



An
Bord
Pleanála

Inspector's Report

ABP-318328-23

Development	Permission is sought Construction of a house.
Location	Spur Hill, Doughcloyne, Togher, Cork.
Planning Authority	Cork City Council.
Planning Authority Reg. Ref.	2341991.
Applicant(s)	Lionel & Bernadette Smith.
Type of Application	Planning Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party.
Appellant(s)	Lionel & Bernadette Smith.
Observer(s)	None.
Date of Site Inspection	23 rd day of March, 2024.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The irregular shaped appeal site, which has a stated 0.004ha, is located in Spur Hill, in the Townland of Doughcloyne, c1.1km by a heavily trafficked local road (Note: L2452) to the Bandon Road (Note: N71) and c1.8km to the north west of Cork City Airports main terminal building as the bird would fly, on the southern outskirts of Cork City.
- 1.2. The site consists of a modest in length roadside boundary of c15m with this containing an opening onto the local road. The ground levels of the site appear to slope in a north south direction. The majority of the boundaries consist of mature hedgerows with a number of mature trees. The site is a green field whose functional use appears to have been pastureland.
- 1.3. The site is bound on its northern side by a restricted in width and gated private cul-de-sac lane. This lane appears to serve a detached dwelling and a number of outbuildings to its rear. This detached property also has a primary access on its road frontage with the L2452. The southern boundary of the site adjoins a detached dwelling that occupies higher ground levels. This adjoining dwelling appears to include the parcel of green land that runs to the rear of it and contains a single storey outbuilding structure that has a stable type of appearance. Adjoining the southern boundary of this adjoining property are the rear gardens of three detached dwellings. The adjoining land to the east contains a large parcel of greenfield that includes a detached dwelling. With this property adjoined by a detached dwelling on its eastern side.
- 1.4. The surrounding local road network contains a proliferation of one-off dwellings.

2.0 Proposed Development

- 2.1. Planning permission for construction of two-storey dwelling house with a stated 177.88m² area, sewerage treatment system, create new entrance and associated site works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority REFUSED permission for the following stated reasons:

- “1. *The provisions of the Cork City Development Plan, 2022-2028, specifically sections 3.53 and 3.54, set out criteria for the assessment of single houses in the City Hinterland. Having regard to the location of the site, and the size of the landholding, it is considered that the proposed development is contrary to these provisions. Further the applicant has not demonstrated, to the satisfaction of the planning authority, that they have 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 Objective 11.9, of the Cork City Development Plan 2022-2028 and National Policy Objective 19, of the National Planning Framework (2018). The proposed development would, therefore, contravene these policies and objectives, contrary to the proper planning and sustainable development of the area.*
2. *It is considered that the proposed development would constitute haphazard backland development and would give rise to an undesirable pattern of suburban type development which would contribute to the erosion of the rural character of the area and set an undesirable precedent for similar developments in the area. The proposed development would therefore seriously injure the visual amenities of the area and 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’s report is the basis of the Planning Authority decision. It includes the following comments:

- The design and layout of the development does not appear to differ from that previously refused for this site.

- The construction of a dwelling house on the site in an area where there is already a high number of residences is contrary to the overall objective of maintaining the open character of the city hinterland.
- Site is within 1km of residentially zoned land.
- The landholding size criteria is not met.
- The documentation provided does not demonstrate a real link to this rural area or a genuine need for a dwelling on the subject lands. The applicants therefore do not meet the criteria for a dwelling house on the subject lands.
- The lands are affected by Objective 10.54 of the Development Plan, i.e. Airport Safeguard Area. In this area dwelling houses are not normally permitted.
- The proposed dwelling would exacerbate the high density of housing in this area.
- The information provided is inadequate to quantify the extent of any loss of amenity associated with the proposed development.
- In relation to foul water compliance with the EPA guidelines is not demonstrated.
- The proposed access would require loss of vegetation. The potential to access the site via the private lane to the north could help reduce this impact.
- Concludes with a recommendation of refusal.

3.2.2. Other Technical Reports

- **Senior Executive Planner:** Concurred with the Executive Planners recommendation to refuse permission.
- **Contributions:** General S48 contributions applicable.
- **Community, Culture & Placemaking:** No objection.
- **Area Engineer:** No objection, subject to safeguards.
- **Drainage:** No objection, subject to safeguards.
- **Environment:** No objection, subject to safeguards.

3.3. Prescribed Bodies

- DAA: No objection.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1.1. Site (Recent):

- **P.A. Ref. No. 2240910:** Permission for construction of 2 storey dwellinghouse, sewerage treatment unit, create new entrance and associated site works was **refused** for the following stated reason:

“Having regard to the location of the site within the Cork Metropolitan Greenbelt and the supporting information provided by applicants, the application does not adequately demonstrate a rural generated housing need or exceptional circumstances in accordance with Cork County Development Plan 2014 Objective RCI 4 - 1 for rural housing in the Metropolitan Cork Greenbelt and Objective RCI 5 - 2 Purpose of Greenbelt. The proposed development would contravene these rural housing policies and would therefore be contrary to the proper planning and sustainable development of the area”. (Note: Applicant – Lionel Smith). Decision date: 29.04.2022.

- **P.A. Ref. No. 20/39592:** Permission for construction of a dwellinghouse, sewerage treatment unit, create new entrance and associated site works was **refused** for reasons relating to the applicant not demonstrating that they had an exceptional rural generated housing need for a dwelling within the Cork Metropolitan Greenbelt in accordance with Objective RCI 4-1 of the Cork City Development Plan 2014-2020 and a grant of permission would contravene the rural housing policy. Decision date 03.03.2021.

- **P.A. Ref. No. 20/39120:** Permission was **granted** for the construction of a dwelling house change of plan and change of location of P.A Ref. No. TP 19/38679 and construction of a detached domestic garage at a change of location from previous P.A. Ref. No. 10/5272. (Note: Lionel Smith was the applicant). Decision date 09.06.2020.

- **P.A. Ref. No. 19/38679:** Permission was **granted** for the construction of a dwelling house, (change of house plan only previous P.A. Ref. No. 14/06240). Note: Applicant – Lionel Smith. Decision date: 04.11.2019.

4.1.2. Previous to the above permission for a dwelling house was granted on this site under P.A. Ref. No.s 14/6240; 13/5534; and 10/5272. Additionally, permission was refused for a dwelling house on this site under P.A. Ref. No.s 10/4148 and 08/8772.

4.1.3. I note there is a concurrent case for permission for a 4-bedroom 2-storey dwelling, garage, waste water treatment system, vehicular entrance and all associated site works before the Board under ABP-319833-24. This appeal case relates to a site c1.1km to the east of the site as the bird would fly and is located in the Townland of Lehenaghmore, Togher, Cork.

4.1.4. I further note that the Board refused outline permission for a dwelling at a site c1.1km to the west of the site as the bird would fly in the Townland of Castlewhite, Rochfordstown, Waterfall, Co. Cork under appeal case ABP-PL04 - 246541 (P.A. Ref. No. 164356). Part of the first reason and consideration given by the Board considered that the proposed development represented haphazard and disorderly development. The second Board reason and consideration for refusal stated:

“Taken in conjunction with existing dwellings in the vicinity, it is considered that the proposed development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities, would exacerbate an emerging pattern of suburbanisation that is eroding the rural character of the area and would, therefore, be contrary to the proper planning and sustainable development of the area”.

4.1.5. More recently, on the 5th day of March, 2024, under appeal case ABP-316172-23 (P.A. Ref. No. 2341724) the Board refused permission for a dwelling house, domestic garage, domestic vehicular entrance, treatment system and percolation area and all associated site works at a site located c2.2km to the south east with an address of Lehenaghmore, Togher, Cork. The single stated reason for refusal reads:

“Having regard to Objective 3.13, Sections 3.51, 3.52 and 3.53; Housing in the City Hinterland of the Cork City Development Plan 2022-2028 which seeks to restrict the development of rural housing in areas designated as being under strong urban pressure, it is considered that the applicants have not sufficiently demonstrated an exceptional or justifiable economic or social need to live in a rural area, and therefore the proposed development does not comply with policies and objectives of this Development Plan. The proposed development would also contribute to the

encroachment of random rural development in the area, would militate against the preservation of the rural environment as well as 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.”

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Cork City Development Plan 2022 -2028 is applicable and under which the 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.
- 5.1.2. Section 3.51 of the Development Plan indicates the City Hinterland is a largely rural area that comes under strong pressure for the construction of urban generated single rural dwellings.
- 5.1.3. ZO 20.3 of the Development Plan in relation to the City Hinterland seeks to maintain a clear distinction between urban areas and the countryside as well as avoid the harmful impacts of urban sprawl.
- 5.1.4. ZO 20.4 of the Development Plan in relation to single housing in the City Hinterland indicates that this type of development will be facilitated only where the objectives and requirements on rural housing set out in Chapter 3 Delivering Homes and Communities are demonstrated. It indicates that 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.
- 5.1.5. Objective 3.13 of the Development Plan in relation to Rural Generated Housing indicates the following:
 - 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.
- 5.1.6. Section 3.52 of the Development Plan in relation to Cork City Council will seek to accommodate urban generated rural housing within the Urban Towns and Hinterland Settlements which provide the necessary infrastructure and services to support housing.
- 5.1.7. Section 3.53 of the Development Plan in relation to 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.*”
- 5.1.8. Section 3.54 of the Development Plan sets out that farms of greater than 30 hectares generated 75% of all farm output in Ireland in 2016 and that farm holdings with less than this are considered to be part-time or hobby farms and would derive a need to live on the farm holding.
- 5.1.9. Rural-generated one-off housing will be considered outside of the designated villages provided its stated consideration criteria are demonstrated to be met.
- 5.1.10. Objective 11.9 of the Development Plan in relation to One-Off Housing indicates a demonstrable Need to Reside on Landholding. It refers to Objective 3.13 – Rural Generated Housing and in this regard indicates that 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 four categories of housing need that it sets out.
- 5.1.11. Section 11.132 provides that ‘*landholding*’ shall be interpreted as set out under Section 3.54 of the Development Plan and similarly so shall the meaning inferred by ‘*landowners*’ shall be construed in this context.
- 5.1.12. Objective 10.54 of the Development Plan deals with the matter of the Airport Safeguard Area which the site is located in.

5.1.13. Objective 10.55 of the Development Plan deals the matter of the Airport Safety Zone.

5.1.14. The site is located within Figure 10.33: Cork International Airport Safety Zones and as such is within the airports noise zone.

5.2. Regional

5.2.1. Regional Spatial Strategy for the Southern Region (RSES) sets out a strategic regional development framework supporting Project Ireland 2040 and the National Planning Framework. It includes Cork MASP which sets out policy objectives for the Cork Metropolitan Area.

5.2.2. RSES under RPO 27 seeks to address the issue of urban generated housing to restrict the development of rural housing based on clearly defined eligibility criteria with the view of facilitating the needs of rural communities whilst controlling the pressure for urban generated influence housing demand.

5.2.3. Section 3.9 of RSES seeks to prioritise new homes in locates that can support sustainable development and supports sustainable residential development in settlements.

5.2.4. Section 4.5 deals specifically with rural development.

5.3. National

5.3.1. **National Planning Framework – Project Ireland 2040, Department of Housing, Planning and Local Government, (2018):** Of relevance to this appeal case is National Policy Objective 19. This national policy objective refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence i.e., commute catchment of cities and large towns and centres of employment. This will be subject to siting and design considerations. In all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitely demonstrate that the proposed development will not have an adverse impact on water quality and requirements set out in EU and national legislation and guidance documents.

5.3.2. **Sustainable Rural Housing Guidelines, (2005):** The overarching aim of the Guidelines is to ensure that people who are part of rural community should be facilitated by the planning system in all rural areas, including those under strong urban based pressures. 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. Of relevance to this appeal case is that the site is located in an area classified as an under **Strong Urban Pressure**. Section 3.3.3 of these guidelines deals with 'Siting and Design'.

5.3.3. **Code of Practice** – Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021.

5.3.4. **Climate Action Plan 2024**, (CAP24).

5.4. **Natural Heritage Designations**

5.4.1. The site is located c5.9km to the south west of Cork Harbour SPA (Site Code: 004030) at its nearest point as the bird would fly.

5.5. **EIA Screening**

5.5.1. See EIA Screening form attached. 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 significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

5.6. **Heritage**

5.6.1. The site is located c414m to the north east of Recorded Monument: CO11937 (Ringfort – Rath). Additionally, at close proximity to the south west of the site is Recorded Monument: CO11936 and CO11935 (Castle), these are located at a distance of 628m and 720m respectively. Further, the surrounding hinterland contains a high number of Recorded Monuments.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. The grounds of appeal can be summarised as follows:

- The family circumstances for a dwelling on this site is set out.

- They have sought to get clarity from the City Council as to what proof would be required to demonstrate exceptional, genuine, and justifiable need for housing in this area.
- In their 2010 application no concern was raised in relation to density in the area and the site was considered to be infill. It is considered that the Planning Officer's report in that previous application is still valid.
- The proposed development is not haphazard nor backland development.
- The proposed development would not contribute to the erosion of the rural character of the area, nor would it seriously diminish the amenities of the area.

6.2. Planning Authority Response

6.2.1. None.

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1. Overview

7.1.1. Having inspected the site and its setting, examined the application details and all other documentation on file, including the submission received in relation to the appeal from the Planning Authority, and having had regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal case relate to the two reasons given by the Planning Authority to refuse planning permission for the development sought under this application. I consider that these can be assessed under the following broad headings:

- *Principle of the Proposed Development*
- *Compliance with Planning Policy Provisions*
- *Visual Amenity Impact*
- *Other Matters Arising*

7.1.2. The matter of 'Appropriate Assessment' also requires examination. This I propose to examine separately under Section 8 below.

7.2. Principle of the Proposed Development

7.2.1. By way of this application planning permission is sought for the construction of a two-storey dwelling house, waste water treatment system, the creation of a new entrance together with all associated site works and services on an irregular shaped green field (Note: 0.004ha) located in Spur Hill, County Cork.

7.2.2. The site itself is a green field parcel of land located on the southern fringes of Cork City that is zoned under the Cork City Development Plan, 2022-2028, as ZO 20 'City Hinterland'.

7.2.3. The stated zoning objective for this land is: *"to protect and improve rural amenity and provide for the development of agriculture"*.

7.2.4. Of further relevance the site is also located in ZO 23 'Airport Safeguard & Framework Area' and within less than a kilometre of the ZO 24 Runway Extension. It is of note firstly in terms of the general principle of the proposed development that given the location of the site that there is a general presumption against the development new housing, save in exceptional circumstances *"where consideration may be given to the development of new housing for those actively involved in farming."*

7.2.5. Having regard to the assessment of the proposed development against other relevant planning provisions in the following section of this assessment below and alongside the information provided by the applicants with this application as well as on appeal to the Board, I am not satisfied that they have demonstrated the exceptional circumstances for a rural dwelling. With that being one that is related to new housing for those actively involved in farming or that the proposed development is one that is consistent with protecting, improving rural amenity and providing for the development of agriculture.

7.2.6. I am also not satisfied that the new housing sought under this application is a type of development that meets the exceptional criteria and in turn could be reasonably be deemed as one that is generally consistent with the principle of development that may be permitted in the city hinterland location that forms part of the Airport's Airport Safeguard & Framework Area.

7.2.7. Thus, in this case I am not satisfied that the general principle of the proposed development is acceptable. Notwithstanding this conclusion I propose for further clarity to examine the proposed development against the rural housing provisions and other relevant local planning provisions of the Cork City Development Plan, 2022-2028.

7.3. Compliance with Planning Provisions

7.3.1. The appeal site as described above is a modest 0.004ha irregularly shaped parcel of green field land that is located in the Cork City Hinterland location of Spur Hill, in the Townland of Doughcloyne, in easy reach of a National Road, i.e. Bandon Road which is located c1.1km by what I observed were heavily trafficked local roads of the L2452 which fronts the site and the L2451. The site is also within c1.8km to the north west of Cork City Airports main terminal building as the bird would fly. It lies on the southern outskirts of city with I note the land on the opposite side of the local road serving the site falling inside the boundaries of Cork County Council.

7.3.2. The Planning Authority in their first given reason for refusal considered having had regard to the provisions of their Development Plan, in particular Sections 3.54, 3.54 and Objective 19, alongside National Policy Objective 19 of the National Planning Framework, that the applicants had failed to demonstrate to their satisfaction an exceptional, genuine and justifiable need for housing in an area designated as being under strong urban pressure and to permit the proposed development would contravene these policies and objectives in a manner that would be contrary to the proper planning and sustainable development of the area.

7.3.3. I firstly note as part of this examination that the referred to National Policy Objective 19 sets out the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence i.e., commute catchment of cities and large towns and centres of employment. It also sets out that this will be subject to siting and design considerations.

7.3.4. I consider the provisions of the Development Plan which I shall discuss below are consistent with this NPO and also having regard to the Sustainable Rural Housing Guidelines which also provides reference to areas under strong urban influence. I am satisfied despite these guidelines being significantly out of date that the city hinterland is a location that is very evident from the pattern and character of residential

development thereon is an area that has been for a significant period of time been one that is under strong urban influence. This can be seen from the significant proliferation of one off-dwellings that address its road network.

7.3.5. In this regard I also note that the Development Plan sets out that its city hinterland location though largely rural is an area that is under strong pressure for the construction of urban generated single rural dwellings (Note: Section 3.51). It therefore seeks to accommodate this type of residential development within urban towns and hinterland settlements which contain the necessary infrastructure to support them (Note: Section 3.52).

7.3.6. Under Section 3.53 of the Development Plan reference is had to National Policy Objective 19. I note that this requires applicants in such rural areas to provide demonstrable economic or social need to live in a rural area. It further sets out where rural generated one-off housing will be considered outside of designated villages providing the following:

- *The overall objective of maintaining the open character of the lands is maintained.*
- *The nearest village is more than 1km from the subject site on a farm/landholding.*
- *That the farm is greater than 30 hectares in its size.*
- *That the proposals are supported by a demonstrable case to justify a genuine need to reside on the farm holding through to the proposed dwelling ideally utilizes the conservation/conversion of an agricultural built heritage asset.*
- *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).*

7.3.7. I consider that Section 3.53 is not only consistent with NPO 19 but also provides specific clarity on how a demonstrable economic or social need to live in a rural area will be applied at a local level for housing in the city hinterland.

7.3.8. In relation to the first of the five circumstances identified under Section 3.53 of the Development Plan having visited the site and its setting I am of the view that the proposed development sought under this application whilst considerably stepped back from the roadside boundary and having a backland building line relative to adjoining properties to the north and south would further diminish the open character of this city

hinterland location. It would add to the cumulative impacts that have arisen in this area from the high proliferation and density of one-off dwellings. With the linear character of the pattern of development resulting in limited glimpses of rural in function land. Whilst it may be considered in this context that land has been so significantly developed by linear *ad hoc* one-off dwellings that it has materially eroded and diminished what was once open countryside to now being a location that is predominated when viewed from the public domain a low-density residential in character context and in this light the proposed development should be considered as infill as is contended by the appellants. Notwithstanding the zoning of the site and its surroundings does not seek to reinforce the diminishment that has occurred in its city fringes but rather in consistent manner with other local through to national planning provisions seeks more sustainable climate resilient compact development using spatial planning as a tool to channel development to where it can be successfully absorbed. With the opposite side of the local road maintaining a more open rural character which in part helps to maintain a level of open landscape character.

- 7.3.9. In relation to the second of the five circumstances. This sets out that the nearest village is more than 1 kilometre from the subject site on a farm / landholding. With I note the meaning given to landholding set out under Section 3.54 and Section 11.132 of the Development Plan. Having regard to these I note that whilst the site is more than a kilometre from the nearest village notwithstanding the size of the landholding is not greater than 30 hectares nor does the information provided support the applicants involvement in farming or any rural enterprises on this land including part-time or hobby farming which are not considered to derive a need to live on the farm holding.
- 7.3.10. In relation to the third of the five circumstances. This sets out that the farm is greater than 30 hectares. As said the documentation provided with this application and on appeal does not support that this proposal for a rural dwelling relates to a farm of greater than 30 hectares.
- 7.3.11. In relation to the fourth of the five circumstances. This sets out that proposals for new dwellings are supported by a demonstrable case to justify a genuine need to reside on the farm holding. Again, I reiterate that the documentation provided with this application and on appeal does not support that the proposed dwelling is one that is tangibly and/or intangibly linked by any economic, social, or otherwise genuine need for its provision at this location as a place of residence when completed by the

applicants and their family. In this regard I note that against the context that the site does not meet the criteria of farm / landholding nor does the documentation support that the applicants are individually or collectively involved in farming or any other rural based enterprise in this locality. With the applicants at the time of this application living in rental accommodation in Coolmoreen at the time their application was submitted. I note that this rural townland on the outskirts of the settlement of Inishannon, County Cork, c20km to the south west of the site, and with the applicant whose given occupation as a minister at Calvary Baptist Church. This church is based in Wilton an urban locality within the built-up area of cork city to the south of its city centre. With the quickest route by road to this location being over 4km from the site. With neither applicant demonstrating any robust intrinsic economic and / or social links to this location at the time of this application or in the past. With the ownership of this parcel of land on which they were previously permitted permission to construct a dwelling thereon on more than one occasion not considered to be a robust intrinsic economic or social link to this city hinterland locality.

- 7.3.12. In relation to the fifth of the five circumstances. This sets out the utilisation of existing buildings on site which is consistent with the more climate resilient focus placed on development which encourages the reuse rather than demolition of existing buildings where practical and where possible. Particularly where such buildings are of heritage merit or in themselves in this city hinterland location could be a form of vernacular farm house, cottage through to historic farm building that provides a sense of place through to contributes to the visual amenities of what was once a more open in character agricultural in predominant function landscape. As described in this report above the site is a green field one with the main site area consisting of grass land with no buildings thereon. Therefore, there are no buildings or structured that could be converted and utilized for habitation purposes by the applicant.
- 7.3.13. Having regards to the above I am not satisfied that the applicants in this case have demonstrated compliance with Section 3.53 and in turn by not doing so the proposed development is one that, if permitted, would be a type of development that conflicted with NPO 19 of the NPF as well as the rural settlement strategy set out in the Development Plan. The latter I propose to examine further.
- 7.3.14. Having examining the proposed development against other relevant provisions of the Development Plan I draw the Boards attention to Objective 3.13 of the Development

Plan which specifically deals with 'Rural Generated Housing' and sets out three separate criteria which I propose to examine in turn below.

7.3.15. In relation to the first of the three criteria set out under Objective 3.13 it states: "*to sustain and renew established rural communities, by facilitating those with a rural generated housing need to live within their rural community*". In this regard it refers to NP Objective 19 which deals with the matter of One-Off Housing: Demonstrable Need to Reside on Landholding and it sets out the following four categories for consideration which I will discuss in turn below:

a. Farmers, including their sons and daughters who wish to build a first home for their permanent occupation on the family farm.

Not relevant.

This is on the basis that neither applicant have demonstrated that they are farmers, nor have they demonstrated that they are the son or daughter of a farmer and there is no evidence to support that this is either of the applicants first home nor would it be a first home for their permanent occupation on the family farm.

I am not therefore satisfied that the applicants in this case meet this circumstance of consideration for a rural dwelling.

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.

Not relevant.

This is on the basis that the documentation provided with this application and appeal do not support that the applicants individually or collectively are taking over the ownership and running of a farm on a full-time basis and that this dwelling would relate to them building their first home on a farm for permanent occupation or would this dwelling be associated with the working and active management of a farm.

The documentation provided shows that the applicant who is employed is working engaged as a church minister at Calvary Baptist Church. Which as previously noted is a church that is located within the urban area of Cork City.

I am not therefore satisfied that the applicants in this case meet this circumstance of consideration for a rural dwelling.

- 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.*

Not relevant.

As set out in the documentation provided with this application the applicant who is working is a minister of a church that is located in the urban area of Cork City. Nor is there any evidence to suggest that the attendees of Calvary Baptist Church are primarily from the rural hinterland of Cork city. Particularly around the location of the site at Spur Hill. Though it would appear that in the past he has visited members of this church that are contended to reside in this rural locality and that this location is closer to Calvary Baptist Church when compared to the location they resided when they made this application.

Notwithstanding, this occupation cannot in my view be reasonably considered as one that is rural generated or rurally based to this locality.

Crucially it also not an occupation that falls under any of the headings provided under this criterion. That is to say farming, forestry, inland waterway and marine.

Further, if the occupation was one that was deemed to be consistent with those set out under this criterion it is also required that they must have done such work for a period of seven years and again this dwelling must be a first home for permanent occupation.

I am not therefore satisfied that the applicants in this case meet this circumstance of consideration for a rural dwelling.

- 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 for a minimum of seven years prior to the date of the planning application.*

Not relevant.

This is on the basis that the applicants are not landowners in a sense that meets the interpretation provided under Section 11.132 of the Development Plan. Nor are they the son or daughter of landowner that meets the interpretation given under said section of the Development Plan.

I am not therefore satisfied that the applicants in this case meet this circumstance of consideration for a rural dwelling.

- 7.3.16. Having regard on the above considerations I am not satisfied that the applicants in this case have demonstrated compliance with Objective 3.13 (a) or Objective 19 of the Development Plan.
- 7.3.17. In relation to Objective 3.13 under subsection (b) it states that the Planning Authority will seek: *“to discourage urban generated housing in the City Hinterland”*.
- 7.3.18. As said the applicant who is in occupation gives a base of work as Wilton in Cork City which as said the shortest route is over 4km from the site but with them being on call 24-hours 7-days of week for their parishioners. I accept that whilst the site is located in closer proximity to this applicant’s church in Wilton the location of it is in a dense built up more densely populated suburban location in close proximity to corks city centre.
- 7.3.19. The documentation provided also indicates that the dwelling would be a family home for the applicants who are in their 60s son and a daughter who are indicated to be in employment. With the daughter having a work location of Ballincollig which is c10km by road from the site and the son work location of Carrigtwohill which is c22km by road from the site respectively. Whilst I accept that in terms of occupation that the site is closer to the location of their employment then their parents given address, none of the occupations as described and where based could be considered as rural generated to this particular locality but rather also appear to relate to employment within the urban area of Cork city and the urban settlement of Ballincollig.
- 7.3.20. I am not satisfied that the information provided with this application demonstrates that the dwelling sought under this application is one that could be reasonably be considered as one that is rurally generated. But rather the documentation provided supports that the dwelling is one that is urban generated with a desire as opposed to genuine rural generated need to be located within this locality of Cork city’s hinterland. At a location rural land is under significant pressure from one-off dwellings which

cumulative have eroded the rural function, character of this locality through to ability as well as capacity to sustainably absorb future genuine rural development that may arise, particularly those related to the rural agricultural function of this area. With the distinction between the urban settlement of Cork City and its surrounding countryside blurred by one-off dwellings. On this basis I am not satisfied that the applicants in this case have demonstrated compliance with Objective 3.13 (b) of the Development Plan.

7.3.21. In relation to Objective 3.13 (c) there is a requirement to demonstrate that applicants for one off dwellings within the city hinterland satisfy the Council that their proposal constitutes an exceptional rural generated housing need and satisfies all the requirements of the Development Plan relevant to this type of development. It states: *“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”*. In my view it is clear from the Planning Authority’s first stated reason for refusal that they were not satisfied in this regard that this exceptional rural generated housing need was demonstrated in a manner that accorded with local through to national planning policy provisions that deal specifically with these matters.

7.3.22. The details submitted indicate that at the time this application was made by the Appellants, they as a family lived in rented accommodation which they contended had been given notice on. They therefore seek the construction of a dwelling house on this site to meet what they contend is an urgent accommodation need. They contend that this is a locality where they have a strong connection to, and it would provide a more suitable location to live on the basis of their and their family members medical circumstances. The details of the same are set out in the documentation provided with this application and with their appeal. For clarity purposes I note that I have read and had regard to the same as part of my assessment of this application which is now before the Board for its determination by way of this First Party Appeal. The information provided is contended to be personal and sensitive in nature.

7.3.23. The housing need of the applicants as put forward does appear to be a pressing one. Given that they contend that they were given notice to vacate their rented property. The timescale for this and the construction of a dwelling house on this site does not appear to address such an imminent housing need given the reality that the construction of a dwelling house and its associated works would take time to complete on a green field plot of land even with expedient construction methods. With this being

said I accept that in the medium to long term the applicants by way of securing ownership of a dwelling house whether that was in a rural or urban area would meet their housing needs as a family in a more sustainable manner.

- 7.3.24. This however is not an exceptional economic or social need that is inextricably linked or connected to this particular city hinterland location. Nor is it one that is any different to any other urban generated proposals made by applicants who similarly desire to construct a dwelling in the city hinterland of Cork City, on land that as said is under significant pressure from and has been for a considerable period of time from similar developments.
- 7.3.25. I also consider that though the documentation would suggest that there is availability to connect to public water supply the site is not in an area with public mains drainage, is one that is remote from services, amenities and the like that are generally considered to be intrinsically and synergistically linked to sustainable through to climate resilient residential developments through to with agricultural land being protected and safeguards as a valuable resource.
- 7.3.26. It is also a concern that the proposed dwelling at this location irrespective of one of the applicants indicating that they could access the church where they are minister at by foot or by cycle, is remote from pedestrian footpaths and cycle lane provisions. With family members also working at locations at remote distances from the site and for which there are no public viable public transport options. This coupled with ordinary needs of occupants to live at such a location would result in a heavy reliance on private car usage by both applicants and their family members which as said work at locations remote from this site. This would place additional burdens onto a local road that is heavily trafficked, with no public transport in easy reach and not suitable for cumulative pressures this type of development would generate on it and would diminish its capacity to absorb permissible development within this city hinterland location in future due to the cumulative impacts of traffic arising from this type of development. The cumulative impact of urban generated housing increases the wear, tear, and operational lifespan of the local roads upon which access is dependent to the wider road network.
- 7.3.27. Whereas local through to national planning provisions as well as guidance seek to channel this type of development to serviced zoned land or existing through to in the

pipe line dwelling units within settlements where they can be more sustainably absorbed in a climate resilient manner. I also note that it is a Strategic Objective of the Development Plan under SO1 – Compact Liveable Growth to deliver compact growth that achieves a sustainable 15-minute city of scale providing integrated communities and walkable neighbourhoods through to strategic greenfield expansion adjacent to the existing city.

- 7.3.28. This strategic objective also states: *“to increase the population of Cork City in line with national and regional growth targets. To develop Cork City as an international compact, sustainable, healthy city of scale and the regional driver of growth by creating sustainable, liveable, integrated communities and neighbourhoods for all. To plan to deliver at least half (50%) of all new homes in the existing built up footprint of the City. To support the delivery of the Core Strategy by: Applying a tiered approach to land use zoning; and by ensuring that new homes are provided at appropriate densities in brownfield, infill and in greenfield locations within and contiguous to existing City footprint”*.
- 7.3.29. This is further strengthened under Strategic Objective SO9 as well as Chapter 2 of the Development Plan which sets out the Core Strategy for the Cork city and its city hinterland which similarly supports and seeks to deliver compact development.
- 7.3.30. In terms of the medical circumstances the Sustainable Rural Housing Guidelines for Planning Authorities under Section 4.4 set out that these should be supported by relevant documentation from a registered medical practitioner and a disability organisation which would set out the requirements of a person to live in a particular environment or close to family support. This information is not robustly provided by with this application or by the appellants in their appeal submission. Nor is there any indication to support that this site is of a particular environment or close to family support. Moreover, the design of the dwelling is not one that shows regard to universal design and to adaptability given the ailments contended by the applicants who are in their 60s as well as those of family members who are indicated would also reside in the proposed dwelling.
- 7.3.31. Overall, in terms of the documentation provided with this application there is in my view no exceptional circumstance demonstrated by the applicants that could be considered as one that is rurally generated to this city hinterland location and that there

is any exceptional economic or social need demonstrated by the applicants for a rural dwelling at this location where this type of development is only permitted in limited circumstances to those who demonstrate they meet the requirements of the Development Plan.

7.3.32. Moreover, none of the documentation provided appears to support that this application is not one that is an urban generated housing need.

7.3.33. The Development Plan in a consistent manner with regional and national planning provisions and guidance directs this urban generated housing need to residential zoned serviced land in settlements where they can be more sustainably absorbed. At such locations residential development is likely to be less reliant on private car use to gain access to employment, retail, services, community facilities, and other types of land uses that are supportive as well as synergistic to residential developments. It is also more probable that it would be in easier access to public transport and active travel infrastructure.

7.3.34. Thus, to permit the proposed dwelling house would not accord with proper planning and sustainable climate resilient development of land that the land use objective of which is to protect and improve rural amenity and provide for the development of agriculture. Nor does it comply with the vision for the city hinterland as provided for under ZO 20.1. This seeks to ensure that development should not compromise the specific function and character of a particular area. Which, as discussed, in this case is one that has been eroded and diminished by one-off rural dwellings.

7.3.35. Of further concern in relation to the proposed dwelling at this city hinterland location is that ZO 20.3 of the Development Plan sets out that: *“the City Hinterland helps to maintain a clear distinction between urban areas and the countryside and avoid the harmful impacts of urban sprawl”*.

7.3.36. Under previous plans the city hinterland was safeguard from inappropriate development as greenbelt providing a buffer between the city and the countryside. With this helping to consolidate and channel new housing development to serviced lands at appropriate locations within Cork City.

7.3.37. In relation to the appeal site location there is a strong pattern of linear one-off dwellings. With this including examples of backland one-off dwellings present along the adjoining L2452, the neighbouring L2451 and other surrounding local roads in this

city hinterland area. With the surrounding locality also containing a strong proliferation of such developments with these cumulatively eroding the functional and visual attributes of what was once and is still considered to be under local planning provisions predominantly agricultural landscape. Together with giving rise to an unsustainable reliance on proprietary waste water treatment systems to serve this pattern of development.

- 7.3.38. The strong proliferation of one-off dwellings in my view is very evident in the immediate context of the site with the site itself being neighboured by residential development to north which it is only separated from by a private cul-de-sac road. As well as adjoining detached dwellings to south and is neighboured by dwellings in close proximity to the east and to the south. Together with the location of the dwelling considerably setback from the front building line of the dwellings to the north and south. Alongside the eastern side of the local road upon which access is dependent addressed by one-off dwellings with limited road frontage remaining that provide glimpses towards agricultural fields, farmsteads and the like. With the opposite side of this local road to the north and south also contains linear one-off dwellings.
- 7.3.39. In relation to this Development Plan provision, it is also of further of note that the second reason given by the Planning Authority to refuse permission for the development sought under this application is that it was considered that the proposed development would constitute haphazard backland development and give rise to an undesirable pattern of suburban housing.
- 7.3.40. Alongside they considered that it would further result in the erosion of the rural character of this area seriously injuring residential amenities of the area in a manner that would be contrary to the proper planning and sustainable development of the area.
- 7.3.41. Given the pattern of development that characterises the existing site context and the appreciation of the surrounding landscape from the public domain it is a landscape that has been significantly diminished and eroded to one that has an *ad hoc* poor quality suburbanised character where views of the open rural landscape have been lost to similar types of developments that are of variable design, layout, and palette of material quality. That are more often than not at odds with contributing to the visual amenities of landscape whose agricultural function and character is an objective to safeguard under the zoning of these lands.

- 7.3.42. I therefore concur with the concerns raised in by the Planning Authority in this reason for refusal and considering that the documentation provided with this application fails to demonstrate compliance with the rural housing provisions set out in Chapter 3 of the Development Plan. Alongside to permit the proposed development would be a form of haphazard backland development that would not only give rise to an undesirable precedent that cumulatively would further erode the visual amenities of this city hinterland area through to limit its future potential to accommodate permitted rural generated development on it. As the proposed development conflicts with ZO 20.3 of the Development Plan.
- 7.3.43. Of further relevance to the proposed development is the requirements of ZO 20.4 of the Development Plan. It sets out that: *“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”*. It also states that: *“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”*.
- 7.3.44. As already discussed above the documentation with this application fails to demonstrate the key relevant objectives and requirements for rural housing that are provided within Chapter 3 of the Development Plan. Therefore, to permit the proposed development would also conflict with the requirements of ZO 20.4 of the Development Plan.
- 7.3.45. Of further relevance to the proposed development is that the site is located where applications for developments have to demonstrate compliance with the requirements of Objective 10.54 of the Development Plan.
- 7.3.46. In this regard, as said the site is located on land that lies inside of the Airport Safeguard & Framework Area and it is located just over 1km from the fringes of Cork City Airport and the land associated with its runway extension (Note: ZO 24 of the Development Plan) and, as said, is within c1.8km of its main terminal buildings.
- 7.3.47. The Development Plan deals with the matter of Airport Safeguard Area sets out that land in such circumstances is subject to an objective to safeguard the sustainable development of the Airport. There is also a requirement for all proposed developments within this area will be referred to the Irish Aviation Authority by Cork City Council’s

Development Management Section to seek their observations as part of the statutory planning process under Article 28 of the Planning and Development Regulations, 2001.

- 7.3.48. This I note was done by the Planning Authority during the course of their determination of this application, notwithstanding, no comments were received.
- 7.3.49. What is of note is subsection b) of this said Development Plan objective. It states that the construction of one-off housing will generally not be permitted save for exceptional circumstances such as those actively engaged in farming.
- 7.3.50. As discussed above in considering the details provided with this application and on appeal the applicants have not demonstrated any exceptional circumstance that would in itself support the genuine need of a dwelling house at this location by virtue of being actively engaged in farming, other accepted rural occupation, or circumstance. Overall, the documentation provided does not support any exceptional genuine and justifiable economic, social, or otherwise accepted need for a one-off dwelling at this under significant pressure from urban generated one-off houses area. But rather supports that the despite the ownership of the site for a number of years that their housing need is one that is urban generated and therefore is one that should be channelled to appropriate serviced zoned residential zoned land within the built-up area of a settlement.
- 7.3.51. Of further concern, the design of the proposed development fails to show that this relatively basic in design, appearance and external palette dwelling would incorporate any building envelope design measures to abate the expected and likely noise of this location. Particularly having regards to Section 10.194 of the Development Plan which sets out that Cork City Airport has noise contours associated with aircraft operations, and the location of the site within the identified noise contours indicated under Figure 10.33.
- 7.3.52. On this point I also note that the Development Plan sets out that: *“the noise environment and contours around the airport are likely to change because of future growth and development. Increased operations, changes in aircraft type and mix, changes in the associated operations such as maintenance and construction activity during implementation of developments will all contribute to increased noise”*. Together with Section 10.196 requiring applications for developments at this location

to be accompanied by a noise report produced by a specialist in noise measurements. It sets out that this shall detail all proposed noise mitigation measures together with a declaration of acceptance from the applicant of the result of a noise acceptance report. Alongside the provision of an indemnification of Cork City Council and Cork Airport from any loss of amenity which may arise as a result of the Airport operations to be agreed.

- 7.3.53. The documentation provided with this application through to the design of the dwelling house does not demonstrate compliance with the above stated requirements. I note however this is a **new issue** in the context of this appeal case. Notwithstanding the Board could if they deem that the proposed development is otherwise satisfactory in terms of according with the proper planning and sustainable development of the area deal with this matter of concern by way of a suitably worded condition.
- 7.3.54. In terms of other siting and design considerations whilst I note that the Planning Authority did not raise any substantive concern in relation to the proposed new entrance onto the local road. Notwithstanding, having inspected the site I raise doubt on the proposed development's ability to provide the necessary sightlines in both directions from the new entrance.
- 7.3.55. This concern I also consider to be a **new issue** in this appeal case that I raise in terms of traffic hazard and road safety. Particularly having inspected the site, having regard to the adequacy and accuracy of the drawings provided, the heavily trafficked high-speed nature of the adjoining local road. With the site having a limited frontage of 15m width of the roadside boundary and having regard to the nature of obstructions in both directions beyond the proposed entrance.
- 7.3.56. Additionally, the drawings do not clearly show measures for dealing with the obstructions which includes a utility pole immediately alongside the roadside boundary. For which there is no details of consent for its relocation, where it would be relocated too and the consent of the utility provider for its relocation.
- 7.3.57. Further, the boundary treatments of adjoining roadside boundaries to the north and south of the entrance which are outside of the applicant's legal interest in my view have the potential to give rise to obstruction. This is a concern given that the entrance opens onto as said a heavily trafficked local road where I observed a constant movement of vehicles in both directions travelling at speed. I note to the Board that

the adjoining stretch of road that has a posted speed limit at this point of 80kmph. The sightlines to the north were obstructed by overgrown natural features overgrown for which it is unclear on the basis of the information provided whether the applicant has full legal interest in this planted boundary to cutback and control the height of. Particularly on its westernmost end. In saying this whilst there may be some potential for the applicant to achieve the required TII Publications sightlines (160m in this situation) to the north of the proposed new entrance I am not convinced that this is the case in a southerly direction despite the curving convex alignment of the roadside verge that is not made clear in the drawings provided. To the immediate south the sightlines were more heavily obstructed from the required setback. With the obstruction relating to the roadside boundary of the adjoining property to the south. The documentation provided with this application in my view not only does not appear to accurately represent the alignment horizontally and vertically of this adjoining road but also is not accompanied with any evidence that the applicant has the consent and agreement to maintained the required 160m sightline in a southerly direction from the proposed new entrance.

7.3.58. Additionally, there are a number of entrances serving properties as well as the adjoining private road located between the proposed entrance and where the posted limit changes to the north of the site. There are also a number of entrances serving properties to the south of the site on either side of this local road that contains no footpaths, street lighting, cycle paths and no roadside verge that is suitable for accommodating vehicles to safely pull in.

7.3.59. For the time I walked to the north and south of the site as part of my inspection of the site setting walking this road was not in my view safe for active travel. It necessitated climbing onto the raised an uneven verge when on its western side when vehicles were passing one another and immediately alongside the roadside edge where I was walking.

7.3.60. In terms of design, I note that Section 11.134 of the Development Plan states that: *“any new rural housing development must be of a design, scale and layout that is respectful and sympathetic to traditional rural house designs and layouts. Suburban style dwelling house designs and large-scale developments that are not appropriate to a rural area in terms of character and layout should be discouraged”*.

- 7.3.61. In relation to Section 11.134 I raise a concern that the proposed dwelling in terms of its design has not been designed to settle and be respectful of its rural location. If permitted, in my view it would perpetuate further visual amenity erosion of this city hinterland area by way of its design, suburban built form and use of materials, its potential due to its backland location and two storey nature to give rise to undue overlooking of the rear amenity space of properties to its north and south.
- 7.3.62. On this matter most of the visual screening of adjoining properties to the north and south appears to be in the form of deciduous natural features.
- 7.3.63. Further the landscaping scheme and treatment of the roadside boundary is one that would reinforce the suburbanised character that has arisen by similar ad hoc one-off dwellings that are of designs that are overly respectful, harmonious, or sympathetic to their rural location.
- 7.3.64. I also note that the ground levels rise in a southerly direction towards the site and the proposed dwelling with its 8.5m height and its setback location on site would be visually overt when approaching from a southerly direction. It would also be visible in the localised setting of the adjoining stretch of road with the placement, built form, height and solid to void treatment one that seeks to have views and vistas over the surrounding landscape.
- 7.3.65. Of additional concern is the length of the driveway which has a meandering alignment from the new entrance gate to the principal elevation of the proposed dwelling. This appears to be c95m back from the roadside carriageway. This driveway appears to be excessive, and the drawings are not fully clear on the ground levels of this driveway from the roadside edge to the principal frontage of the proposed dwelling.
- 7.3.66. Overall, I am of the view that the design and layout of the proposed dwelling, its associated entrance, driveway, landscaping, and boundary treatments are not sympathetic to traditional rural designs, layouts, and use of materials (or a qualitative contemporary interpretation of the same).
- 7.3.67. Having regards to the above, I am not convinced that the proposed development is one that is consistent with the provisions of Section 11.134 of the Development Plan, and, if permitted, it would give rise to further haphazard residential development at this city hinterland location.

- 7.3.68. I also note to the Board that the proposed dwelling would be served by a proprietary waste water treatment system.
- 7.3.69. Objective 9.3 of the Development Plan sets out that the provision of single house septic tanks and treatment plants are discouraged on the basis of minimising the risk of groundwater pollution in line with the rural housing policy of this Plan.
- 7.3.70. Given that the proposed development sought under this application relates to a type of development that fails to accord with the rural housing policy of the Development Plan I raise a concern that firstly the provision of an additional waste water treatment system would give rise to a high proliferation of such systems in a limited geographical area where the Site Characterisation Form accompanying this application indicates that the site location is over a Locally Important Aquifer Category of 'extreme' vulnerability, the Ground Water Protection Response for the area is R2¹ and there are six wells within 100m of the site.
- 7.3.71. I also raise it as a concern that the documentation provided does not accord with the most recent EPA Guidelines for consideration of proprietary waste water systems.
- 7.3.72. Should the Board be minded to grant permission I recommend that this deficiency of this planning application will require to be overcome by a suitably worded condition so that the wastewater treatment system to serve the proposed dwelling is one that accords with current requirements and best practice.
- 7.3.73. Conclusion

Having regards to the examination of the proposed development against relevant planning policy provisions, in particular those set out by the Planning Authority in their Cork City Development Plan, 2022-2028, and as referred to in their reasons for refusal, I am not satisfied that the applicants have sufficiently demonstrated that they have an exceptional, justifiable or genuine economic or social need to build a rural house in this city hinterland rural locality. Furthermore, the design and layout of the proposed development is one that fails to demonstrate other siting, design, layout, and considerations that would support that it could be sympathetically absorbed into its setting, that it would not be prejudicial to public health through to that it would not give rise to any road safety and/or traffic issue, particularly having regards to its access arrangements. I am not therefore satisfied that the proposed development is one that

accords with the proper planning and sustainable climate resilient development of this city hinterland location.

7.4. Other Matters Arising

- 7.4.1. Planning History:** The appeal site has a long planning history for planning applications for one-off dwellings made by the Appellants in this case since they purchased it in c2007. With many of these applications resulting in grants of permissions but others resulting in refusal of permission.

Over the intervening years the nature of the surrounding landscape is one that has changed accommodating additional one-off dwellings in the vicinity through to changes arising to the City Airport proposed expansion infrastructure which now includes the provision for a new runway within c1km of this site. With the lands that include the site which encompass the surrounding airport hinterland now forming part of Airport Safeguard & Framework Area.

Development withing this area is limited to as discussed demonstrated to exceptional circumstances with this adding an additional layer of complexity for obtaining a one-off dwelling on land that plays an important strategic relationship with the functions and operations of Cork City Airport.

This is in addition to the fact that it is a location that is recognised as being under strong urban pressure going back to the Sustainable Rural Housing Guidelines that predate the planning history of the site for what appears to be its first application for a one-off dwelling in 2008.

Further, the site forms part of a city hinterland setting whose predominant function is related to agriculture and in terms of amenity over the years as greenbelt through to its now city hinterland zoning objective safeguarding the open character of the land that is outside the fringes of a city and where the strategic operations of Cork City Airport through to its future expansion is protected from inappropriate development.

Also, over the intervening years local through to national planning provisions and guidance relevant for considering one-off rural areas, including those that are under a strong pressure from urban generated housing pressures like is the situation in this area, have significantly evolved and changed, with such development having to

robustly demonstrate economic and social exceptional, genuine as well as justifiable rural housing need.

Further, the site is a location whereby access is dependent upon a substandard rural road and where other siting, design through to other considerations also require to be satisfactorily addressed as part of this type of application.

It is therefore my view that the site context and the relevant local through to planning provision considerations have evolved and changed with at the same time the capacity of this rural location to absorb further one-off dwellings at the expense of safeguarding and protecting this rural landscape resource for its primary agriculture function particularly where there are no tangible links that it would be synergistic to this function is exhausted save for the demonstration of meeting the exceptional circumstances set out in the Development Plan. With the provisions of this plan consistent with regional and national planning policy provisions and objectives including NPO 19 of the NPF.

I note that the previous applications relating to the site for example have not been considered against the more robust and evolved requirements for rural policy housing of the Cork City Development Plan, 2022-2028, and I note that the Board in determining an application for a dwelling house at Lehenaghmore, under ABP-316172-23, under the provisions of the current Development Plan refused permission for similar reasons to that given by the Planning Authority for the development sought under this application.

I am also cognisant that in relation to the consideration of this application that neither the Local Authority of Cork City Council nor the An Bord Pleanála are bound by precedent decisions, and that in accordance with proper planning each application/appeal is assessed on its own merits.

I am therefore of the view that the planning history of the site is not a planning consideration that would overcome the concerns raised in the assessment above that in essence conclude that the proposed development, if permitted, would be contrary to the proper planning and sustainable climate resilient development of this area.

- 7.4.2. **Archaeology:** The site is located in close proximity to a number of Record Monuments and in the surrounding area there are a high proliferation of Recorded Monuments. This site is a green field site and on inspection there is no evidence that is visible above ground to suggest the existence of any historic man-made features of

merit or otherwise. Notwithstanding this as a precaution any grant of permission in an area with rich archaeological remains should include a suitable worded archaeological condition as a precaution so that in the event of any archaeological materials or features existing at subsurface levels that these are appropriately preserved, recorded, and protected in a manner that accords with best practice. Such a condition in my view is required on the basis of conserving the archaeological heritage of the area and to secure the preservation (*in-situ* or by record) and protection of any archaeological remains that may exist within the site. This matter is a **new issue** for consideration.

- 7.4.3. **Contributions:** I refer to the Cork City Council Development Contribution Scheme. The development is not exempt from the requirement to pay a development contribution. Should the Board be minded to grant permission I therefore recommended that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

8.0 **Appropriate Assessment**

- 8.1. I have considered the proposed development which I have set out a summary of in Section 2.1 of this report above considering the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The appeal site is located in the southern outer fringes of Cork city in the townland of Doughcloyne, a locality that has a high proliferation of one-off detached dwellings served by proprietary wastewater treatment systems but containing public water supply.
- 8.3. The proposed development sought under this application consists of the construction of a dwelling house, wastewater treatment system, new entrance onto the public road and all associated site works.
- 8.4. During the course of the Planning Authority's determination of this subject application the raised no nature conservation, no drainage issues and they screened out appropriate assessment.

- 8.5. As set out in Section 5.4.1 above the closest European site is the Special Protection Area of Cork Harbour (Site Code: 004030) which is located c5.9km to the south west of the site as the bird would fly. At further lateral separation distance of c12.4km to the north east is the Special Area of Conservation Great Island Chanel (Site Code: 001058).
- 8.6. Having regard to the nature, scale and location of the proposed development, the existing and permitted pattern of development, the nature of the intervening landscapes between the site and the nearest European site and the absence of any indication of a hydrological link or other pathway to this or any other European site, I am satisfied that no appropriate assessment issues arise as the proposed development sought under this application would not be likely to have a significant effect individually or in combination with other plans or projects on any European sites and Appropriate Assessment is not therefore required.
- 8.7. Conclusion:

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (Stage 2) (under Section 177V of the Planning and Development Act 2000) is not required in this case.

9.0 Recommendation

- 9.1. I recommend that permission is **REFUSED** for the following reasons and considerations. Though the proposed development sought under this application give rise to other design and layout concerns, including a number of **new issues**, the stated reasons and considerations in my considered opinion are substantive in their nature to warrant and sustain a refusal of planning permission.

10.0 Reasons and Considerations

1. Having regard to the location of the site within an 'Area Under Strong Urban Influence' in the city hinterland of Cork City, an area where under ZO 20.4 that single housing is restricted to persons demonstrating an exceptional rural generated housing need in a manner that accords with the objectives and requirements on rural housing set out in Chapter 3 of the Cork City Development Plan, 2022-2028. With this requiring that such housing must be based on the core considerations of demonstrable economic or social need to live in a rural area.

Additionally, having regard to the location of the site within the 'Airport Safeguard & Framework Area' where under Section 10.195 of the said Development Plan new housing will not be permitted within this area, save in exceptional circumstances for those actively involved in farming.

It is considered that the applicants have not sufficiently demonstrated an exceptional or justifiable economic or social need to live in this city hinterland location and therefore, the proposed development does not comply with policies and objectives of this Development Plan, for a new dwelling house in this area.

The proposed development would also contribute to the encroachment of random rural urban generated development in the area, it would represent haphazard and disorderly development, it would militate against the preservation of the rural environment, as well as the efficient provision of public services and infrastructure in a manner that would not be consistent with climate resilient spatial planning provisions at a local through to national level.

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

2. Taken in conjunction with existing dwellings in the vicinity, it is considered that the proposed development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities, would exacerbate an emerging pattern of suburbanisation that is eroding the rural character of the area 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.

Patricia-Marie Young
Planning Inspector

28th day of June, 2024.

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318328-23			
Proposed Development Summary	Permission is sought for the construction of a house, WWTS, new entrance together with all associated site works and services.			
Development Address	Spur Hill, Doughcloyne, Togher, Cork.			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	<input checked="" type="checkbox"/>	
		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		Class.....	EIA Mandatory EIAR required	
No	<input checked="" type="checkbox"/>		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	<input checked="" type="checkbox"/>	Part 2 Class 10 (b) Construction of more than 500 dwelling units.	Significantly below the relevant quantity, area, and limits of	Proceed to Q.4

			the said Class. Therefore subthreshold.	
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4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____