



## Board Direction

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**Ref: PL05E.246399**

The submissions on this file and the Inspector's report were considered at a Board meeting held on July 20<sup>th</sup>, 2016. The file was considered in conjunction with An Bord Pleanála appeal reference number PL05E.246400 on the adjacent site.

The Board decided to refuse permission generally in accordance with the Inspector's recommendation and for the draft reasons and considerations set out below.

The Board decided not to award costs to the third party appellant for the reasons and considerations set out below.

### REASONS AND CONSIDERATIONS

1. Having regard to:
  - policy RH-P-1 of the Donegal County Development Plan 2012-2018 which requires that proposals for individual dwellings shall be subject to the application of Best Practice in relation to the siting, location and design of rural housing as set out in Appendix B of the plan,
  - the provisions of Appendix B of the Plan which require that a house in the countryside should, inter alia, integrate satisfactorily within the landscape, reflect its location and contribute satisfactorily to the character of the area and be well designed informed primarily by site specifics,
  - the modest nature and extent of the traditional dwelling on site in comparison to the bulk, scale and mass of the proposed replacement dwelling which is of a suburban type design, and
  - the extent of the proposed modifications to the landscape including the removal of woodland and vegetation and extensive site filling to facilitate the construction of the house on an expansive developed apron,

it is considered that the proposed development would be contrary to the provisions of policy RH-P-1 of the Donegal County Development Plan 2012-2018, would seriously injure the amenities of this sensitive rural area and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the proposals for an extensive surface water drainage system, and the construction and servicing of the proposed dwelling by a private effluent treatment system on soils of poor drainage characteristics, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. In view of the effluent treatment concerns the Board also cannot be satisfied on the basis of the documentation on file that the proposed development would not adversely affect the integrity of the adjacent European site in view of the site's conservation objectives. The proposed development would, therefore, be prejudicial to public health and be contrary to the proper planning and sustainable development of the area.

### **Costs**

Having regard to the nature of this planning application and the appeal, the issues arising and the eventual outcome, the Board considered that it would not be appropriate to direct payment of compensation for expenses occasioned by the Appellant in relation to this appeal.

Note: The Board considered that a more flexible approach should apply to housing need criteria, in this instance, having regard to the existence of a derelict house on site and, therefore, decided not to refuse permission for the inspector's reason 1. Similarly, the Board did not concur with the traffic refusal reason given that the onsite dwelling is already served by an existing, albeit partially overgrown, vehicular access.

Board Member: \_\_\_\_\_  
Nicholas Mulcahy

Date: July 26<sup>th</sup>, 2016

*Please issue copy of direction with order.*