



An
Bord
Pleanála

Inspector's Report

ABP-319321-24

Development	Retention of mobile home for a period of 5 years and all associated site works
Location	Scobaun, Castletownshend, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	23/736
Applicant(s)	Michael Twomey
Type of Application	Retention Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Michael Twomey
Observer(s)	None
Date of Site Inspection	29 th May 2024
Inspector	Gary Farrelly

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.51 hectares and is located within the townland of Scobaun, which is located approximately 8km southeast of Skibbereen and 3km southwest of Castletownshend. The site currently accommodates a mobile home which is surrounded by 3-metre-high mounding to the north and west of the structure. Access is taken from the single carriageway public road L4218-87. This is a scenic route under the Cork County Development Plan 2022-2028 (Ref. S85). The site is surrounded by agricultural lands to the east, south and west and is approximately 150 metres from the coastline to the south.

2.0 Proposed Development

- 2.1. Permission is sought to retain a mobile home for a period of 5 years. The mobile home has an internal floor area of 28sqm and is built to a height of 2.5 metres. The internal layout comprises of a kitchen-living area, 1 no. bedroom and bathroom.
- 2.2. A site suitability report has been submitted which recorded a subsurface percolation value of 13.75 min/25mm. It is proposed to upgrade the existing system to a packaged wastewater treatment system, pump and in-situ polishing filter. Surface water is treated via a soak pit and water is sourced via a private well.

3.0 Planning Authority Decision

3.1. Decision

Cork County Council, the planning authority (PA), decided to refuse to grant permission for the development by Order dated 19th February 2024 for the following reasons:

Reasons for Refusal

1. *The development including the temporary permission for an unauthorised residential structure is located within a rural housing policy area, defined as a 'Tourism and Rural Diversification Area' as set out in Planning Policy Objective RP 5-5 of the Cork County Development Plan, 2022. Under this policy objective, applicants must demonstrate that their proposal complies with the categories*

of housing need in accordance with the particulars of the policy objective. As the applicant has failed to demonstrate a rural generated housing need in compliance with Policy Objective RP 5-5, the proposal would materially contravene the stated objective of the Cork County Development Plan 2022, and accordingly, would be contrary to the proper planning and sustainable development of the area.

- 2. Having regard to the nature and form of the development sought for retention at this highly sensitive and scenic coastal location, within the 'High Value Landscape' area and adjoining a scenic route S85 as designated in the Cork County Development Plan 2022, it is considered that the development to be retained would be visually incongruous in this sensitive scenic area, would seriously injure the visual and scenic amenities of the area, would interfere with the character of the landscape and would detract from views and prospects from the adjoining scenic route. The development to be retained would, therefore, contravene materially with Objectives RCI 5-22, HE 16-21, GI 14-9, GI 14-13, GI 14-14 of the Cork County Development Plan 2022 and would be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

Planning Reports

The area planner's report assessed the development in terms of rural housing need and visual amenity. The planner considered that the design and location on a scenic route was unsatisfactory. Two reasons for refusal were recommended which were endorsed by the Senior Executive Planner. It was stated that the concerns raised in application ref. 23/249 remain and no information was submitted which suggested that the applicant came within the scope of the 7 criteria for rural housing need under objective RP 5-5.

Other Technical Reports

- Area Engineer (report dated 06/02/24) – They recommended a deferral of the application due to concerns that sightlines were not achievable. They also had concerns regarding the domestic water connection and with regards to the

existing wastewater treatment conditions onsite. However, they were satisfied with the site suitability report submitted and deemed it acceptable.

- Liaison Officer (Report dated 19/02/24) – No comment.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Relevant Planning History

PA ref. 23/249 (subject site)

Shannon Twomey was refused retention permission of a mobile home for a period of 5 years. The two reasons for refusal were in relation to the applicant's failure to demonstrate a rural housing need and to the adverse impact on the visual and scenic amenities of the area and interference with the character of the landscape.

5.0 Policy Context

5.1. Cork County Development Plan 2022-2028

Objective RP 5-2: Rural Generated Housing

Sustain and renew established rural communities, by facilitating those with a rural generated housing need to live within their rural community.

Objective RP 5-5: Tourism and Rural Diversification Area

This rural area has experienced high housing construction rates and above average housing vacancy rates which has led to concerns that a higher demand for holiday and second homes is depriving genuine rural communities the opportunity to meet their own rural generated housing needs. Therefore, in order to make provision for the genuine rural generated housing needs of persons from the local community based on their social and / or economic links to a particular local rural area and to recognise

the significant opportunities for tourism and rural diversification that exist in this rural area, it is an objective that applicants must demonstrate that their proposal complies with one of the following categories of housing need:

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

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

(c) Other persons working full time in farming (or part – time basis where it can be demonstrated that it is the predominant occupation), forestry, inland waterway, marine related occupations or rural based sustainable tourism, for a period of over three years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.

(d) Persons who have spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation.

(e) Persons whose predominant occupation is farming / natural resource related, for a period of over three years, in the local rural area where they work and in which they propose to build a first home for their permanent occupation.

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

(g) Returning emigrants who spent a substantial period of their lives (i.e. over seven years), living in the local rural area in which they propose to build a first home for their permanent occupation, who now wish to return to reside near other immediate family members (mother, father, brother, sister, son, daughter or guardian), to care for elderly immediate family members, to work locally, or to retire. It is not necessary for the

applicant to show that they have already returned to Cork, provided they can show that they genuinely intend taking up permanent residence.

RP 5-22: Design and Landscaping of New Dwelling Houses and Replacement Dwellings in Rural Areas

a) Encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.

HE 16-21: Design and Landscaping of New Buildings

a) Encourage new buildings that respect the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.

GI 14-9: Landscape

a) Protect the visual and scenic amenities of County Cork's built and natural environment.

c) Ensure that new development meets high standards of siting and design.

GI 14-13: Scenic Routes

Protect the character of those views and prospects obtainable from scenic routes and in particular stretches of scenic routes that have very special views and prospects identified in this Plan.

5.2. **National Policy**

- Climate Action Plan 2024
- Project Ireland 2040 – National Planning Framework (2018) and National Development Plan 2021-2030

National Policy Objective (NPO) 19

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or

social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;

5.3. Regional Policy

- Regional Spatial and Economic Strategy for the Southern Region

5.4. National Guidance

- Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

5.5. Natural Heritage Designations

The subject site is not located within any designated site. The nearest designated site is Sheep's Head to Toe Head Special Protection Area (SPA) (Site Code 004156), which is located approximately 900 metres southwest of the subject site.

5.6. Environmental Impact Assessment (EIA) Screening

Having regard to the nature, size and location of the development, comprising the retention of a mobile home and wastewater treatment system, there is no real likelihood of significant effects on the environment arising from the development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Refer to Appendix 1 regarding this preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was lodged to the Board on 19th March 2024 by Patrick Naughton and is summarised as follows:

- The unit was placed onsite during the covid lockdown and the use was for the daughter of the applicant during her third level studies. She now lives in the family home.

- The applicant has moved out of the family home and lives in the unit which is located on a plot that formed part of the family farm.
- The applicant was born and lived with his parents on the family farm and went to school locally. A supplementary application form was included in the application.
- The applicant works locally as a tiler and requires somewhere to live for the time being as the cost of renting in the locality is expensive.
- The retention application is for a period of 5 years and is not a permanent structure and can be removed after 5 years.

6.2. Planning Authority Response

The PA did not issue a response to the grounds of appeal.

6.3. Observations

None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the planning authority and having inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Rural Housing Need
- Visual Impact

Rural Housing Need

7.2. The applicant submitted a SF1 Supplementary Planning Application Form and unsolicited further information as part of the application, which is summarised as follows:

- The applicant owns the subject site and has owned the site since 2012.
- The applicant has lived in Scobaun, Castlehaven and Skibbereen.
- The applicant works as a self-employed tiler with no fixed place of work.
- The applicant attended Castlehaven primary school from 1976 to 1984 and Rossa College from 1984 to 1987.
- The applicant is not engaged in agriculture.
- The applicant owned a property at 3 Innishmore Park, Ballincollig and has never received planning permission for a residential property. It is stated that this home has been given to her daughter as her permanent residence. However, I note that no details of this property or legal documentation showing transfer of ownership have been provided.

7.3. I note that the PA assessed the rural housing needs of the applicant and considered that he did not come within the scope of any of the seven criteria associated with objective RP 5-5.

7.4. The applicant has stated that he is not engaged in farming and works as a self-employed tiler, and therefore, it is my view that the applicant does not comply with criteria (a), (b), (c) or (e) of objective RP 5-5. The applicant has provided no information

on the duration or location of where he has previously lived in the rural area and therefore based on the submitted information, it is my view that it has not been satisfactorily demonstrated that the applicant complies with criterion (d). I consider that the applicant's employment is not essential to the delivery of social and community services and intrinsically linked to this particular rural area and therefore does not comply with criterion (f). The applicant is not a returning emigrant and therefore it is my view that the applicant does not comply with criterion (g).

- 7.5. Having regard to the above, it is my view that, based on the information available, the applicant does not comply with objective RP 5-5 of the Cork County Development Plan 2022-2028 (CDP), and therefore does not have a rural generated housing need to live in this rural area, as required by objective RP 5-2 of the CDP.

Visual Impact

- 7.6. The PA's second reason for refusal was in relation to the impact of the development on the visual and scenic amenities of the area including from the scenic route, S85. I note that the S85 views being protected, as stated under Table 2.5.1 of Volume 2 of the CDP, include views of Sandy Cove and the surrounding mountainous landscape. I acknowledge that the applicant's grounds of appeal do not appear to address this refusal reason, only stating that the structure is not permanent and can be removed after 5 years.
- 7.7. The site is located within a high value landscape which is designated as a high sensitivity landscape of national importance. I note that the subject site, prior to the development, would have represented an unspoiled field in which there were uninterrupted views of Sandycove and the ocean from the public road.
- 7.8. Having visited the site, I did not observe the actual structure visible from the scenic route S85 at Sandycove House B&B approximately 750 metres east of the site. I noted that the actual structure was generally not visible from the scenic route S85 directly to the north/northwest of the site, primarily due to the 3-metre-high mounding that has been constructed around the northern and western sides of the 2.5-metre-high structure. However, I have serious concerns regarding these works to facilitate the mobile home installation as they have clearly interrupted views from the scenic route at the north/northwest of the site towards Sandy Cove and the coastal landscape. As a result, it is my view that the development has negatively impacted the character of

the view and prospect obtainable from this scenic route and has detracted from the high value landscape.

- 7.9. The Board should note that I also have serious concerns regarding the temporary nature of the accommodation which I consider represents a substandard, inappropriate form of housing and which would set an unwelcome precedent for other such development on individual sites.
- 7.10. Overall, I consider the design and siting to be not in compliance with objectives RP 5-22(a), HE 16-21(a), GI 14-9(a) & (c) and GI 14-13 of the CDP.

Other Issues

- 7.11. The Board should note that the PA's area engineer had concerns regarding the restricted sightlines at the entrance which was not included as a reason for refusal. I note that the submitted plans do not indicate the achievable sightlines. Therefore, the Board may wish to seek the views of the parties, however, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

8.0 Appropriate Assessment (AA) Screening

- 8.1. I have considered the project in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The proposal to be retained treats wastewater via a private wastewater system and pump which is proposed to be upgraded to a packaged wastewater treatment system, pump and the in-situ polishing filter. The subsurface percolation value is 13.75 min/25mm. Surface water is treated via an onsite soak pit.
- 8.2. The subject site is located approximately 900 metres northeast of the Sheep's Head to Toe Head Special Protection Area (SPA) (Site Code 004156) in which the qualifying interests are the Peregrine (*Falco peregrinus*) [A103] and Chough (*Pyrrhocorax pyrrhocorax*) [A346].
- 8.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Having visited the site and having reviewed the Environmental Protection Agency's AA Mapping Tool, I note that there are no direct hydrological connections between the subject site and the designated site.
- To the level of dilution available within Sandycove and the ocean.
- Having regard to the distance from the European Site with regards to other potential ecological pathways and intervening lands.
- No ex-situ effects were considered likely having regard to the separation from the European Site, the characteristics of the site which would have comprised of an agricultural field, and to the presence of a number of agricultural fields between the site and European Sites.
- Having regard to the screening determination by the planner of the PA.

8.4. I conclude that on the basis of objective information, that the development to be retained would not have likely had a 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.

9.0 Recommendation

I recommend that permission is **Refused** for the following reasons and considerations.

10.0 Reasons and Considerations

1. Having regard to the siting of the development for which retention permission is sought within a high value landscape area and next to the scenic route S85, both designated under the Cork County Development Plan 2022-2028, and to the design of the temporary structure, it is considered that the development is a substandard form of development that would seriously injure the scenic and visual amenities of the area, including on the views and prospects towards Sandycove and the surrounding landscape, and would represent piecemeal and disorderly development at this location that would erode the rural character of the area. Accordingly, it is considered that the development for which retention permission is sought would be contrary to objectives RP 5-22(a)

(design and landscaping of new dwellings), HE 16-21(a) (design and landscaping of new buildings), GI 14-9(a)(c) (landscape) and GI 14-13 (scenic routes) of the Plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the site in a 'Tourism and Rural Diversification Area', as designated under the Cork County Development Plan 2022-2028, an area which is under considerable pressure for rural housing, as set out in Objective RP 5-5 of said Plan, the Board is not satisfied, on the basis of the submissions made in connection with the application and appeal, that the applicant's proposal constitutes a genuine rural generated housing need as required by objectives RP 5-2 and RP 5-5 of the Plan. Furthermore, the Board considers that the development for which retention permission is sought would result in a haphazard and unsustainable form of development in an unserved area, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would undermine the settlement strategy, as set out in the Development Plan, 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.

Gary Farrelly
Planning Inspector

24th July 2024

Appendix 1

(a) Form 1: EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319321-24			
Proposed Development Summary	Retention of mobile home for a period of 5 years and all associated site works			
Development Address	Scobaun, Castletownshend, County 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	X	
		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			EIA Mandatory EIAR required	
No	X		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				No EIAR or Preliminary Examination required
Yes	X	Class 10(b)(i) Construction of more than 500 dwelling units Class 15 Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in	Although the description of the development is to retain a mobile home for a period	Proceed to Q.4

		respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.	of 5 years, the development is for a single dwelling unit.	
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

(b) Form 2 - EIA Preliminary Examination

The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	The development is the retention of a mobile home within a rural area for a period of 5 years. There would have been localised construction impacts, such as topsoil removal and mounding etc. A private wastewater treatment unit is existing which will be upgraded; subsurface percolation value calculated at 13.75min/25mm in accordance with EPA Code of Practice.	No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations	The development site measures 0.51 hectares. The size of the development is not exceptional in the context of the existing environment. There is no real likelihood of significant cumulative effects with existing and permitted projects in the area.	No

having regard to other existing and/or permitted projects?		
Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	<p>The subject site is not located within any designated site with the nearest being Sheep's Head to Toe Head Special Protection Area (SPA) (Site Code 004156), which is located approximately 900 metres southwest of the subject site. My appropriate assessment screening above concludes that the proposed development would not likely result in a significant effect on any European Site.</p> <p>The subject site is located outside Flood Zones A and B for coastal or fluvial flooding.</p>	No
Conclusion		
There is no real likelihood of significant effects on the environment. EIA not required.	There is significant and realistic doubt regarding the likelihood of significant effects on the environment. Schedule 7A Information required to enable a Screening Determination to be carried out.	There is a real likelihood of significant effects on the environment. EIAR required.

Inspector: _____

Date: 24th July 2024

Gary Farrelly