



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320568-24

<b>Development</b>	Construction of a dwelling house and all ancillary site works.
<b>Location</b>	Captains Cross, Ashgrove, Clonakilty, Co. Cork.
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	244989
<b>Applicant(s)</b>	Tim and Geraldine Coffey
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Tim and Geraldine Coffey
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	14 <sup>th</sup> February 2024
<b>Inspector</b>	Suzanne Kehely

## **1.0 Site Location and Description**

- 1.1. This is a greenfield site of 0.45 hectares located on the eastern periphery of Clonakilty urban area. It is a corner site at the junction of two local roads: firstly, the L-4017- to the north which provides a direct route into the town to the west and to Timoleague to the east via the R600 and secondly, the L-8091- to the west which is more rural in character. A housing development, Inis Cuain, is located on the opposite site of the road to the north west (nearer the town) and from which there is a footpath in the direction of the town – although not presently fully integrated into the town. To the east of the site there is a row of three one-off houses. The site is just outside the 50kph speed limit area – the sign is at the eastern end of the entrance to Inis Cuain. There are speed ramps along the L-4017 inside the 50kph zone. There is mature vegetation along the southern side of the L -4017 which potentially restricts visibility. The site boundary is defined by a light post and rail fence and trees. The site is under grass and falls gently to the south. It appear to be used for horses/horse riding activities.

## **2.0 Proposed Development**

- 2.1. It is proposed to construct a 301 sq.m.single storey dwelling with integrated garage and set back in the order of 18-20m from the road frontage. Boundary treatment comprises post and rail fence with retention of trees and ditch with new cluster planting to the south. A dry-stone walled entrance is proposed at the northern end of the site frontage where sight distances of 80m are shown in both directions. Connection to public water and supply and wastewater services is proposed.
- 2.2. The house is stated to be a first home for the applicant and a Supplementary Application Form sets out a housing need.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. By Order dated 19th July 2024 the planning authority decided to refuse permission for the stated reason:

The proposed development due to its location close to but outside the mapped development boundary for Clonakilty town and adjoining a public road leading out of the town would contravene materially objective RP5 19 as set down in the Cork County Development Plan 2022 which seeks [to] retain the identity of towns to ensure a distinction in character between built up areas and the open countryside and to prevent linear roadside frontage on roads leading out of towns and villages. The proposed development would undermine these objectives, would create an undesirable precedent for similar future development in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

- Area Planner (18/7/24): Noting the town green belt location of the site, the report comprehensively cites the development plan objectives in respect protecting this area where there is strong urban pressure and a need to maintain the urban and rural distinction. Having regard to housing need, site suitability, siting and design of dwelling, AA issues and engineering issues the overriding consideration is given to objective RP 5-19 and aspects of RP 5-20 in protecting the rural character as defined by its current rural type of use and the character and role of the greenbelt in maintaining a rural and urban distinction. Regard is also had to the precedent permission would set. The previous refusal to landowner is also noted.

Other policies are also cited in respect of rural planning and greenbelt protection and landscape noting the site location in a High Value Landscape.

- Senior Planner (19/7/24): Concurs with the recommendation of the Area Planner. Some background is given to planning history for a dwelling which was a change of use from stables. Concern is further expressed about precedence at this location and on an approach route to the town. The previous grounds for refusal for a dwelling on the site still stand.

#### **3.2.2. Other Technical Reports**

Area engineer:

- Noting potential obstruction to sightlines from hedges, an alternative entrance should be considered along the more minor road the L-8091 to the west. Further information is advised in this regard and deferral of decision is accordingly recommended. Otherwise, no objections raised subject to conditions in respect of water and wastewater connections proposed. Other conditions recommended relating to drainage and entrance gradient.

### **3.3. Prescribed Bodies**

No reports submitted to PA. Uisce Eireann correspondence relating to connection feasibility is attached to application documentation and also appended to appeal.

## **4.0 Planning History**

PA ref 04/3009 refers to a refusal of permission to the vendor of the subject site for a dwelling on the site for one reason:

The proposed development due to its location close to but outside of the Clonakilty town boundaries and adjoining a public road leading to the town would be directly contrary to policy objectives SPL a, b and c of the current County Development Plan which seeks to prevent development sprawl and linear roadside frontage development in this area while retaining the identity of the town the distinction between the town and the countryside. The proposed development would undermine these objectives that would be contrary to the proper planning and sustainable development stop

## **5.0 Policy and Legislative Context**

### **5.1. Cork County Development Plan 2022-2028**

- 5.1.1. GB 1-1 The site is in an area designate Rural Area under Strong Urban Influence and Town Greenbelts.
- 5.1.2. Objective RP 5-19 seeks to retain identity of rural area to prevent sprawl and to ensure a distinction in the character between built up areas and the open

countryside by maintaining a Greenbelt around all individual towns, reserve generally for use agriculture, open space, or recreational uses this lands that lie in the immediate surroundings of the town and prevent linear roadside frontage development on the roads leading out of the towns and villages.

5.1.3. RP 5-14 sustainability of Exceptions to Greenbelt Policies recognises that by reason of the number of people currently living with Greenbelt area, the granting of regular exceptions to overall policy is likely to give rise over the year to incremental erosion of much of the Greenbelt.

5.1.4. RP5-20 Greenbelts around Main Towns GB1-1 Discourage strongly new individual housing from being located within the greenbelt around the main Towns. This restriction is relaxed in principle for individual who can demonstrate a genuine rural generated housing need based on their social and/or economic links to a particular rural area in accordance with RP 5-4 or in circumstances referred to in objectives 5-15 and RP 5-17.

5.1.5. RP 5-4 the rural areas of the greater cork area outside of metropolitan cork and the town Greenbelt areas are under significant urban pressure for rural housing. Therefore, applicants must satisfy the planning authority that their proposal constitutes a genuine rural generated housing need based their social and or economic links to a particular local rural area and in this regard must demonstrate that they comply with one of the following categories of housing need:

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

(b) Persons taking over the ownership and running of a farm on a full-time basis or part time basis where it can be demonstrated that it is the predominant occupation who wish to build a first home on the farm for their permanent occupation or 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 is the predominant occupation), forestry, inland waterway or marine related occupations for a period of over seven years in the local rural area where they work until which they propose to build a first home for their permanent occupation.

(d) Persons who have spent substantial period of their lives (i.e. over 7 years) living in the local rural area in which they proposed to build a first home for the permanent occupation.

(e) Returning immigrants who spent a substantial period of their lives (i.e. over 7 years) living in the local rural area in which they proposed to build a first home for their permanent occupation who now wished to return to reside near is there 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.

5.1.6. Part of the site is in a High Value Landscape. Objective GI- 14 seeks to protect the landscape through sensitive siting and design and landscaping. Objectives GI 14 -9 GI14 -10 and GI 14 -11 also apply to landscape protection.

5.1.7. **Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024**

5.1.8. These guidelines aim to deliver compact growth as a means of delivering sustainable housing provision for all. This strategy is mandated in the National Planning Framework. Section 1.3.2 states in respect of Compact Growth:

The NPF priorities for compact growth include an emphasis on the renewal of existing settlements, rather than continued sprawl. This priority recognises the impacts that our dispersed settlement pattern (including the dispersal of residential, commercial and employment uses within settlements) is having on people, the economy and the environment. In particular, there is a recognition that dispersed settlement patterns are contributing to the social, economic and physical decline of the central parts of many of our cities and towns, as population and activities move out. There is a recognition that dispersed settlement patterns create a demand for travel and embed a reliance on carbon intensive private car travel and long commutes that affect quality of life for many citizens. Dispersed growth is also accelerating environmental degradation through loss of farmland and habitat and impacts on water quality. It creates a higher demand for new infrastructure and services in new communities that places a heavy financial burden on the State and results in a constant cycle of infrastructure catch-up.

## **5.2. National Planning Framework 2040.**

5.2.1. This highlights the issues relating countryside development and 'leapfrogging', with continuous suburbs and linear patterns of strip or ribbon development. This type of development has made it costly and often unfeasible for the State to align and invest in infrastructure delivery where it cannot be justified. It has also hampered effective responses to climate change, compounded issues such as congestion and pollution, increased commuting times and has had an overall negative impact on people's health and well-being.

- National Policy Objective 19 Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere.
- National Policy Objective 33 Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

## **5.2.2. Natural Heritage Designations**

The following sites are approximately 1km to the south west:

- Clonakilty Bay SAC site code 000091
- Clonakilty Bay SPA site code 004081

## **6.0 EIA Screening**

6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics of the proposed development which is a single dwelling proposed to be connected to public services and also noting the location removed from any sensitive locations or features and having regard to the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not therefore required.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

7.1.1. The applicant has appealed the decision to refuse permission on the basis that the objectives of the development plan have not been reasonably applied having regard to the circumstances of the applicant in relation to housing need, the current pattern of development and nature of the proposal which has been sensitively designed and has been informed by previous pre-application meetings for housing in the wider area. The following points are made:

- The character of the road fronting the development has changed since the 2004 application on site. This is now very much a minor residential road. It is not main route into the town.
- The PA decision fails to have due regard to RP5-2 and RP 5-4 in applying RP5-19. The PA ignores the specific focus of RP 5-20 in permitting housing in greenbelts and other towns. The applicants' proposal is in line with objectives to sustaining the rural community.
- The applicant meets with the criteria of RP 5-4 as compared to the circumstances of the previous applicant in the previous decision - the reason for refusal in that case no longer applies.
- RP5-19 should not be the basis for refusal. It is submitted the planning authority application of this objective is an error.
- The applicants outline their difficulties in securing housing and states that their housing needs as locals in the area should be considered as a material reason to grant permission.
- There should be consistency in the application of planning policy decision to grant permission for 04/2934, on the basis of a rural generated housing need should also apply to the application of 24/4989.
- An oral hearing is requested

7.1.2. The submission is appended with

- An Engineering Report



- Uisce Eireann confirmation of feasibility of connection
- Visual survey report
- Letter from applicants with a personal statement of their situation and experience.
- Letter of consent to maintain hedge/tree cutting for sightlines
- Planning reports and CDP extracts from previous and current versions.

## **7.2. Planning Authority Response**

- No further comments.

## **8.0 Assessment**

### **8.1. Scope of Issues**

- 8.1.1. I note the Board's direction to not hold an oral hearing. I have read the grounds of appeal and have reviewed the file contents having due regard to the issues arising, the provisions of the current Cork County Development Plan and relevant statutory guidance. The dispute centres on the application of the degree of flexibility provided for in the development plan for permitting one-off housing in a greenbelt area. There is no substantive dispute on matters of design although the large scale of the proposal is noted in the Senior Planner's appraisal. Matters relating to entrance layout are of a nature that could be addressed by further design details and in this regard, I note the appeal is appended with detail of sightline maintenance. Accordingly, the key issue under assessment relates to principle of development having regard to pattern of development, housing need and retaining a greenbelt around Clonakilty town.

### **8.2. The principle of development**

- 8.2.1. The site is located in a greenbelt zone under significant urban pressure and in the order of 20m from the town development boundary as defined by the housing development to the north west of the site and where the speed limit changes
- 8.2.2. The appellants make the case that the site is segregated from the urban area by the road layout and change in character (speed bumps) and the open fields on the south

side of the road and that they are being penalised by virtue of its proximity, despite the benefits of a serviced site. The proposed design and retention of the boundary is submitted to retain the character of the area.

- 8.2.3. I consider the issue in this case is the location of the site in a clearly demarcated greenbelt, the development of which will contribute to linear development being a 4<sup>th</sup> dwelling in a continuous row of housing at the edge of the urban area and thereby contributing to urban sprawl. Accordingly, I concur with the planning authority that this presents a conflict with the objectives seeking to prevent such encroachment in the green belt, to retain the town identity and to prevent sprawl and linear roadside development as set out in Objective RP 5-19. While the resultant linear development may not fall within a 5-house definition of ribbon development it is nevertheless a linear pattern on an approach road into the town. The planning authority has I note taken a broader view and has not for example based a reason for refusal on RP 5-24 which states a 'presumption against development which would contribute to or exacerbate ribbon development'. While the appellant argues that the road is not a main route within the meaning of RP 5-19, I do not consider the status of the road as a local route diminishes its function as a main route from the town in that it serves multiple houses and housing developments as a trunk route between the town and outlying areas.
- 8.2.4. The applicant makes the case that there is precedent for housing in a decision from 2004. I note the Senior planner refers to planning history and a change of use from stables to housing indicating a particular set of circumstances.
- 8.2.5. The appellant makes the case the previous reason for refusal on the site no longer stands as the applicant has housing need based on social connection to the rural area as is provide for in the current plan.
- 8.2.6. The argument that the 2004 refusal is weakened due to the circumstances in the subject case and due other planning decisions, is I consider outweighed by the new development plan and also the statutory guidance context set by the National Framework Plan and more recent Compact Settlement Guidelines in 2024 as I have cited. In this broader policy context where low density urban sprawl is discouraged and efficient use of agricultural land is promoted, it is reasonable to give weight to the County Development Plan policies consistent with these guidelines. I therefore

consider that the planning authority has given reasonable weight to RP5-19 while having regard to the overall aim of RP 5-20 which also seeks to discourage new individual housing within green belt unless a genuine rural generated housing is demonstrated. The Senior Planner, while acknowledging social links, notes one applicant works in Skibbereen while the other I note works in the business park in Clonakilty, neither demonstrating a particular land-based connection to the site. The social connections could I consider be readily met in the town environs. In the context of the provisions to limit exceptions to Greenbelt policy, (RP 5-14) this is a reasonable consideration. I do not consider the circumstances of the applicants, based on the information submitted, constitute a demonstrable need for a rural house in this area to the extent that it would supersede the aims of objective RP 5-19. Accordingly, I consider the Planning Authority reason for refusal in this case to be reasonable having regard to the proper planning and sustainable development of the area.

## **9.0 AA Screening**

- 9.1. I have considered the proposed dwelling in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2. The subject site is not located in or adjacent to any European site. The nearest sites are Clonakilty Bay SAC site code 000091 and Clonakilty Bay SPA site code 004081 at distance of 1km from the site.
- 9.3. The proposal is for a single house proposed to be serviced with connections to public water supply and foul sewer. As development requires a connection agreement with Uisce Eireann , the issue of pollution is regulated under license and screening for indirect impacts via the treatment plant is I consider outside the scope of this application.
- 9.4. Accordingly, 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:
  - The small scale of and nature of development in a sub-urban a serviced location.
  - Its remoteness and from any European site and lack of connections to same.
  - The considerations of the planning authority in its ecological impact assessment.

- 9.5. 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.
- 9.6. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Recommendation

I recommend that decision of the planning authority be upheld and that permission be refused for the proposed development based on the following reasons and considerations.

## 11.0 Reasons and Considerations

1. The proposed development due to its location close to but outside the mapped development boundary for Clonakilty town and adjoining a public road leading out of the town would contravene materially objective RP5-19 as set out in the Cork County Development Plan 2022-2028 which seeks to retain the identity of towns to ensure a distinction in character between built up areas and the open countryside and to prevent linear roadside frontage on roads leading out of towns and villages. The proposed development would undermine these objectives, would create an undesirable precedent for similar future development in the vicinity 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.

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Suzanne Kehely

Senior Planning Inspector

29<sup>th</sup> May 2025

## Appendix 1 - Form 1

### EIA Pre-Screening [EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>		<b>ABP- 320568</b>	
<b>Proposed Development Summary</b>		one house	
<b>Development Address</b>		Captains Cross, Clonakilty, Co. Cork	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)			Yes <input checked="" type="checkbox"/> x No <input type="checkbox"/>
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
Yes	<input checked="" type="checkbox"/> x	Class (10)(b) of Schedule 5 Part 2	Proceed to Q3.
No	<input type="checkbox"/>		
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
Yes	<input type="checkbox"/>		
No	<input checked="" type="checkbox"/> x		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
Yes	<input checked="" type="checkbox"/> x	Construction of more than 500 dwelling units; Urban development which would involve an area greater than 2 ha in the case of a business district, 10. ha in the case of other parts of a built-up area and 20 ha elsewhere.  The development of 1 dwelling on a site of .45 hectares is below this by a significant magnitude.	Preliminary examination required (Form 2)
<b>5. Has Schedule 7A information been submitted?</b>			
No	<input checked="" type="checkbox"/> x	Screening determination remains as above (Q1 to Q4)	
Yes	<input type="checkbox"/>		

Inspector: \_\_\_\_\_

Date: 29<sup>th</sup> May 2025

## Appendix 2 - Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP- 320568</b>
<b>Proposed Development Summary</b>	one house
<b>Development Address</b>	Captains Cross, Clonakilty, Co. Cork
<p><b>The Board carried 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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposal is for the construction of a one dwelling houses 20m from the urban development boundary where services are available. While encroaching on the greenbelt, in terms of environmental impact it is not an exceptional type of development in this area. The development site has access to feasible connections for public water supply and wastewater disposal. Subject to compliance with the relevant standards this will not result in pollution. Disposal of storm water to soak pit will not result in significant pollution. The proposed development will not result in the production of significant waste, emissions, or pollutants.</p> <p>This is a relatively small development in this sub-urban type context. There is no real likelihood of significant cumulative effects with other permitted developments.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones,</p>	<p>There are no significant sensitivities in the immediate environs.</p>

nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	
<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	While there are issues raised in the appeal concerning greenbelt protection and localised impacts on this I do not consider them to be of a magnitude to warrant an EIA given that such matters can be addressed under normal planning considerations
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.	<b>EIA is not required.</b> <b>x</b>

Inspector:

Date: 29<sup>th</sup> May 2025

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)