



An
Bord
Pleanála

Board Direction
BD-004825-19
ABP-304752-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23/12/2019.

The Board decided to refuse permission for the following reasons and considerations.

Reasons and Considerations

1. On the basis of the information submitted with the application and appeal related to the structure on site, the Board noted the overall disused condition of the structure which was without windows and doors and considered that there is insufficient evidence that the structure constitutes a habitable dwelling. In this regard the proposed development would contravene the objectives set out in Section 7.5 (Variation No. 1) of the Waterford County Development Plan 2011-2017, regarding the allowance of a replacement dwelling for a habitable dwelling in limited circumstances. Furthermore, the site of the proposed development is located within an "Area Under Strong Urban Influence" as set out in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April 2005 and in a 'Area Under Urban Pressure' in the Waterford County Development Plan 2011-2017, wherein urban generated housing is directed to serviceable lands in towns and villages. In addition, it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, to facilitate the provision of single housing in

the countryside, in areas under urban influence, based on the core consideration of demonstrable economic or social need to live in a rural area and having regard to siting and design criteria and the viability of smaller towns and rural settlements and, in rural areas elsewhere, having regard to the viability of smaller towns and rural settlements. Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area, or that the applicant's housing needs could not be satisfactorily met in a smaller town or rural settlement. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the over-arching national policy. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board did not consider that the existing structure on site fell within the definition of a habitable dwelling as set out in Section 2 (Interpretation) of the Planning and Development Act 2000, as amended, as the Board considered on the basis of the information submitted that the condition of the structure on site which was in a disused state and was without windows and doors rendered it derelict. The Board therefore, did not consider that the proposed development of a replacement dwelling in an area designated as an 'Area Under Strong Urban Influence' where the applicants had not demonstrated an economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements, was in accordance with the proper planning and sustainable development of the area.

Board Member

Date: 23/12/2019

Maria FitzGerald