

**An
Bord
Pleanála**

**Board Direction
BD-010565-22
ABP-311184-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 25/04/2022.

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

Reasons and Considerations

1. Having regard to the pattern of development in the vicinity, and to the means of wastewater disposal proposed, it is considered that the proposed development would add to a proliferation of septic tanks and individual wastewater treatment systems in an area which is identified by the Environmental Protection Agency as an area of extreme vulnerability and with a groundwater R2¹ groundwater protection response. Such areas are under very high risk of pollution from domestic wastewater systems. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.
2. The proposed development, by reason of its location to the rear of existing dwellings along the public road, would constitute an inappropriate form of piecemeal development and an intrusive encroachment of physical development into the open scenic rural landscape. The proposed development would militate against the preservation of the rural environment and would set an undesirable precedent for other such development in the vicinity. Such development would be contrary to policy HOU 25 of the Louth County Development Plan 2021-2027 which requires that applications for

single house developments shall be designed and constructed in accordance with the Development Management Guidelines as detailed in Chapter 13 of that plan, and policy HOU 42 which requires that a new dwelling is located so that it integrates into the local landscape and does not negatively impact or erode the rural character of the area in which it would be located. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: 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, and in the Louth County Development Plan, 2021-2027, by way of its Rural Policy Zone 2, where housing is restricted to persons demonstrating local need in accordance with the Table 3.5, it is considered that the applicant may not come within the scope of the housing need qualifying criteria for a rural one-off dwelling house at this location.

In addition, the site of the proposed development is located within an "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 and in an area where housing is restricted to persons demonstrating local need.

Further, having regard to National Policy Objective 19 of the National Planning Framework (February 2018) which, for rural areas under urban influence, seeks 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 compliance with National Policy Objective 19 and the local need qualifying criteria set out under Table 3.5 of the Development Plan.

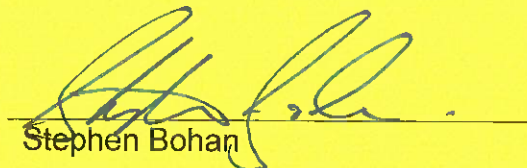
The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural car dependent development in an area where there is a strong proliferation of such developments.

It would also contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would therefore be contrary to the local and overarching provisions of national policy, and would, therefore, be contrary to the proper planning and sustainable development of the area.

The Board considered that, ordinarily this issue would warrant further consideration and possibly further information, however as this constituted a new issue within the context of the appeal and given the substantive reasons for refusal set out above, it was decided not to pursue this matter under the current appeal.

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

Board Member


Stephen Bohan

Date: 25/04/2022

