



An
Coimisiún
Pleanála

Inspector's Report

ABP 322512-25

Development	Change of use from Storage shed to dwellinghouse including extension to same and all associated site works.
Location	Myross Island, Union Hall, West Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	2587
Applicant(s)	Mr and Mrs TA Mc Kenna.
Type of Application	Permission.
Planning Authority Decision	Refusal of permission.
Type of Appeal	First Party
Appellants	Mr and Mrs TA Mc Kenna.
Observers	None.

Date of Site Inspection

6th August 2025.

Inspector

Derek Daly

1.0 Site Location and Description

- 1.1. The development is located at Myross Island, approximately 4 kilometres south of the village of Union Hall and 770 metres to the west of Squince Harbour in a coastal area in the west of County Cork. The site is located in close proximity approximately 50 metres to the south of the coastline.
- 1.2. The site currently forms part of a site which has a dwelling in the northern part of the site and an existing single storey stone face structure in good condition shed type structure in the southern area of the overall site. There is a dwelling located to the south of the appeal site. The overall site has frontage onto two local roads defining the northern and eastern boundaries. The current proposal will in effect sub divide the existing site into two dwelling units.
- 1.3. The site to which the proposed development relates has a stated area of 0.0739 hectares.

2.0 Proposed Development

- 2.1. The proposed development as received by the planning authority on the 27th February 2025 is for the change of use of a domestic storage shed for use as a dwellinghouse and construct an extension to same and all associated site works.
- 2.2. The existing single storey stone storage building has a stated gross floor area of 32.7m² and it is proposed to construct a single storey extension which has a stated gross floor area of 73.8m². The extension will project forward of the existing building on the site and the overall development will be approximately L-shaped in footprint. The development will incorporate a pitch roof overall height of the proposed development is 3950mm to ridge level and the height of the existing and proposed buildings will be uniform.
- 2.3. The overall development comprise of living room/kitchen, 3 no. bedrooms, an ensuite bathroom and boot-room/utility. The applicants currently own the existing dwellinghouse (second home) located on the adjoining lands to the north. The proposed dwelling will be used as a second home/holiday home.

- 2.4. It is proposed to subdivide the site containing an existing dwellinghouse to facilitate the second dwellinghouse and it is proposed that both properties/dwellings will share an existing septic tank currently connected to the principle dwelling on the landholding.
- 2.5. The site is served by a public water supply.
- 2.6. The site will have an independent vehicular access located at the southeastern corner of the site and a pedestrian access at the northern end of road frontage.
- 2.7. Documentation submitted with the application included a Landscape Design Report including Green Infrastructure Statement.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The decision of the Planning Authority was to refuse planning permission. Two reasons were stated.

- 3.1.2. The first reason refers to;

The proposed development seeks permission for a change of use of a domestic storage building to a dwellinghouse and the construction of a single storey extension to same which will be used as a second / holiday home. The site is located within a highly scenic rural coastal area where there is high demand for holiday home development, with the subject site located within a 'Tourism and Rural Diversification Area', where applicants must demonstrate that their proposal complies with one of the categories of housing need set out in the policy objective RP 5-5. On the basis of the information submitted, the Planning Authority considers that the proposed development involves the creation of a new dwellinghouse without any compelling and substantiated local housing need being demonstrated that comes within the scope of the local rural generated housing need criteria set out in RP 5-5, and as such the proposed development does not constitute an exception to the restriction on new dwellings within the 'Tourism and Rural Diversification Area'. Furthermore, the proposed development is intended for use as a second / holiday home and is not intended for permanent year-round occupation, and to permit the proposed development would contravene the policy objective RP 5-26 of the Cork County

Development Plan 2022 which prioritises the needs of rural communities rather than holiday and second home development in such sensitive scenic areas particularly along the coastline, which has limited capacity for such development. Accordingly, the proposed development would materially contravene the objectives RP 5-5 and RP 5-26 of the Cork County Development Plan 2022 and would be contrary to the proper planning and sustainable development of the area.

3.1.3. The second reason refers to;

It is intended to connect the proposed dwellinghouse to an existing septic tank and percolation area serving the established dwellinghouse located on the adjoining site to the north, located outside the application site, albeit in the ownership of the applicants. The proposed development does not incorporate its own on-site waste water disposal system and intends to share a septic tank with the property to the north, which if permitted, would contravene policy objective RP 5-23 of the Cork County Development Plan 2022 which seeks to ensure that proposals for single houses in rural areas incorporate an on-site wastewater disposal system that complies with the EPA Code of Practice. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 16th April 2025 refers to the provisions of the statutory development plan. The main issues involved in the assessment of this planning application are outlined. In relation to the principle of development it is indicated that the site contains a detached stone building which appears on the early edition OSI maps and is therefore classified as a vernacular building of historical significance and is protected under Council policy objective HE 16-19. The applicants currently use this building for domestic storage purposes ancillary to their main dwelling which is a second home/holiday home located at a lower elevation on the adjoining site to the north.

The report states the Planning Authority has serious concerns regarding the nature of this proposal which is effectively seeking permission to subdivide a site to facilitate

a second holiday home and this is unacceptable given the site's sensitive location within a highly scenic rural coastal area where there is high demand for holiday home development. The development plan aims to strike an appropriate balance by prioritising the needs of rural communities rather than holiday and second home development in sensitive scenic areas such as coasts which have limited capacity to carry significant levels of development (objective RP 5-26). It is also indicated that it is not acceptable for 2 no. private dwellings to share a septic tank when proposals for single houses in rural areas must comply with the measures outlined in the EPA code of practice. The proposed development does not incorporate its own on site waste water disposal system would therefore contravene policy objective RP 5-23 of the Development Plan.

It is also indicated that in terms of scale and design of the proposed development, it is considered that the proposed extension is oversized and will over dominate the site and concurs with the recommendations of the Conservation Officer that if permission was being considered here, revised proposals would be required seeking a reduction in scale of the proposed development to reduce the impact on the character of the existing vernacular building and its setting.

Refusal was recommended.

The report of the SEP refers to the planning history of the site and vicinity and given that the subject stone storage shed does not form part of a farm, the subject proposal cannot avail of RP 5-31, which relates to new uses for disused or derelict farm buildings. The report endorses the recommendation of the area planner.

3.2.2. Other internal reports

- 3.2.3. Area Engineer refers parking is limited to one space without any turn table. In relation to water supply there is an existing public supply. In relation to surface water this should be disposed of on-site and not allowed to flow onto the public road. in relation to wastewater disposal and the proposal to connect proposed development to an existing septic already servicing the existing development there are concerns regarding the capabilities of the existing septic tank and percolation area to deal with the existing dwelling along with the new development and further information is required in this regard indicating the proposed development should have its own separate Wastewater treatment System.

3.2.4. The report of the Conservation Officer indicates that the proportions of windows and the overall form the new addition is responsive to the character of the site however the scale of the proposed addition overpowers the existing building. Recommends deferral for the following information to be submitted indicating a reduction in scale is needed to reduce the impact on the existing character and that the carrying out of inappropriate modern interventions in traditional buildings can often have a disastrous and costly impact and that the applicant should provide written confirmation that they will be cognisant of the advice provided in this document in devising interventions in the extant building.

3.3. **Other submissions.**

3.3.1. No submissions were received from proscribed bodies in relation to the proposed development.

3.3.2. A third party observation was submitted in relation to the proposed development referring to issues of proximity, development plan provisions and issues in relation to wastewater treatment.

4.0 **Planning History**

4.1.1. Planning Reg. No. 95/4119

Permission was granted on the site for reconstruction and extension of dwellinghouse and conversion of outbuilding to living area, vehicular entrance and septic tank.

5.0 **Policy and Context**

5.1. **Development Plan**

5.1.1. The statutory development plan is the Cork County Development Plan 2022 –2028.

5.1.2. The site is located within a Tourism and Rural Diversification Area as identified in Volume 6 Maps of the plan.

5.1.3. Volume 1 of the plan is a written statement outlining overall policies and objectives for the county.

5.1.4. Chapter 5 relates to rural areas.

5.1.5. Objective RP5-5 housing need as applied in relation to a Tourism and Rural Diversification Area this area indicates;

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:

1. Farmers, their sons and daughters who wish to build a first home for their permanent occupation on the family farm.
2. Persons taking over the ownership/running of a farm on a fulltime 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.
3. 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.
4. 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.
5. 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.

6. 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.

7. 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 genuinely intend taking up permanent residence.

- 5.1.6. Section 5.6 refers to Environmental and Site Suitability Requirements and servicing Single Housing in Rural Areas is referred to 5.6.6 and 5.6.7 indicating that the Planning Authority will ensure that proposals for septic tanks and proprietary treatment systems comply with relevant approved standards. The EPA issued the updated Code of Practice Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) in March 2021.

This is further stated in County Development Plan Objective RP 5-23: Servicing Single Houses (and ancillary development) in Rural Areas.

- 5.1.7. Section 5.9 refers to Holiday Home and Second Home Development and that the Sustainable Rural Housing Guidelines state that it is the function of the development plan to strike an appropriate balance between demand for holiday and second home development and the need to channel such development to the most appropriate locations.

Section 5.9.3 indicates that this plan recognises that sensitive and coastal parts of the County have relatively limited capacity (both environmentally and in terms of scenic amenity) to accommodate single rural houses in significant numbers. In these areas, where there are high levels of development pressure for development of this kind, it is considered that priority must be given to the genuine rural generated housing needs of rural communities. This approach also allows local people to have access to sites which otherwise might be prohibitively expensive.

Section 5.9.4 indicates that in order to provide an alternative to the development of second and holiday homes in rural areas, this plan will encourage the utilisation of disused and derelict housing / building stock in towns and villages or the re use of the existing housing stock in the countryside. This positive approach to the regeneration of the existing building stock of towns and villages and the reuse of existing housing stock in the countryside will help contribute to compact growth and the revitalisation of rural settlements, communities and the rural economy, while helping to satisfy market demand in areas experiencing significant pressure for holiday and second home development, particularly in the 'Tourism and Rural Diversification Areas' of the county.

Section 5.9.5 refers to in addition, this plan recognises the importance of providing stimulus to the rural economy and therefore will seek to encourage the renovation of barns, outhouses, and other structures for small-scale rural business / tourism initiatives, where appropriate.

Objectives in relation to these provisions are;

County Development Plan Objective RP 5-26: Demand for Holiday and Second Home Development recognise that sensitive scenic areas such as coasts, lakeside areas and uplands are limited in their capacity to carry significant levels of development and that such capacity as exists needs to be carefully managed to prioritise the needs of rural communities rather than for holiday and second home development.

County Development Plan Objective RP 5-27: Holiday Home Accommodation Encourage appropriately scaled holiday home development to locate within existing settlements, where there is appropriate infrastructure provision, where they can contribute to the maintenance of essential rural services and help act as a revitalising force in counteracting population decline.

- 5.1.8. Section 5.12 refers to Renovation or Replacement of an Uninhabitable or Ruinous Dwellings and paragraph 5.12.1 indicates that in the case of uninhabitable or ruinous dwellings, where the existing dwelling structure is substantially in place, the renovation / redevelopment or replacement of same for use as a dwelling will be considered on a case-by-case basis, having regard to an appropriate scale and

design of building, normal planning considerations and the requirements of other relevant policies and objectives in this plan.

County Development Plan Objective RP 5-30 refers to: Redevelopment or replacement of an Uninhabitable or Ruinous dwelling Encourage proposals for the sensitive renovation, redevelopment, or replacement of existing uninhabitable or ruinous dwellings subject to normal proper planning and sustainable development considerations as well as the requirements of other objectives in this Plan and provided that it satisfies the following criteria:

- The original walls of the dwelling structure must be substantially intact.
- The structure must have previously been in use as a dwelling.
- The development is of an appropriate scale and design (including materials used), relative to the structure being replaced and the location and character of the site.
- Existing mature landscape features are retained and enhanced, as appropriate.
- No damage shall be caused to sites used by protected wildlife.
- Proposals must be acceptable in terms of public health and traffic safety.

5.1.9. Section 5.13 refers to New Uses for Disused or Derelict Farm Buildings. Section 5.13.1 indicates that the Planning Authority will encourage proposals for the sensitive refurbishment and conversion of suitable disused or derelict traditional farm buildings. Objective RP 5- 31 further outlines this provision.

5.1.10. Chapter 16 refers to Built and Cultural Heritage and in relation to Vernacular Buildings Objective HE 16-19: in relation to Vernacular Heritage has as an objective to protect, maintain and enhance the established character, forms, features and setting of vernacular buildings, farmyards and settlements and the contribution they make to our architectural, archaeological, historical, social and cultural heritage and to local character and sense of place.

Objective HE 16-21 refers to: Design and Landscaping of New Buildings and outlines criteria in relation to this that respect the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.

5.1.11. Chapter 14 refers to Green Infrastructure and Recreation and in figure 14.2 the site would be identified as within a high value landscape.

Specifically in relation to landscape County Development Plan states an Objective GI 14-9 which outlines criteria to protect the visual and scenic amenities of County Cork's built and natural environment and protect the landscape and protect skylines and ridgelines from development.

5.1.12. The site also lies within a designated High Value Landscape Area.

5.2. National Guidance.

5.2.1. Sustainable Rural Housing Development Guidelines 2005

The guidelines make clear distinction between urban and rural generated housing and to differentiate between development needed in rural areas to sustain rural communities and development tending to take place principally in urban areas.

Section 3.2.2 refers to Holiday and Second Home Development indicating it is important that development plans address the types of development described above in a positive and sustainable manner. Well located and appropriately scaled second home and holiday home development can act as a revitalising force, however, an unstructured approach in some areas to such development has led to concerns about the effects of such development on certain coastal and lakeside rural areas and on some small towns with relatively limited environmental capacity to accommodate very significant numbers of new holiday and second homes.

Development plans should make reference to the NSS and its provisions in relation to holiday homes and second homes under which planning authorities are encouraged to Emphasise a preference towards the clustering of appropriately scaled holiday home development in or adjoining small towns and villages. In the areas experiencing significant demand for holiday and second home development, development plans might include objectives and policies to the effect that certain sensitive scenic areas such as coasts, lakeside areas and uplands are limited in their capacity to carry very substantial levels of development and that such capacity as exists needs to be carefully managed; new holiday home schemes in such areas will be generally encouraged within established villages and small towns or in distinct clusters of development; proposals to reinstate, conserve and or replace existing,

ruinous or disused dwellings will be looked on favourably by the planning authority subject to satisfying normal planning considerations relating to the provision of safe access and the design and provision of any necessary wastewater disposal facilities.

Section refers to 3.2.3 Rural Generated Housing Persons who are an intrinsic part of the rural community and that such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community which would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes or wish to care for elderly family members.

Rural housing policies will normally be linked to other sections of the plan dealing with landscape character; protection of key natural assets such as surface and ground water resources and that the consideration of individual sites will be subject to normal siting and design considerations.

5.2.2. EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) 2021.

The Code of Practice (CoP) provides guidance on domestic waste water treatment systems (DWWTSs) for single houses or equivalent developments with a population equivalent (PE) of less than or equal to 10 and sets out a methodology for site assessment and selection, installation and maintenance of an appropriate DWWTS.

The CoP in the various chapters sets out in detail requirements and guidance on site characterisation, site suitability assessment, determining site suitability and the appropriate design solution in relation to an appropriate DWWDT. It also refers to designing an on-site DWWTS to treat and dispose of the waste water addressing can the soil and/or subsoil accommodate the waste water volumes; can the soil and/or subsoil treat the waste water sufficiently and can all minimum separation distances be met.

5.3. **Natural Heritage Designations**

- 5.3.1. The subject site is not located within site designated as a Natura 2000 site or NHA/pNHA and a significant distance of the subject site from any designated site.

6.0 EIA Screening

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment and in this regard, I refer to Form 2 in Appendix 1 of this report. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.2. The appellants grounds of appeal in summary refers to;
- The proposed development complies with the provisions of the county development plan in particular in relation to Appendix A Rural Housing Objectives chapter 4 CPD 2014 with specific reference to RCI 8-1 which refers to refurbishment of a derelict dwelling in particular as there has always been a structure/dwelling at this location and the design proposal is such as to ensure the retention and safeguarding of the original stone shed.
 - The existing shed is substantially intact and capable of undergoing renovation without demolition.
 - The appellants have been part of the community since 1996 having purchased a ruin with involvement in the local community and since being retired can spend longer periods residing in Myross. Family members staying in the existing dwelling are restricted with the current size of the dwelling but are not keen to extend the existing dwelling and have proposed an extension of the stone shed.
 - The appellants will ensure that the proposals for development comply with proposals for the disposal of wastewater will comply with EPA CoP and the

cumulative impact of such systems will be considered in the assessment process.

7.3. Planning Authority Response

The planning authority have issued no response in relation to the appeal.

8.0 Assessment

8.1. The main issues in this appeal are principle of the development and the grounds of appeal, policy guidance and site specific matters. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

8.2. The principle of the development

8.2.1. The proposal as submitted is for the change of use of a domestic storage shed for use as a dwellinghouse and construct an extension to same and all associated site works. The works will in effect provide for an independent dwelling unit comprising of living room/kitchen, 3 no. bedrooms, an ensuite bathroom and boot-room/utility. The applicants currently own the existing dwellinghouse located on the adjoining lands to the north and which is used as a holiday/second home. The proposed dwelling will be used as a second home/holiday home.

8.2.2. In the grounds of appeal reference is made to the proposed development complies with the provisions of the county development plan in particular in relation to Appendix A Rural Housing Objectives chapter 4 CPD 2014 with specific reference to RCI 8-1 which refers to refurbishment of a derelict dwelling in particular as there has always been a structure/dwelling at this location and the design proposal is such as to ensure the retention and safeguarding of the original stone shed. It is indicated that the existing shed is substantially intact and capable of undergoing renovation without demolition. The appellants have been part of the community since 1996 having purchased a ruin with involvement in the local community and since being retired can spend longer periods residing in Myross. In relation to the need for the proposal it is indicated that family members staying in the existing dwelling are restricted with the current size of the dwelling but are not keen to extend the existing dwelling and have proposed an extension of the stone shed and that the appellants will comply with proposals for the disposal of wastewater will comply with EPA CoP.

- 8.2.3. In considering the principle of development the provisions of the current Cork County Development Plan 2022-2028 apply. It is important initially to consider that the development if constructed would provide for a dwelling unit which would be capable of being used as an independent unit which has a site clearly demarcated as a separate unit/site to the existing dwelling on the site and having its own independent access.
- 8.2.4. It would however not have its own independent means of foul effluent treatment and would rely on the existing WWTP of the current dwelling in the appellants ownership.
- 8.2.5. It may be used by members of the family as indicated in the grounds of appeal but it is equally possible that it could be let and occupied by occupants who are not members of the family of the appellants.
- 8.2.6. Any consideration of the proposal requires to be considered in the context of the policies and objectives of the development plan and national guidance.

8.3. **Policy**

- 8.3.1. The site is located within an area identified as a Tourism and Rural Diversification Area. The site also lies within a designated High Value Landscape Area. Areas within a Tourism and Rural Diversification Area.

Specifically in relation to this rural area the CDP makes reference that these areas have 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. The CDP in addressing this issue prioritises making 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 that applicants must demonstrate that their proposal complies specified requirements outlining a number of categories of housing need. The policy as outlines in effect mirrors national guidance in distinguishing rural generated housing need, urban generated housing need and also pressures associated with second home development in visually sensitive areas and is considered to be reasonable. Specifically in relation to development in a Tourism and Rural Diversification Area and in rural areas generally the CDP provides for clear distinguishment of housing

need and the proposed development which would in effect involve the creation of a new dwellinghouse has not presented any requirement that it could be considered as a genuine rural generated housing need within the scope of the local rural generated housing need criteria set out in RP 5-5 of the CDP. The proposed development does not constitute I consider an exception to the reasonable provisions as stated in the CDP and national guidance in relation to the restriction on new dwellings within the Tourism and Rural Diversification Area in what is a sensitive and coastal location with relatively limited capacity (both environmentally and in terms of scenic amenity) to accommodate single rural houses in significant numbers and that in these areas, where there is high levels of development pressure it is considered that priority must be given to the genuine rural generated housing needs of rural communities rather than second home development. The stated reason that the proposed development would contravene the objectives RP 5-5 and RP 5-26 of the Cork County Development Plan 2022-2028 is I consider reasonable.

- 8.3.2. In relation to other provisions of the development plan which could be considered and specifically referred to in the grounds of appeal the CDP does make reference to in section 5.9.4 that in order to provide an alternative to the development of second and holiday homes in rural areas that plan will encourage the utilisation of disused and derelict housing / building stock in towns and villages or the re use of the existing housing stock in the countryside; in section 5.9.5 to encourage the renovation of barns, outhouses, and other structures for small-scale rural business / tourism initiatives, where appropriate; in section 5.12 refers to renovation or replacement of an uninhabitable or ruinous dwellings and paragraph 5.12.1 indicates that in the case of uninhabitable or ruinous dwellings, where the existing dwelling structure is substantially in place, the renovation / redevelopment or replacement of same for use as a dwelling will be considered on a case-by-case basis, having regard to an appropriate scale and design of building, normal planning considerations and the requirements of other relevant policies and objectives in the plan. It is not the intention of the settlement policy objectives of this plan generally to prevent such development.

A ruinous dwelling still in place is defined in the plan as a structure formerly used as a dwelling, with the main walls substantially intact and this is further stated County Development Plan Objective RP 5-30 provided that it satisfies criteria such as the

original walls of the dwelling structure must be substantially intact; the structure must have previously been in use as a dwelling and the development is of an appropriate scale and design (including materials used), relative to the structure being replaced and the location and character of the site.

Section 5.13 refers to new uses for disused or derelict farm buildings and indicates that the Planning Authority will encourage proposals for the sensitive refurbishment and conversion of suitable disused or derelict traditional farm buildings, built using traditional methods and materials, for residential purposes, community, or commercial uses (including social enterprise) where appropriate, subject to normal planning considerations, while ensuring that re-use is compatible with environmental and heritage protection.

- 8.3.3. The grounds of appeal refers to similar provisions stated in the previous plan to refurbishment of a derelict dwelling in particular as there has always been a structure/dwelling at this location and the design proposal is such as to ensure the retention and safeguarding of the original stone shed.
- 8.3.4. In relation to this there is no evidence presented that the building in question was an independent dwelling and reference is made to the original stone shed in the grounds of appeal. It is acknowledged that the appellants has renovated this shed structure but the building would appear to have been an out building associated with and ancillary to the existing dwelling. The proposal in effect would represent the conversion of this shed to a dwelling and incorporate a major increase in the floor area of the structure and would not meet the criteria and provisions of the plan in relation to ruinous dwellings or farm houses.

I would also note the concern of the conservation officer in relation to what is considered to be a vernacular storage building and that the proposal is for a substantial single storey extension to the vernacular storage shed which will more than triple the floor plan. The scale of what is proposed remains somewhat overpowering; the scale of the proposed addition overpowers the existing and while some form of extension would be possible, a four bedroom addition may be overly ambitious in this site. The scale of increase in floor area is I consider excessive in the context of what presently exists.

- 8.4. Site specific matters.

8.4.1. In relation to site specific matters and the issue of wastewater treatment, the second reason for refusal reference is made to an intention to connect the proposed dwellinghouse to an existing septic tank and percolation area serving the established dwellinghouse located on the adjoining site to the north which is located outside the application site, The proposed development does not incorporate therefore provide for its own independent on-site waste water disposal system and will share a septic tank with the property to the north. The reason considers that this would contravene policy objective RP 5-23 of the Cork County Development Plan 2022 which seeks to ensure that proposals for single houses in rural areas incorporate an on-site wastewater disposal system that complies with the EPA Code of Practice.

In the grounds of appeal, it is indicated that the appellants will ensure that the proposals for development comply with proposals for the disposal of wastewater will comply with EPA CoP and the cumulative impact of such systems will be considered in the assessment process.

There is little information submitted in relation to the disposal of wastewater other than a drawing which indicates a connection to the existing septic tank outside of the site boundary within the site to the north and that percolation occurs on lands to the west outside of land outside of the boundaries of the boundary of the existing dwelling. There are no details in relation to the loading capacity of the existing septic tank, no details are presented that the existing septic tank is in a position to accommodate any additional loading arising from the proposed development.

I note that the area engineer report refers to an engineer's report is required detailing whether the current tank and percolation area can deal with the additional loadings and that the proposed development should have its own separate Wastewater treatment System.

In relation to providing its own independent treatment system I would note that the area of the proposed site is relatively constricted in area and configuration to provide its own independent system that would comply with the EPA CoP but the EPA CoP does set out detailed guidance on whether a site can meet necessary requirements in relation to type of plant to be installed and the level of treatment of effluent, the level of percolation area necessary to treat discharge effluent and the type of percolation areas with the use of polishing filters and raised beds etc. In the absence

of details the current details as presented would not offer an assurance that the proposed development would not be prejudicial to public health.

- 8.4.2. In relation to design of the proposed development I have already referred to issues of excessive scale referenced in the report of the planning authority's Conservation Officer. I would accept that the design as submitted does respect vernacular features and retains a low profile in relation to assimilating into the landscape. I do however consider that the overall scale relative to what currently exists on the site and the restricted nature of the site is excessive in scale.
- 8.4.3. In relation to traffic and pedestrian safety the site it is proposed will have an independent vehicular access located at the southeastern corner of the site and a pedestrian access at the northern end of road frontage onto a minor local road. on site parking of one space is provided without provision for any internal circulation and reversing movement onto or off the site will occur as currently presented though I consider an area internally within the site can be provided to address any traffic safety concerns.

9.0 AA Screening

- 9.1. I have considered the proposal for the construction of a two storey house, connection to existing services and all associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2. The proposed development comprises a minor development as outlined in section 2 in the Inspectors report. 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 nature of the development, the distance to designated sites and the absence of pathway to these sites.
- 9.3. 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 and 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

10.1. I recommend that permission be refused.

11.0 Reasons and Considerations

1. The proposed development seeks permission for a change of use of a domestic storage building to a dwellinghouse and the construction of a single storey extension to same which will be used as a second / holiday home. The site is located within a highly scenic rural coastal area where there is high demand for holiday home development, with the subject site located within a 'Tourism and Rural Diversification Area' as identified in the current Cork County Development Plan 2022-2028.

Having regard to the nature of the proposed development, the proposed residential use on the site; the design, nature and scale of the proposed development and the stated provisions of the said Cork County Development Plan 2022-2028 and in particular policy objective RP 5-5 which are considered to be reasonable and which also accord with national guidance as outlined in the Sustainable Rural Housing Development Guidelines 2005 in relation to rural areas where applicants must demonstrate that their proposal complies with one of the categories of housing need set out in the policy objective RP 5-5 it is considered that on the basis of the information submitted that the proposed development involves the creation of a new dwellinghouse without any compelling and substantiated local housing need being demonstrated that comes within the scope of the local rural generated housing need criteria set out in RP 5-5, and as such the proposed development does not constitute an exception to the restriction on new dwellings within the 'Tourism and Rural Diversification Area'.

Furthermore, having regard to policy objective RP 5-26 of the Cork County Development Plan 2022-2028 which prioritises the needs of rural communities rather than holiday and second home development in sensitive scenic areas particularly along the coastline, which has limited capacity for such development it is considered that the proposed development is intended for use as a second / holiday home and is not intended for permanent year-round occupation, would contravene the policy objective RP 5-26 of the Cork County Development Plan 2022-2028. Accordingly, the proposed development would be contrary to the proper planning and sustainable development of the area.

2. It is intended to connect the proposed dwellinghouse to an existing septic tank and percolation area serving the established dwellinghouse located on the adjoining site to the north which are located outside of the boundary of the application site. An Coimisiún Pleanála, on the basis of the documentation and submissions made in connection with the planning application and the appeal, is not satisfied that effluent arising from the proposed development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of an existing septic tank in compliance with the guidance as set out in EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) 2021. The proposed development would, therefore, it is considered be prejudicial to public health and would 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.

Derek Daly
Planning Inspector

25th August 2025

Form 1 - EIA Pre-Screening

Case Reference	322512-25
Proposed Development Summary	The change of use of a domestic storage shed for use as a dwellinghouse and construct an extension to same and all associated site works
Development Address	Myross Island, Union Hall, County Cork,
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	☐ X Yes , it is a 'Project'. Proceed to Q2.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ X Yes , it is a Class specified in Part 1 .	
☐ No,	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
x No , the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
No , the proposed development is of a Class and meets/exceeds the threshold.	
Yes , the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?

Yes ☐	Screening Determination required (Complete Form 3)
No ☐	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Derek Daly Date: 25th August 2025

Form 2 - EIA Preliminary Examination

Case Reference	AP322512-25
Proposed Development Summary	The change of use of a domestic storage shed for use as a dwellinghouse and construct an extension to same and all associated site works
Development Address	Myross Island, Union Hall, County Cork.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (	<i>The development has a modest footprint, providing for a dwelling of a modest scale. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</i>
Location of development (	<i>The development is situated in a coastal rural area adjoining an existing dwelling. The development is removed from sensitive natural habitats.</i>
Types and characteristics of potential impacts	<i>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</i>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant	No

and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	No

Inspector: Derek Daly Date: 25th August 2025