



An
Bord
Pleanála

Board Direction
PL05E.248889

The submissions on this file and the Inspector's report were considered at a Board meeting held on March 26th 2018.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. The site of the proposed development is located within "Area Under Strong Urban Influence" as set out in the current Development Plan for the area, where emphasis is placed on the importance of designing with the landscape and of siting of development to minimise visual intrusion as set out in the current (Appendix B) Rural House Design Guidelines, which Guidelines are considered to be reasonable. Having regard to the topography of the site, the elevated positioning of the proposed dwelling, together with its depth and scale, the division of an agricultural field and the removal of the entirety of the front boundary hedging, 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, would fail to be adequately absorbed and integrated into the landscape and would militate against the preservation of the rural environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the soil conditions on the site, the information contained in the site characterisation form submitted with the application (which does not comply in full with the requirements of the EPA Code of Practice) and the waterlogged condition of the proposed percolation area (as noted by the Board's Inspector during her site inspection), which indicate poor percolation, and having regard to the location of the subject site within an area categorised by the Environmental Protection Area in the Domestic Waste Water Risk categories as at very high risk, it is considered that the site is not suitable for the safe disposal of effluent from the development. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

Note 1: The Board noted the location of the subject site in an area which would correspond to the rural area type "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, wherein it is indicated that it is policy to distinguish between rural-generated housing need and urban-generated housing need. On the basis of the documentation submitted in support of the application and the appeal, it is considered that the applicant has failed to demonstrate that the proposed development would not represent urban-generated rural housing, and therefore would be contrary to these Ministerial Guidelines, notwithstanding the provisions of the Donegal County Development Plan. In this regard, the Board generally concurred with the Inspector's assessment, but considered that it would not be appropriate to include this issue as a further reason for refusal, as she had recommended, as to do so might represent a new issue in the context of the appeal.

Note 2: The Board had concerns regarding the adequacy of the traffic survey submitted by the applicants' agent at further information stage, which sought to justify a reduction in the necessary sightlines of 160 metres to 70 metres, in accordance with the standards set out in the County Development Plan, on the basis

that the survey may not have been fully representative of the actual speeds on this road. Having regard to this fact, and in view of the Board's previous refusal for an access at this location (where similar 70 metre sightlines had been proposed), the Board considered that the development might represent a traffic hazard. However, the Board decided, having regard to the substantive reasons for refusal outlined in its Order, not to seek additional and more comprehensive surveys on this issue.

[Please issue a copy of this Direction to the parties, including the planning authority, with the Board Order.]

Board Member

Date: 26th March 2018

Philip Jones