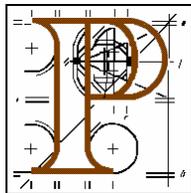


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

North Tipperary County

Planning Register Reference Number: 12/510300

An Bord Pleanála Reference Number: PL 22.241337

APPEAL by Bernadette McKeogh of Inchamore, Ballina/Killaloe, County Tipperary against the decision made on the 7th day of November, 2012 by North Tipperary County Council to refuse permission.

PROPOSED DEVELOPMENT: Permission for a 'part' two storey dwelling, drainage treatment unit and percolation area with existing entrance to adjacent family dwelling to be used for access at Ballycorrigan, Boher Road, Ballina, County Tipperary.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. The site of the proposed development is located within an area zoned 'High Amenity' in the North Tipperary County Development Plan 2010 – 2016. It is the policy of the planning authority to resist houses in the High Amenity Area as set out in Policy HSG 13 of the county development plan except in a number of defined circumstances. The developer has not demonstrated any of these circumstances and as such does not comply with the policy requirements of the development plan for the area. The proposed development would, therefore, be contrary to the settlement strategy as set out in the development plan and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development would result in a dwelling on land that is not zoned for development and is outside the settlement boundary of Ballina as defined in the Ballina Settlement Plan which forms part of the county development plan for the area, and would undermine the clear distinction between the town and surrounding countryside to the detriment of the character and visual amenities of the rural area, and would be incompatible with policy HERT 1 of the North Tipperary County Development Plan 2010-2016, which seeks to maintain a defined Settlement Fringe. As such, the proposed development would be contrary to the settlement strategy of the county, and would be contrary to the proper planning and sustainable development of the area.

3. The developer has failed to demonstrate that the proposed dwelling at the application site would not result in the dwelling at the adjoining site being left on a site of insufficient area with respect to the on-site treatment of foul effluent so as to comply with the requirements of the document entitled “Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)” – Environmental Protection Agency, 2009. Furthermore, as evidenced at the time of site inspection the site is poorly drained, there is already a high concentration of effluent treatment units in the vicinity of the site and in the absence of coherent and consistent information that satisfactorily addresses the matter of effluent disposal from the site, it is considered that the proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2013.