



An
Bord
Pleanála

Board Direction
BD-007922-21
ABP-309035-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/04/2021.

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

Reasons and Considerations

1. Taken in conjunction with existing development in the area, the proposed development would constitute an excessive density of suburban type development in a rural area that is under strong urban influence. The development, if permitted, would result in the expansion and consolidation of a suburban pattern of ribbon development in the rural area, would further erode the rural character of the area and would be contrary to the provisions of Policy RH-P-2 of the County Donegal Development Plan 2018-2024 and would be contrary to the relevant provisions of the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April, 2005. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the site within an area under strong urban influence as identified 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 policy to distinguish between urban-generated and rural generated housing need, and having regard to National Policy Objective 19 of the National Planning Framework in relation to rural areas under urban influence, which states that it is 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”, it is considered that the applicant has not demonstrated that he comes within the scope of the housing need criteria as set out in the Guidelines and has not demonstrated an economic or social need to live in this rural area in accordance with national policy. Notwithstanding the rural housing provisions of the County Donegal Development Plan 2018-2024, the proposed development, by itself and the precedent it would set for further development in a rural area under strong urban influence, would be contrary to the provisions of the 2005 Guidelines and National Policy Objective 19 of the National Planning Framework, and, accordingly, would be contrary to the proper planning and sustainable development of the area.

Note: Having regard to the soil conditions observed on inspection of the site, the absence of a ‘P-Test’ and non-compliance with the minimum separation distances required under the EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses (2009), the Board is not satisfied that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a mechanical wastewater treatment system and polishing filter. The proposed development would, therefore, be prejudicial to public health. The Board considered that this issue might be addressed through the issuing of a section 132 request for additional information but decided, in the context of the substantive reasons for refusal set out above, not to pursue this issue.

Board Member

Date: 16/04/2021

Maria FitzGerald