



An  
Bord  
Pleanála

**Board Direction**  
**BD-004717-19**  
**ABP-304953-19**

The submissions on this file and the Inspector's report were considered at a Board meeting held on December 10<sup>th</sup>, 2019.

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

### **Reasons and Considerations**

It is considered that the proposed development, which would result in the intensification of use of an access onto the National Secondary Road N78 at a point where a speed limit of 100 km/h applies, would be contrary to the 'Spatial Planning and National Roads Guidelines for Planning Authorities', issued by the Department of the Environment, Community and Local Government in 2012. The proposed development would endanger public safety by reason of traffic hazard due to the additional and conflicting traffic movements that would be generated by the development and would interfere with the safety and free flow of traffic on the public road. The proposed development would, therefore, be contrary to these Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

**Note 1:** The Board generally concurred with the Inspector that the applicant had not provided information regarding the nature and location of his employment and therefore had failed to demonstrate that he had a rural-generated housing need for a

dwelling at this rural location or that his housing need could not be met by locating in a nearby village, town or settlement. In this regard, the Board noted the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities, which distinguishes between urban-generated and rural-generated housing need, and also National Policy Objective 19 of the National Planning Framework, which states that it is national policy to “facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements”. Accordingly, and notwithstanding any provisions of the Laois County Development Plan, the Board considered that the development should be refused for this reason also, but as this would represent a new issue in the context of the application and appeal, decided not to include it as a second refusal reason, in the light of the substantive reason for refusal as set out in its Order.

**Note 2:** The Board noted the scale and height of the proposed dwelling, and the location of the proposed development, on this flat and exposed site beside the N78, and considered that the development, notwithstanding the landscaping proposed, would represent an obtrusive feature when view from the National Route, and thereby concurred with the view of the Council’s Executive and Senior Executive Planners in their report of 29<sup>th</sup>/30<sup>th</sup> January 2019. However, The Board decided not to include this as a further reason for refusal, as it would represent a new issue in the context of the application and appeal, in the light of the substantive reason for refusal as set out in its Order.

*[Please issue a copy of this Direction to the parties with the Board Order]*

**Board Member**

**Date:** 11<sup>th</sup> December 2019

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Philip Jones