 Site Location and Description

- 1.1. The 0.224 ha coastal site is located approximately 2.6km from the village of Union Hall in west Cork and is part of an overall landholding of 5.17 ha. It has panoramic views over Squince Harbour and Rabbit Island, and the land falls steeply from east to west. The site layout plan indicates the ground level at the roadside boundary is c54.5m and the levels rise to 62m towards the rear (northern) boundary. Vehicular access is proposed via an existing field entrance from the L8263 local road.
- 1.2. The site takes in half an existing field and adjoins two other fields which are part of the land holding. The lands are currently laid out in pasture and used for sheep farming. An existing agricultural access track runs along the south eastern boundary of the site giving access to the other fields and it is to be retained in the proposed layout. An additional separate overgrown area in the ownership of the applicant is located on the opposite side of the public road. There are no existing farm buildings located on the lands.
- 1.3. There are a number of existing dwellings in the vicinity, including a dwelling immediately to the east and two dwellings on the opposite side of the road to the south and a derelict dwelling on the adjoining site to the west.

2.0 Proposed Development

- 2.1. The development consists of the following elements:
 - Split level 170 sq m 3 bedroomed dwelling, part at higher level to rear of main structure, connected by a corridor, stone cladding to front and side elevations, painted render finish to bedroom annex. Roof covered in terracotta coloured corrugated metal sheeting.
 - Detached garage to side (north-west) of house, stone cladding to front and sides, black corrugated metal sheeting to roof.
 - Wastewater treatment system: secondary treatment system with polishing filter, discharging to ground water. Effluent to be pumped to percolation area on higher land to north, outside site, but on land in applicant's ownership. Application is accompanied by Site Suitability Assessment for the WWTS.

- Associated site works

Unsolicited further information was submitted on 9th and 10th of March 2023 which addressed issues raised in third party submissions and provided information clarifying site ownership, and further information on applicant's agricultural qualification and occupation. Further unsolicited information was submitted on 30th May and 8th June 2023 giving information on her occupation status and stating she intended to farm on a permanent basis.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Planning permission was refused by the Planning Authority for the following reason:

'The application site is located in a rural area identified as a 'Tourism and Rural Diversification Area' 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 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 objective RP 5-5 of the Cork County Development Plan 2022. The proposed development would, therefore, contravene materially the provisions and objectives of the Cork County Development Plan 2022 with regard to the provision of sustainable rural housing 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

The Planning Officer in report dated 10/3/23 recommended refusal of permission. The applicant requested and was given a three-month time extension and submitted additional unsolicited further information on 30th May and 8th June 2023, giving updated details of her employment status and place of residence, stating that she

attended school in Union Hall and currently rents a house there and intends to farm on a permanent basis.

Having examined the further information the planning officer in her report of 9/6/23 recommended refusal of permission 'having regard to the concerns raised in relation to the applicants lack of an identifiable rural generated housing need in this specific location and to the visual amenity of this site which lies within a 'High Value Landscape'. Her recommendation was endorsed by the Senior Executive Planner and formed the basis of the Planning Authority's decision.

3.2.2. Other Technical Reports

Area Engineer: Sightlines poor and vegetation will need addressing to improve them.

Wastewater disposal: noted site specific suitability report and deemed acceptable

Standard conditions recommended re road drainage, surface water disposal etc

Irish Water: No objection

3.3. Third Party submissions

There were 7 third party submissions, 1 supporting the proposal and 6 objecting to it. Issues raised by those objecting included:

- Agree with previous reasons for refusal on adjacent site
- Does not accept there is a local housing need; is a speculative development
- The local infrastructure, including the roadway, does not support further development in the area; will endanger public safety including walkers accessing the beach for swimming
- Prominent site, will have adverse impact on scenic landscape, nature and visual amenity of the area
- Proposed dwelling does not fit architectural vernacular of the area
- Inconsistencies in relation to ownership of land and occupation of applicant, lack of evidence of farming occupation

Supportive submission supports young people who want to live in their own home in their local area; states beach is not used regularly by local swimmers and walkers.

3.4. Planning History

Extensive planning history on the landholding:

19/161 Same applicant refused permission for dwelling house and garage on nearby site on opposite side of the road. Reasons were:

- 1. The application site is located within an area identified as a 'Tourism and Rural Diversification Area' in the Cork County Development Plan 2014 wherein Objective RCI 4-3 seeks to restrict rural housing development to certain limited categories of need. Having regard to the information submitted with the application the Planning Authority is not satisfied that the applicant has demonstrated that she comes within the scope of housing need criteria for a dwelling at this location as set out in Objective RCI 4-3. The proposed development would, therefore, contravene materially the provisions of development objective RCI 4-3 of the Cork County Development Plan 2014 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. Having regard to the prominent and steeply sloping nature of the application site within a sensitive coastal area overlooking Squince Harbour where there is an existing high level of individual dwellings, it is considered that the proposed development by virtue of its scale, form and design would form an unduly prominent and incongruous feature in the landscape which would seriously detract from the scenic and visual amenity and would interfere with the character of this coastal area and rural landscape. The proposed development would therefore contravene materially Objectives RCI 6-1 and GI 6-1 of the Cork County Development Plan 2014 and would be contrary to the proper planning and sustainable development of the area.*
- 3. The proposed development would endanger public safety by reason of a traffic hazard because the road network in the area is inadequate to cater satisfactorily for the additional traffic movements that will be generated by the proposed development. Furthermore, it has not been demonstrated that safe and suitable access to the site can be achieved which would further endanger public safety by reason of a traffic hazard'.*

The Planning Officer's report documents numerous planning applications submitted by the applicant's parents for construction of a dwelling house, on various parts of the landholding, between 1994 and 2007, all of which were refused permission or withdrawn. Reasons for refusal mainly related to the location of the site in a sensitive coastal area which was therefore unsuitable for development, and, notwithstanding the site-specific issues, the applicants did not qualify for consideration as qualifying applicants based on the local housing need criteria set out in the County Development Plan.

07/2020. Refusal of permission to construct a dwelling on upper part of subject field.

Also refused on appeal - C. and B. Nyhan

05/1128 Permission refused (middle field)

03/5849 Permission refused (middle field)

02/1049 Permission refused for dwelling and garage (field on opposite side of road)

98/3902 Permission refused by An Bord Pleanála for dwelling and garage – John Deasy

97/4252 Permission refused for dwelling and garage – C. and B. Nyhan

96/1161 Permission refused by An Bord Pleanála for dwelling and garage (PL04.099375)- C. and B. Nyhan

95/4039 and 95/1207 Permission refused for 1 dwelling - C. and B. Nyhan

94/3569 Permission refused for 1 dwelling – C Nyhan

94/1927 Permission refused for 3 no. holiday homes - C Nyhan

4.0 Policy and Context

4.1. National Policy

4.1.1. National Planning Framework

National Policy 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.

4.1.2. Sustainable Rural Housing Guidelines 2005

The Guidelines aim to ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities, is accommodated.

4.2. **Cork County Development Plan 2022-2028**

The Development Plan identifies a number of Rural Housing Policy Area Types with associated objectives. It states that these objectives will be assessed in parallel with other policies and objectives in particular Section 5.6 relating to Environmental and Site Suitability requirements, which includes whether the site is in an exposed or visually sensitive location, whether siting, design and scale of development is appropriate to the surroundings, whether entrance would give rise to traffic hazard.

The subject site is sited within an area designated as a '**Tourism and Rural Diversification Area**' in the County Development Plan:

5.4.5 These parts of rural and coastal County Cork exhibit characteristics such as evidence of considerable pressure for rural housing, in particular higher demand for holiday and second home development. These rural areas are more distant from the major urban areas and the associated pressure from urban generated housing. These areas also have higher housing vacancy rates and evidence of a relatively stable population compared to weaker parts of the County. These areas have higher

levels of environmental and landscape sensitivity and a weaker economic structure with significant opportunities for tourism and rural diversification.

County Development Plan Objective RP 5-5: Tourism and Rural Diversification Area

This rural area has experienced high housing construction rates and above average housing vacancy rates which has led to concerns that a higher demand for holiday and second homes is depriving genuine rural communities the opportunity to meet their own rural generated housing needs. Therefore, in order to make provision for the genuine rural generated housing needs of persons from the local community based on their social and / or economic links to a particular local rural area and to recognise the significant opportunities for tourism and rural diversification that exist in this rural area, it is an objective that applicants must demonstrate that their proposal complies 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, marine related occupations or rural based sustainable tourism, for a period of over three 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) Persons whose predominant occupation is farming / natural resource related, for a period of over three years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.

(f) Persons whose permanent employment is essential to the delivery of social and community services and intrinsically linked to a particular rural area for a period of over three consecutive years and who can demonstrate an economic and social need to live in the local rural area where they work, within which it is proposed to build a first home for their permanent occupation.

(g) 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.

Environmental and Site Suitability Requirements

5.6.1 This section provides guidance on the general planning and sustainable development criteria, to be considered by the planning authority in the assessment of a planning application.

5.6.2 *It is important to note that the policies in themselves cannot establish whether an individual site is suitable for development. In all cases, the site itself must be suitable for development before permission can be granted. Climate change adaptation measures are a key consideration and these policies and objectives have been tailored to reduce the vulnerability of new housing in rural areas to the impacts of climate change.*

5.6.3 *All planning applications for houses in rural areas, regardless of the personal circumstances of the applicant or whether they qualify under specific social and economic need criteria, have to be tested against a range of site-specific planning and sustainable development criteria. Normally, the planning and sustainable development criteria, against which an application is assessed, would include the following:*

- *How the proposal relates to the overall strategy, policies, and objectives of the County Development Plan;*

- *The settlement pattern of the area and whether the proposal would give rise to a ribbon of linear roadside frontage development or excessive concentration of development;*
- *Whether the siting, design and scale of the proposal is appropriate to the surroundings (See Chapters 14, 15 and 16);*
- *Whether the proposal involves excessive site excavation or mounding;*
- *Whether the site is in an exposed or visually sensitive location (Chapter 14);*
- *Whether the proposal is on a dangerous or high-speed stretch of road;*
- *Involves access onto a National Primary or Secondary Route;*
- *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;*
- *Whether the proposal would threaten drinking water supplies because there is an over-concentration of septic tanks / treatment plants and private wells in the area;*
- *Whether there are any sewage disposal, drainage, water supply or other environmental concerns*
- *Whether there is a risk of flooding;*
- *Whether there are any pollution or public safety concerns;*
- *Whether the proposal would unduly affect other properties in the area;*
- *Whether there are any archaeological or other natural or cultural heritage factors involved; and*
- *Whether it is in an important landscape or nature conservation area.*

County Development Plan 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.

County Development Plan Objective RP 5-26: Demand for Holiday and Second Home Development

Recognise that sensitive scenic areas such as coasts, lakeside areas and uplands are limited in their capacity to carry significant levels of development and that such capacity as exists needs to be carefully managed to prioritise the needs of rural communities rather than for holiday and second home development.

County Development Plan 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.

County Development Plan Objective GI 14-12: General Views and Prospects

'Preserve the character of all important views and prospects, particularly sea views,

river or lake views, views of unspoilt mountains, upland or coastal landscapes, views of historical or cultural significance (including buildings and townscapes) and views of natural beauty as recognized in the Draft Landscape Strategy.'

The site is in an area designated as a High Value Landscape in the County Development Plan and the landscape character is defined as Indented Estuarine Coast.

Vol 4 West Cork

Union Hall – designated as a 'Key Village' in the Development Plan.

2.21.5 This plan makes provision for the development of an additional 31 dwelling units within the village. There is ample land within the development boundary to accommodate this scale of development. New developments should be well integrated with the existing village and allow for easy and safe access to the centre and main facilities by foot and bicycle. Development which utilises brownfield sites should be prioritised, and all development should be sympathetic to the character of the area.

4.3. Natural Heritage Designations

None

4.4. EIA Screening

4.5. Having regard to the nature and modest scale of the proposed development and the likely emissions therefrom it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

5.0 The Appeal

5.1. Grounds of Appeal

McCutcheon Halley agents on behalf of the applicant submitted the following grounds of appeal:

- Decision to refuse is based misrepresentation of location of the applicant's current residence (Union Hall) as an urban area and failed to consider the merits of the applicant's farm enterprise in context of Council's policy of promoting artisanal food sector in West Cork
- Applicant complies with two of the categories of housing need set out under Objective RP 5.5, sections b) and d) of the County Development Plan which applicants for rural housing are required to demonstrate.
- Applicant has an intrinsic attachment to the area, attended national school in Scoil Naomh Bhride in Union Hall, has close relatives in the area, and farms pedigree sheep on her land.
- Sustainable Rural Housing Guidelines state that if applicant comes within the definition for rural generated housing need and complies with other objectives and policies relating to landscape, natural and cultural heritage, siting and design and transport, planning permission should be granted.
- Refusal decision based on false premise that Union Hall where she has lived does not form part of any local rural area and the applicant's need to live on her farm holding is therefore an 'urban generated housing need'.
- CSO report categorises the Union Hall Rural Area as 'highly rural/remote area' and there is no evidence that the village of Union Hall has a distinctive urban character different from surrounding townlands with rural character.
- Ms Nyhan's farm holding is 2.5km from her rented dwelling in Union Hall and the land was previously farmed by her father since 1983.
- Planning reports focused on 'absence of an established working farm/farm complex on the marginal holding' and that no farm buildings were in situ. Did

not take into account Section 5 Declaration which determined planning permission would be required for farm buildings.

- No reference in national/local policy on minimum size of farm or number of animals or requirement to have farm buildings, in order to comply with rural housing need. Many artisan food enterprises originated on small holdings with few farm buildings.
- Brendan Crowley of West Cork Agri Services confirmed the niche sheep breeding enterprise as a viable farm enterprise. Applicant's expertise in breeding pedigree sheep is confirmed by her Teagasc Qualifications and Dept of Agriculture inspections and approvals.
- Section 3.2.3 of the Sustainable Rural Housing Guidelines outlines the need to support farmers and people with a genuine rural need to build a first home on their farm and the need to avoid specifying that persons engaged in full time farming only will be considered as constituting a rural generated housing need, which could preclude other family members being accommodated on the family farm.

5.2. Planning Authority Response

- No additional comments

5.3. Observations

5.3.1. Seven observations were received on the appeal. One of these was supportive of the proposed development while six raised concerns objecting to the proposed development.

5.3.2. The supportive observation from Hannah Connolly, in summary:

- Applicant lives locally and farms sheep at her land in Ardra and is an integral part of local community and has a genuine rural housing need to live on her farm.
- Supports young people who want to live and work in their local community

- Governments National Policy 'Our Rural Future'. Aims to support generational renewal including young farmers and women in agriculture and to increase the numbers living and working in rural areas.
- County Development Plan policy provides for local people wanting to build a home in their rural area where they have spent significant period of their lives. Council have disregarded the evidence and failed to align local guidelines with national guidelines.

5.3.3. Six submissions raising objections to the development raised the following points:

Tony Lowes

- Outstanding unspoiled area of natural coastal beauty, overlooking Squince Harbour, Islands and Galley Head. Site is on skyline.
- Commends Planning Authority for control of development in scenic and coastal areas since first application refused in 1994.
- Refers to history of refusals. References two key reasons for refusal:
 - I. Lack of genuine rural generated housing needs. Family not from the area, own properties in Union Hall including seven holiday homes. Queries 'farmer' justification.
 - II. Sensitive Coastal Area. Location is not suitable for development even if local need could be established.
- Refusal in 2006 referred to inadequacy of the road network, danger to public safety and traffic hazard. Traffic movement has increased since then.

Claudia Kinmouth

- Queries applicants rural housing need, refers to applicant's job in Cork and queries her role as a farmer. The use of the land does justify building of a dwelling house.
- Concern regarding development in this area of outstanding natural beauty. Assessment of impact on the immediate environment needed
- Proposed entrance onto narrow cul de sac road poses risk to road users, including those walking to beach, road is inadequate for any additional traffic.

- Prominent location next to road and on top of hill makes it a potential eyesore visible from sea and coastline
- Sheep farming is considered detrimental to natural flora and fauna, no provision for potential run-off and pollution of watercourses.
- Reasons for refusal on application in May 2019 continue to apply.

David Beechinor

- Queries ownership of land. Applicant stated she acquired the land in 2017. Land registry shows land is owned by Cornelius and Bernadette Nyhan from Drinagh Co Cork. FI included letter from solicitor confirming land would be transferred, but this has not happened.
- Applicant states she has been farming since 2017, while in application in 2019 she referred to intention to become a sheep farmer. Lack of clarity on whether she is a farmer, a part-time farmer or a full-time farmer.
- Applicant's address is in Keelbeg where her father owns rental properties, and in her application form she states she is renting in Union Hall. Does not believe applicant has established a housing need in Ardra.
- Believes reasons for refusal from 2019 application should still apply. Current application is for different site but access and sightline issues remain; the exposed coastal location would be adversely affected and the proposal would contravene the Development Plan.

Nicolas Smale

- Applicant does not have an absolute right to build a home on the land.
- Her qualifications in sheep farming are immaterial to whether a dwelling should be developed on the land
- She has not demonstrated that her farming activities are currently her predominant occupation, nor shown she derives the predominant part of her income from her farming activities.
- Did not see her driving to care for her flock twice a day in his recent visit to his house in Ardra, rejects assertion that the entrance to the land is in constant use.

Aodhan Hobbs

- The development is in contravention of the County Development Plan
- Proposed development on a highly elevated site would be highly prominent in the landscape and would negatively impact the scenic qualities of the area.

Margaret Kinmouth

- Concern that any development in this area of great natural beauty would permanently damage the attraction of the area which has been preserved for many decades by preventing over development. Wildlife and fauna and a bird sanctuary are maintained.
- Queries applicant's reference to her job as a sheep farmer or that she lives locally. Proposed development given its prominent location next to road is a potential eyesore
- Concerns re the proposed entrance and safety of road users due to inadequacy of the road network in the area

5.4. **Further Responses**

- None

6.0 **Assessment**

6.1. Having considered the documentation submitted with the planning application, and with the appeal, the observations to the appeal, national and local policy and having visited the site, I consider the main issues to be considered are:

- Principle of the development
- Visual Impact
- Road Safety
- Appropriate Assessment

6.2. **Principle of the development**

6.2.1. The area is designated a 'Tourism and Rural Diversification Area' in the Development Plan. These are areas in West Cork which have scenic landscapes

making them attractive as a tourism destination, and where there is pressure for holiday homes, while at the same time, high levels of vacancy of existing houses. The objective (RP5.5) which applies to these areas aims to provide for the genuine rural generated housing needs of persons from the local community based on their social and / or economic links to a particular local rural area, subject to site suitability. This is in line with national policy NPF NPO 19 in relation to rural areas outside urban influence, which aims to 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.

- 6.2.2. The applicant states that she attended national school in Union Hall, lived there with relatives during her school years and is now renting a house in Keelbeg which is within the development area of Union Hall. I understand her parents live and farm in Drinagh, approximately 13km away and owned the land at Ardra for some decades. A solicitor's letter submitted by way of unsolicited further information says the land has been transferred to the applicant and will be registered in due course.
- 6.2.3. The application form and cover letter state the applicant works in Eli Lily in Cork and supplements this work by part-time farming, rearing sheep on the land in Ardra, circa 2.6km from Union Hall. Subsequent information submitted confirms her Teagasc qualifications in farming. Later information submitted states her employment in Eli Lily has ceased and she intends to farm on a permanent basis.
- 6.2.4. The total landholding in Ardra is 5.17ha, split into two parcels. The area currently farmed consists of the holding on the eastern side of the road, while the separate parcel on the other side of the road, a steeply sloping, overgrown area, over a hectare in area, is not used for agricultural purposes. This leaves an actively farmed area of circa 4ha. The Teagasc 2022 National Farm Survey reported average sheep farm size was 45ha, with average gross profitability at 877/ha. I am not satisfied based on the information provided that the farm enterprise would be a full-time or even a substantial part-time occupation or constitute a farm enterprise which would justify an economic requirement to live on the land in this rural coastal location, designated as an area of 'High Landscape Value'.

6.2.5. The applicant has intrinsic links to the village of Union Hall, rather than the rural area of Ardra. I note that she lives in Union Hall, which is a key village in the Development Plan and which has land identified to accommodate additional housing. Having regard to the National policy which balances rural housing needs with the need to have regard to the viability of smaller towns and settlements and Objective RP5-5 of the Development Plan, in my view the applicant has not demonstrated either a social or an economic need to live in the specific rural area and site in Ardra.

6.3. Visual Impact

6.3.1. The subject site is in an area designated as 'High Value Landscape'. These are landscapes which have high landscape value and high landscape sensitivity, are of county or national importance and are considered to be the County Cork's most valuable landscapes. Section 5.6.3 of the Development Plan states that all planning applications for houses in rural areas, regardless of the personal circumstances or need criteria of the applicant, have to be considered against a range of site-specific planning and sustainable development criteria. This is particularly the case in areas of high value and sensitive landscape such as this. This is reflected in the planning history associated with the landholding where permission has been refused for residential development on various parts of the holding, with concerns raised regarding the visual impact of a dwelling on the area.

6.3.2. The proposed single story stone clad dwelling is located on the lower part of the field. The design seeks to reduce the bulk of the house by separating it into two blocks, one behind the other, with a link corridor and by cutting into the slope somewhat. The ridge height of the proposed dwelling will be at 63.23mOD while the road level at the entrance is approximately 54mOD. However, despite the design efforts, the site remains an elevated and prominent one in a rural coastal area of High Landscape Value. Furthermore, the drawings indicate 'dense trees/undergrowth' to the south of the proposed site, on land outside the ownership of the applicant, which would have screened the house somewhat from the south. However, it would appear the trees have been removed since the drawing was prepared as they were not evident during the inspection, although some debris remains indicating where they were located.

6.3.3. I believe the proposed development will be a prominent feature in the landscape, and will break the skyline when viewed from the road below. It will be unduly obtrusive when viewed from the road and from the wider rural and coastal area and taking into account the existing density of single dwellings in the area, I consider that it would seriously detract from the visual amenity of this rural coastal area, in contravention of Objectives GI14-9 and GI 14-12 of the Development Plan which seek to protect the quality and character of the landscape.

6.4. Access and adequacy of the road network

6.4.1. The Planning Authority Area Engineer notes that sightlines are poor, especially to the left as you exit site, while the road surface is good. Previous refusals have referred to the inadequacy of the road network to cater for extra traffic and, apart from the road surfacing, little has changed. It is a narrow single lane road with few passing places, used by the houses on the road and farm traffic, as well as those accessing the nearby small beach. I note it is also signposted as part of a local walking and cycling route. The route to the area via Squince Harbour is also extremely narrow, steep and tortuous. I believe the proposed development has the potential to endanger public safety due to traffic hazard, as the road is inadequate to cater for additional traffic movements arising from the development.

6.5. Services

6.5.1. A new wastewater treatment system is proposed, with the percolation area to be located uphill of the house, outside the application site but within the field and applicant's landholding. The Site Suitability Assessment Report submitted was considered satisfactory by the Planning Authority and percolation tests meet required standards. I note the proposal to pump the effluent over 100m uphill to the percolation area which could not be considered desirable from a sustainable energy perspective. The distance from wells in the area appears acceptable.

6.6. Appropriate Assessment Screening

6.6.1. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the nature of receiving environment and the distance from any European site/the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

6.7. Conclusion

- 6.7.1. My overall conclusion is that the site is unsuitable for the proposed development from a visual impact and traffic safety point of view and that the applicant has not demonstrated a social or economic need to live in this rural location in Ardra, having regard to local and national policy objectives.

7.0 Recommendation

- 7.1. Refusal of permission is recommended.

8.0 Reasons and Considerations

1. The site is located in an area identified as a 'Tourism and Rural Diversification' area in the Cork County Development Plan 2022-2028, where Objective RP5.5 seeks to restrict rural housing development to certain categories of need. Taking account of this objective and National Planning Framework National Policy Objective 19 and the information submitted with the application and appeal, it is considered that the applicant has not demonstrated that she would come within the scope of housing need for a dwelling at this location. The proposed development would therefore be contrary to the provisions of the Development Plan and would, therefore, be contrary to the proper planning and development of the area
2. The site is located in an elevated position in an area designated as 'High Value Landscape' in the Cork County Development Plan 2022-2028. It is considered that the construction of a dwelling on the site, in an area with an existing high level of individual dwellings, would seriously detract from the visual and scenic amenity of this rural and coastal landscape, contrary to Objectives GI14-9 and GI14-12 of the Development Plan which seek to protect the character of the landscape, and would, therefore, be contrary to the proper planning and development of the area.
3. The site is located on a minor cul de sac road which is seriously sub-standard in terms of width and alignment. The additional traffic generated by the

development would endanger public safety by reason of traffic hazard and obstruction of road users and 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.

Ann Bogan
Planning Inspector

18th December 2023