



An
Bord
Pleanála

Inspector's Report ABP319076-23

Development

Construction of a detached dwelling, new vehicular entrance, new potable well, new bio filtration treatment unit and all associated site works.

Location

Ballinrea Road, Ballinrea, Townland Carrigaline Co. Cork.

Planning Authority

Cork County Council.

Planning Authority Reg. Ref.

236346.

Applicant

Scott Vickery.

Type of Application

Planning permission.

Planning Authority Decision

Refusal of permission.

Type of Appeal

First Party

Appellant

Scott Vickery

Observer(s)

None.

Date of Site Inspection

16th April 2024.

Inspector

Derek Daly.

1.0 Site Location and Description

1.1. The proposed site is located in the townland of Ballinrea in a rural area approximately 3 kilometres north of the town of Carrigaline in County Cork. The site fronts onto a local road where the 80 kph speed limit applies, which runs parallel to the N28 National Primary Route which is to the east. There is a solid line on the centre of the carriageway along the section of the local road in the vicinity of the site.

1.2. The appeal site itself is located in the southwestern corner of a field currently in agricultural use. The local road defines the western boundary and to the south of the site are two single storey dwellings and the northern and eastern boundaries adjoin open lands. There are a high number of dwellings fronting onto the local road in the vicinity of the site.

1.3. The site is relatively level and not unduly prominent in the landscape and has a stated area of 0.4648 hectares.

2.0 Description of Development

2.1. The proposed development as submitted to the planning authority on the 23rd November 2023 is for the construction of a detached dwelling, new vehicular entrance, new potable well, new bio filtration treatment unit and all associated site works.

2.2. The dwelling is of a modern design and construction located centrally on the site with a stated floor area of 378 m². There is a double garage within the footprint of the dwelling. The dwelling is predominantly two storied with sections of low angled monopitch roof and flat roof and there is also a single storied section which also has sections of low angled monopitch roof a flat roof. External finishes include natural stone, render, timber and large areas of glazing of varying proportions with sections of vertical and horizontal emphasis.

2.3. A design statement including site alternatives is included.

2.4. Details in relation to the farm holding which is farmed by the appellant and his brother are submitted with supporting documentation from Department of

Agriculture, Food and the Marine (DAFM) in relation to a local agricultural related connection to the area.

- 2.5. In relation to services the means of water supply is a new potable well and foul effluent is to be treated by an on-site waste water treatment plant for a PE equivalent of 6 and percolation area with polishing filter. Documentation in relation to site suitability, testing and site characterisation are submitted. The means of disposal of surface water is to soakpits within the site.

3.0 Planning History

The area is the subject of a number of planning applications but the appeal site or the landholding has not been the subject of a recent planning application.

4.0 Local Planning Policy

4.1. Local Policy

The relevant plan is the Cork County Development Plan 2022-2028

Chapter 2 of Volume 1 of the plan outlines core strategy and in relation to Rural Housing Strategic Policy section 2.16.3 outlines that the development plan follows the approach set out in the Ministerial Guidelines for Sustainable Rural Housing (2005) and in doing so, sets out a policy framework for each of the areas identified aiming to focus rural housing development on the needs of rural communities and chapter 5 sets out the policies and objectives relating to the future management of rural housing .

Chapter 5 Rural outlines policy objectives in relation to rural housing. The site is located in the Metropolitan Greenbelt as identified in figure 5.1 Rural Housing Policy Area Types. Section 5.4.3 which identifies the Metropolitan Greenbelt and indicates this rural area under strong urban influence forms part of the Metropolitan Area and is within close commuting distance of Cork City. There is evidence of considerable pressure from the development of (urban generated) housing in the open countryside and pressures on infrastructure such as the local road network and higher levels of environmental and landscape sensitivity.

In relation to County Development Plan Objectives, RP 5-3 refers to the County Metropolitan Cork Strategic Planning Area and that *applicants shall satisfy the Planning Authority that their proposal constitutes an exceptional rural generated housing need based on their social and / or economic links to a particular local rural area, and in this regard, must demonstrate that they comply with one of the following categories of housing need:*

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

(b) Persons taking over the ownership and running of a farm on a full-time basis, who wish to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use. The proposed dwelling must be associated with the working and active management of the farm.

(c) Other persons working full-time in farming, forestry, inland waterway, or marine related occupations, for a period of over seven years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.

(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.

In circumstances, where a family land holding is unsuitable for the construction of a house, consideration may be given to a nearby landholding where this would not conflict with Objective GI 8-1 and other policies and objectives in the Plan. In this context a 'nearby landholding' may be construed to mean adjoining landholdings but not normally more than 1.5km from the prospective applicant's family residence. Proposals exceeding the 1.5km distance may be considered in exceptional circumstances on a case-by-case basis.

The total number of houses within the Metropolitan Greenbelt, for which planning permission has been granted since 15th January 2015 on a family farm or any single landholding within the rural area, will not normally exceed two.

In relation to greenbelts objective RP 5-11 in relation to the County Metropolitan Cork Greenbelt is to *Maintain the County Metropolitan Cork Greenbelt (as shown on*

Figure 5.1) which encompasses Metropolitan Towns, Strategic Employment Locations, Villages and Countryside of Metropolitan Cork.

Other objectives in relation to the greenbelt include Objective RP 5-12: Purpose of Greenbelt which is to

(a) Maintain a Green Belt for Metropolitan Cork with the purposes of retaining the open and rural character of lands between and adjacent to urban areas, maintaining the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built-up areas, to focus attention on lands within settlements which are zoned for development and provide for appropriate land uses that protect the physical and visual amenity of the area.

(b) Recognise that in order to strengthen existing rural communities' provision can be made within the objectives of this Plan to meet exceptional individual housing needs within areas where controls on rural housing apply.

Objective RP 5-13 which refers to Land Uses within the County Metropolitan Greenbelt and the objective is to preserve the character of the Metropolitan Greenbelt as established in this Plan and to reserve generally for use as agriculture, open space, recreation uses and protection / enhancement of biodiversity of those lands that lie within it.

Objective RP 5-14: refers to the Sustainability of Exceptions to Greenbelt Policies and to recognise that by reason of the number of people currently living within Greenbelt areas, the granting of regular exceptions to overall policy is likely to give rise over the years to incremental erosion of much of the Greenbelt.

Objective RP 5-15 refers to Active Uses of Greenbelt Lands and the objective is to facilitate active uses of the County Metropolitan and Town Greenbelts generally and to encourage proposals which would involve the development of parks, countryside walks or other recreational uses within the Greenbelt. Any built development associated with such uses should not compromise the specific function and character of the greenbelt in the particular area.

Chapter 14 of the plan refers to Green Infrastructure and Recreation and in general to the protection of landscapes. The site is not within a high value landscape but there is a general objective GI 14-9 in relation to Landscape where it is an objective to

- 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.

4.2. National Guidance

- 4.2.1. Sustainable Rural Housing Guidelines for Planning Authorities April 2005
- 4.2.2. The guidelines refer to the need for a development plan approach and to having similar defined the rural area types as set out in the NSS within the development plan. The Guidelines differentiate between rural and urban-generated housing.
- 4.2.3. The guidelines refer to rural generated housing; to sustaining and renewing rural communities; to accommodating people of a rural area in their area of origin and in section 2.4 to tailoring policies to local circumstances.

Section 3.2.3 refers to rural generated housing and there is reference to "*persons who are an intrinsic part of the rural community*" and also reference in this regard to "*members of an established rural community, and persons who wish to return to reside near other family members or to care for elderly family members*". There is in addition reference to working in rural areas including full and part time farming and other persons whose work predominantly takes place within rural areas.

The guidelines indicate, however, that having defined rural generated housing needs, the development plan should make very clear that subject to satisfying normal considerations the planning authority will look favourably upon an applicant's proposal for an individual house in a rural area where that applicant comes within the development plan definition of need. Chapter 4 outlines the criteria to be assessed in determining applications in rural areas.

- 4.2.4. In summary, the Guidelines provide that people who are part of the rural community should be facilitated by the planning system in all rural areas and to take a positive

approach to applications from such persons in the areas referred to, in circumstances where permission might otherwise be refused.

4.2.5. Circular SP 5/08

Rural Housing Policies and Local Need Criteria in Development Plans: Conformity with Articles 43 and 56 (Freedom of Establishment and Free Movement of Capital) of the European Community Treaty.

Reference is made to Local Need Criteria Policies and Practices and that the overarching consideration for the local need assessment criteria in relation to residency, blood-line, local employment and agricultural activities must be that objectives and provisions in development plans and their application in the development management processes do not discriminate against planning applicants wishing to establish a full-time home-based business in an area in favour of those who are deemed to qualify as “locals” through the particular local need assessment criteria, which are adopted by the members of each Council.

The circular also states that a bone fide applicant who may not already live in the area, nor have family connections there or be engaged in a particular employment or business classified within the local needs criteria, should be given due consideration within the proper planning and sustainable development objectives for the area subject to the following considerations:

- such applicants may reasonably be required to satisfy the planning authority of their commitment to operate a full-time business from their proposed home in a rural area, as part of their planning application, in order, for example, to discourage commuting to towns or cities;
- that they outline how their business will contribute to and enhance the rural community; and that they satisfy the planning authority that the nature of their employment or business is compatible with those specified in the local needs criteria for rural areas so as to discourage applicants whose business is not location dependent (e.g. telesales or telemarketing).

4.2.6. National Planning Framework 2040

In Section 5.3 National Policy Objective 19 provides for;

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.

5.0 Natural Heritage Designations

None relevant. The site is not within a Natura Site or directly connected with a Natura Site.

6.0 Planning Authority Decision

6.1. The decision of the planning authority was to refuse planning permission and three reasons were stated.

- 6.1.1. The first reason refers to the proposed development is located in a rural area which is under strong development pressure, in an un-zoned and un-serviced area in the Cork Metropolitan Strategic Planning Area, outside the development boundary of nearby settlements and within the designated greenbelt. The reason for refusal refers to Objectives RP 5-12 and RP 5-13 of the Cork County Development Plan 2022-2028 and having regard to the location of the site within the Metropolitan Greenbelt, and to the extent of existing and permitted development in the vicinity, it is considered that the proposed development would exacerbate suburban style development in this unserviced area, would contribute to the incremental erosion of the green belt and militate against the preservation of the rural environment and would materially contravene the stated green belt objectives of the Development Plan.
- 6.1.2. The second reason refers to siting, scale, design and inconsistency with the established building line, would form an unduly prominent and incongruous feature in the landscape and skyline which would seriously detract from this landscape and seriously injure the visual amenities of the area. and would lead to an erosion of the rural and landscape character of this part of the Greenbelt. The proposed development would contravene policy objective GI 14-9 of the Development Plan

which seeks to protect the visual and scenic amenities of the built and natural environment.

- 6.1.3. The third reason refers to site's location within a 'Metropolitan Greenbelt' which is an area under significant pressure for rural housing, as identified in the Cork County Development Plan 2022-2028 and the Planning Authority is not satisfied that the applicant has demonstrated an exceptional housing need to live in this local rural area as required under policy objectives RP 5-3 of the Development Plan and that the applicant does not come within the scope of the housing need criteria as set out in the Plan for a house at this location.

6.2. Planning Authority Reports

6.2.1. Planning Report

The planning report dated the 25th January 2024 refers to the provisions of the current County Development Plan, refers to other reports of the planning authority. The report recommended refusal of permission.

Senior Executive Planner report dated the 25th January 2024 endorses the recommendation of the planning report.

7.0 First Party Appeal

7.1. Grounds of Appeal

- 7.1.1. The appellant's main grounds of appeal can be summarised as follows:
- The appellant is a farmer and working land at the appeal site.
 - Acknowledging the site is within the Cork Metropolitan Greenbelt the application should have been approved as one of the exceptions permitted under Policy RP 5-3 of the Cork County Development Plan 2022-2028.
 - Ownership is provided in relation to the ownership of land by the family including a farm in Blarney and Ballinrea. The lands are owned jointly by the Vickers family and the joint owners have consented to the current application.
 - The farm of 550 acres in Ballinrea is farmed jointly by the appellant and his brother.

- His brother lives in Ballinrea House and this house is not available to the appellant.
- The appellant currently commutes from a rented house in Blarney to work the land and his wife has medical practice in Douglas.
- In selecting the site access to the road network is of importance and that is why the site was chosen and it is away from the farm buildings for reasons of safety.
- The site is screened and below the ridgeline.
- Reference is made to the provisions of the development stated by the planning authority and it is not understood why RP5-15 is included.
- The proposal will permit a reduction in commuting.
- In relation to reason no. 1 of the refusal the proposal would not impact on the Greenbelt and meets exceptional needs as provided for in RP5-12 (b).
- The appellant meets the requirements as set out in policy RP5-3.
- In relation to reason no.2, it is acknowledged that the design is a contemporary design and RP 5-22 (c) fosters an innovative approach to design.
- Great care has been taken to minimise conflict with existing properties and undue prominence using the contours and existing screening.
- In relation to the third reason for refusal and demonstrating an exceptional housing need as required by policy RP5-3 the appellant is a farmer and documentation in support of this is submitted. Farms are often split and consist of parcels of land at different locations.
- Only one dwelling has been permitted on the holding in 2016.
- The appellant's income comes entirely from farming and the size of farm 550 acres and 300 cattle requires two brothers to manage the farm and it would be more environmentally beneficial for both brothers to have them both based permanently on the land where they are needed.

- The intention of the Greenbelt is to prevent urban sprawl and not necessarily to prevent all development.

7.2. Appeal Responses

7.2.1. The Planning Authority in a response dated the 15th March 2024 in summary refers to;

- The planning authority are of the view that the original family home and family farm are in Blarney and policy objective RP 5-3 (a) refers to farmers and their sons wishing to build a first home on the family farm and policy 5.3 (d) to landowners and their sons who wish to build a first home on the landholding associated with their principal family residence. The lands at Ballinrea were acquired by the appellant's parents and they would appear not to have resided in Ballinrea and a dwelling in Ballinrea is resided in by the appellant's brother and family.
- There is no information submitted in relation to the availability of dwellings on the Blarney holding.
- The onus is on the appellant to demonstrate an exceptional rural generated housing need and the appellant has not done so and the information submitted in relation to his farming/occupation is more closely related to the Blarney landholding.
- The farm in Blarney is a 330 acre farm farmed by the appellant's father who is semi-retired and would require a full time farmer and it is unclear who will farm the Blarney farm holding when the appellant's father fully retires.
- There is also the issue of alternative locations on the Ballinrea holding not fully explored and the location of a derelict cottage on the holding not fully identified. The development plan under RP 5-30 provides for replacement/renovation of derelict cottages and any issues of access on account of the new motorway would have been resolved as part of the motorway design process.
- The use of an existing dwelling and use of an existing access point is not addressed or a less visual alternative site within existing development which would not encroach into the greenbelt.

- The design is considered unduly prominent and would lead to the erosion of the rural and landscape character of the greenbelt.

8.0 EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

9.0 AA Screening

Having regard to the modest nature and scale of development, its location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.0 Assessment

10.1. The main issues in this appeal are those raised in the planning authority's decision to refuse permission and subsequently in the grounds of appeal. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- Principle of the development.
- Grounds of appeal/Rural settlement policy (First and third reasons for refusal)
- Design and visual impact (Second reason for refusal).
- Services.

10.2. Principle of the development.

- 10.2.1. The proposal as submitted is for the construction of a detached dwelling, new vehicular entrance, new potable well, new bio filtration treatment unit and all associated site works.
- 10.2.2. The site is located within an area zoned as the Metropolitan Greenbelt as identified in figure 5.1 Rural Housing Policy Area Types. Section 5.4.3 which identifies the Metropolitan Greenbelt and indicates this rural area is under strong urban influence forms part of the Metropolitan Area and is within close commuting distance of Cork City. There is evidence of considerable pressure from the development of housing in the open countryside in the general area and also pressures on infrastructure such as the local road network and at the time of inspection there was a high level of traffic on the local road network serving the appeal site. The County Development Plan has recognised this level of pressure and has a number of policy objectives to address this pressure and as a consequence sets out criteria in relation to assessing development in the greenbelt in effect requiring that residential development permitted should constitute an exceptional rural generated housing need based on their social and / or economic links to a particular local rural area in the greenbelt
- 10.2.3. In the context of proximity to Cork City the rural settlement strategy is therefore I consider reasonable and also complies with national guidance which indicated a planned approach be adopted in relation to rural area and preparing a policy framework to reflect different rural areas. I would note that the appellant also accepts that such a strategic approach to the assessment of rural housing development but contends that in this particular case the appellant complies with the provisions of the county development plan and a permission within the greenbelt is warranted.
- 10.2.4. I would note that the applicant states he is currently renting a dwelling in the Blarney area, would not appear to own a residential property and this is proposal is a first time dwelling and therefore satisfies an initial consideration for a dwelling. I would however also note that the planning report makes reference to the appellant applying for permission under 08/9983, 08/9528, 09/4828 and 09/4005 for extensions a dwelling and in 09/4005, the application form noted that the house/site was a free gift to the current appellant from his father with an address in Blarney.

10.3. Grounds of appeal/Rural settlement policy

10.3.1. The grounds of appeal to the stated reasons for refusal and the first reason and third reason of the decision to refers to the proposed development as located in a rural area outside the development boundary of nearby settlements and within the designated greenbelt.

10.4. The first reason refers specifically to Objectives RP 5-12 and RP 5-13 of the Cork County Development Plan 2022-2028 would contribute to the incremental erosion of the green belt and militate against the preservation of the rural environment and would materially contravene the stated green belt objectives of the Development Plan.

10.4.1. In the grounds of appeal specific to the first reason for refusal the appellant contends that the proposal would not impact on the Greenbelt and meets exceptional needs as provided for in RP5-12 (b) as he is a farmer and as the appellant meets the requirements of RP5-3 which is more specifically referred to in reason no.3 of the decision to refuse permission.

10.4.2. The planning authority in the response to this matter of extending into the greenbelt consider that the issue of alternative locations on the Ballinrea holding has not been fully explored and the location of a derelict cottage on the holding is not fully identified; that the development plan under RP 5-30 provides for replacement/renovation of derelict cottages and any issues of access on account of the new motorway would have been resolved as part of the motorway design process and also that the use of an existing dwelling, the use of an existing access point or a less visual alternative site within existing development which would not encroach into the greenbelt is not addressed.

10.4.3. The planning authority view would appear to consider that if a dwelling is to be considered within the greenbelt any existing dwelling derelict or otherwise or developing within the existing area developed would be more sympathetic and avoid further incursion of development into the greenbelt.

10.4.4. In relation to the overall Ballinrea holding it would appear to have frontage onto a minimum of three roads, one a National Primary Route and two local roads. Avoidance of development potentially onto a major road is preferable from a traffic safety point of view and accessing onto the local road. Documentation submitted with the application refers to eight parcels of land marked as A to H which clearly

indicates the high concentration of development in the area and parcels which front onto the local road network. The mapping of this area would appear to indicate that a dwelling could be accommodated on the holding in the vicinity of Ballinrea House where the appellant's brother resides and which is well screened and a safe distance from farmyard activities.

- 10.4.5. In this context I consider that there are alternative locations on the landholding which would locate any new development on a site/land, which would consolidate an existing cluster of development, rather than developing an open virgin site and extending the pattern of ribbon development and in this context the stated reason for refusal is reasonable and the appellant has not presented a compelling case to demonstrate further encroaching into the greenbelt.

10.5. Third reason for refusal.

- 10.5.1. Notwithstanding the issue of site selection on the Ballinrea farm holding the third reason for refusal refers to site's location within a 'Metropolitan Greenbelt' which is an area under significant pressure for rural housing, as identified in the Cork County Development Plan 2022-2028 and the Planning Authority is not satisfied that the applicant has demonstrated an exceptional housing need to live in this local rural area as required under policy objectives RP 5-3 of the Development Plan and that the applicant does not come within the scope of the housing need criteria as set out in the Plan for a house at this location.
- 10.5.2. The appellant in the grounds of appeal in relation to this stated reason for refusal and demonstrating an exceptional housing need as required by policy RP5-3 contends that the appellant is a farmer and documentation in support of this is submitted. Farms are often split and consist of parcels of land at different locations. The appellant's income comes entirely from farming and the size of farm 550 acres and 300 cattle requires two brothers to manage the farm and it would be more environmentally beneficial for both brothers to have them both based permanently on the land where they are needed. It is also indicated that the intention of the Greenbelt is to prevent urban sprawl and not necessarily to prevent all development.
- 10.5.3. Documentation submitted was provided in the application and grounds of appeal in relation to the ownership of land by the family including a farm in Blarney and Ballinrea. The lands are owned jointly by members of the Vickers family and the joint

owners have consented to the current application. The farm of 550 acres in Ballinrea is farmed jointly by the appellant and his brother but other members of the family have an interest in this holding. The lands in Blarney it would appear are in the ownership of the appellant's parents and consist of a holding of 330 acres. It would appear that the appellant was involved in the Blarney family holding until the family also acquired bought the Ballinrea landholding in 2013; that he farmed the family farm in Blarney between 2016 and 2020 and in 2021 he started farming in Ballinrea. The appellant currently resides in Blarney. It is not clear who currently farms the Blarney farm holding other than the appellant's parents are semi-retired.

- 10.5.4. The planning authority contend and are not satisfied that the appellant has demonstrated an exceptional housing need to live in this local rural area as required under policy objectives RP 5-3 of the Development Plan. In the response to the grounds of appeal the planning authority are of the view that the original family home and family farm are in Blarney and policy objective RP 5-3 (a) refers to farmers and their sons wishing to build a first home on the family farm and policy 5.3 (d) to landowners and their sons who wish to build a first home on the landholding associated with their principal family residence. The lands at Ballinrea were acquired by the appellant's parents and they would appear not to have resided in Ballinrea and a dwelling in Ballinrea is resided in by the appellant's brother and family. There is no information submitted in relation to the availability of dwellings on the Blarney holding and the onus is on the appellant to demonstrate an exceptional rural generated housing need and the appellant has not done so and the information submitted in relation to his farming/occupation is more closely related to the Blarney landholding and also that the farm in Blarney is a 330 acre farm farmed by the appellant's father who is semi-retired and would require a full time farmer and it is unclear who will farm the Blarney farm holding when the appellant's father fully retires.
- 10.5.5. The issue of the appellant's involvement in full time farming is not at issue and the provisions of the development plan do provide for consideration of a dwelling for a person engaged in farming. National guidance also provides for consideration of a dwelling in the rural area as it is considered to be rural generated rural housing.
- 10.5.6. The current county development plan does however consider that given the importance of maintaining the metropolitan greenbelt development permitted

requires to be considered as an exceptional need with the onus on the applicant to demonstrate this need and the planning authority based on documentation provided do not consider that an exceptional need is demonstrated in particular on the Ballinrea holding.

- 10.5.7. In relation to Objective RP 5-3, in (a) there is a requirement that it is a first home and the planning report does appear to infer that the applicant has an interest in a dwelling on the Blarney holding which has not been fully addressed by the appellant.

It is not disputed that the appellant complies with (b) as a person taking over the ownership and running of a farm on a full-time basis but it does stipulate a person who wishes to build a first home on the farm for their permanent occupation, where no existing dwelling is available for their own use and based on the information and documentation submitted the appellant has not submitted sufficient clarity in relation to first time occupation and that there is not an existing dwelling available.

In relation to (c) the evidence presented would infer that the appellant is not resident in the Ballinrea area for 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.

In relation to (d) the requirement again refers to landowners 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 and the issue of first residence and seven years are not fully clarified in relation to the Ballinrea holding and it would appear that the applicant was engaged with the Blarney holding.

- 10.5.8. Based on the criteria as set out in objective RP 5-3 the appellant has not, I considered submitted sufficient documentation to demonstrate an exceptional need given requirements to safeguard encroachment into the greenbelt.

10.6. Design and visual impact / second reason for refusal

- 10.6.1. The second reason refers to siting, scale, design and inconsistency with the established building line, would form an unduly prominent and incongruous feature in the landscape and skyline which would seriously detract from this landscape and seriously injure the visual amenities of the area. and would lead to an erosion of the rural and landscape character of this part of the Greenbelt. The proposed development would contravene policy objective GI 14-9 of the Development Plan

which seeks to protect the visual and scenic amenities of the built and natural environment.

- 10.6.2. The proposal as presented is for a dwelling which is of a modern design and construction located centrally on the site with a stated floor area of 378 m². There is a double garage within the footprint of the dwelling. The dwelling is predominantly two storied with sections of low angled monopitch roof and flat roof and there is also a single storied section which also has sections of low angled monopitch roof a flat roof. External finishes include natural stone, render, timber and large areas of glazing of varying proportions with sections of vertical and horizontal emphasis.
- 10.6.3. In the grounds of appeal, it is acknowledged that the design is a contemporary design and that objective RP 5-22 (c) fosters an innovative approach to design and that great care has been taken to minimise conflict with existing properties and undue prominence using the contours and existing screening. It is also noted that as part of the documentation submitted a design statement was submitted.
- 10.6.4. In considering the design and siting of the proposed development it is located in a relatively flat open landscape which is largely devoid of major screening. It is however in an area where wider views are somewhat limited and any visual impact would largely be confined to the immediate area. The area is not within a specific amenity designation are impacting on any view and prospect. It does, however, have a visual importance given it is in a greenbelt. The proposal does not take into consideration any relationship with the adjoining pattern of development in relation to scale and setback from the road.
- 10.6.5. I would note that RP 5-22: Design and Landscaping of New Dwelling Houses and Replacement Dwellings in Rural Areas c referred to in the grounds of appeal does 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 but the objective does refer to appropriate locations. I would also note that RP 5.22a encourages 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.

- 10.6.6. The current proposal does not I consider respect the character, pattern and tradition of existing places, materials and built forms in its immediate surrounding area and is inappropriate to its surroundings and the location and does not integrate with the landscape and rather than integrating with the receiving landscape is imposing onto the landscape which is a greenbelt.
- 10.6.7. It provides for a complexity of design, a multiplicity of materials and finishes which includes timber, render, zinc, stone and the application of windows with significant horizontal emphasis and the overall mass and scale. It is considered therefore that the design as proposed is inappropriate to the area and receiving landscape and contrary to policy objective GI 14-9 of the County Development Plan 2022-2029 which seeks to protect the visual and scenic amenities of County Cork's built and natural environment and in particular given its location in the Metropolitan greenbelt.

10.7. Services.

- 10.7.1. In relation to water services, I note that it proposed that the means of water supply is a new potable well and foul effluent is to treated by an on-site waste water treatment plant for a PE equivalent of 6 and percolation area with polishing filter. Documentation in relation to site suitability, testing and site characterisation are submitted. The means of disposal of surface water is to soakpits within the site. I would have no objection in relation to the details as submitted.
- 10.7.2. In relation to access and traffic related matters the site is located on a local road which at the time of inspection was heavily trafficked and this may be due to heavy traffic on the nearby National Primary Route which experiences queueing and congestion which will be alleviated when the new motorway is operational. There is also a solid white line along the site frontage.
- 10.7.3. I note that the proposed site plan indicates a 90 metres sightline in both directions from the proposed access point and the appellant has control of the roadside frontage to achieve this visibility. I would have some concern in relation to the level of sightline visibility proposed given the scale of traffic and operational speed on the road and that a greater sightline visibility is desirable in the interest of traffic safety, the free flow of traffic on the road and the means to safely access and depart from the site in particular when it involves manoeuvrers of vehicles crossing the road.

11.0 Recommendation

11.1. I recommend that permission be refused.

12.0 Reasons and Considerations

- 1 The proposed development is located in a rural area which is under strong development pressure, in an un-zoned and un-serviced area in the Cork Metropolitan Strategic Planning Area, outside the development boundary of nearby settlements and within the designated greenbelt of Metropolitan Cork. Objective RP 5-12 of the Cork County Development Plan 2022-2028 which sets out the purpose of the Metropolitan Cork Greenbelt, including the prevention of urban sprawl and objective RP 5-13 seeks to preserve the character of the Metropolitan Greenbelt. These objectives are considered to be reasonable. Having regard to the location of the site within the Metropolitan Greenbelt, and to the extent of existing and permitted development in the vicinity, the absence of clarity in relation whether there is a suitable site which could avoid further intrusion into the greenbelt it is considered that the proposed development would exacerbate suburban style development in this unserviced area, would contribute to the incremental erosion of the green belt and militate against the preservation of the rural environment and would materially contravene the stated green belt objectives of the Development Plan. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
- 2 The subject site is located within a 'Metropolitan Greenbelt' which is an area under significant pressure for rural housing, as identified in the Cork County Development Plan 2022-2028. Having regard to the documentation submitted with the planning application and appeal, the Board is not satisfied that the applicant has demonstrated an exceptional housing need to live in this local rural area as required under policy objectives RP 5-3 of the Development Plan. It is considered, therefore, that the applicant has not satisfactorily demonstrated to come within or the scope of the housing need criteria as set out in the Plan for a house at this location. The proposed development would

therefore be contrary to the stated policy objective of the Development Plan which is considered to be reasonable and would be contrary to the proper planning and sustainable development of the area

- 3 It is considered that the proposed development by reason of the siting, scale, design and inconsistency with the established building line would form an unduly prominent and inappropriate feature in the landscape which would seriously detract from this landscape and seriously injure the visual amenities of the area. The proposed dwelling would lead to an erosion of the rural and landscape character of this part of the Greenbelt. The proposed development would contravene policy objective GI 14-9 of the Development Plan which seeks to protect the visual and scenic amenities of the built and natural environment and would therefore be contrary to the proper planning and sustainable development of the area.
- 4 The proposed development fronts onto a heavily trafficked local road which is deficient in relation to alignment and where a solid white line is located along the site frontage. It is considered therefore that the proposed development result in the intensification of use of an access onto the local road would endanger public safety by reason of traffic hazard and the additional and conflicting traffic movements generated by the development would interfere with the safety and free flow of traffic on the public road.

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.

Derek Daly

Planning Inspector

27th May 2024