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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Cavan County Council**

**Planning Register Reference Number: 20/79**

**APPEAL** by Patrick McKenna and Aideen Quealy care of ABL Surveyors of 26/27 Pembroke Street Upper, Dublin against the decision made on the 22<sup>nd</sup> day of June, 2020 by Cavan County Council to refuse permission.

**Proposed Development:** A single storey split level style dwelling, proprietary effluent treatment system, entrance walls and piers and associated site works at Mullaghland, Mullagh, County Cavan.

**Decision**

**REFUSE permission for the above proposed development in accordance with 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 under 'Strong Urban Influence' as set out in the current development plan for the area, where emphasis is placed on designing with the landscape and of siting of development to minimise visual intrusion as set out in the current Design Guide for Single One-off Houses within Cavan Rural Countryside, which Guidelines are considered to be reasonable. Having regard to the topography of the site, the elevated positioning of the proposed development and the proposed widening of the laneway to access the site, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area and would set an undesirable precedent for other development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development, by virtue of the proposed works to widen the existing Mullagh Hill Walkway and the introduction of residential traffic to it, would be inconsistent with the objectives of the Cavan County Development Plan 2014-2020 which afford protection to existing rights of way and established walking routes, in particular objectives NHEP22 and RTO18 which commit to preserving and protecting existing rights of way and established walking and cycling routes. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
  
3. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements that the development would generate on a substandard road at a point where sightlines are restricted, particularly in an easterly direction.

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**Dave Walsh**

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

**Dated this            day of            2020.**