

An
Bord
Pleanála

Board Direction
BD-011707-23
ABP-311245-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/01/2023.

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:
 - a. the location of the site within a rural area identified as being under strong urban influence in accordance with the 'Sustainable Rural Housing Guidelines for Planning Authorities' published by the Department of the Environment, Heritage and Local Government in April, 2005;
 - b. 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 demonstratable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements; and
 - c. the relevant provisions of the Offaly County Development Plan, 2021-2027 which provide for consideration to be given to the development of rural housing in areas under strong urban influence for those with a definable social or economic need to live in the open countryside,

the Board is not satisfied, on the basis of the information submitted with the application and the appeal, that the applicant has a demonstrable economic or social need to live in this specific rural area. It is considered, therefore, that the applicant does not come within the scope of housing need criteria, as set out in the Sustainable Rural Housing Guidelines and in national policy, for a house at this location. In the absence of any identified locally based need for the house at this location, it is considered that the proposed development would result in a haphazard and unsustainable form of development, would 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 undermine the settlement strategy set out in the Offaly County Development Plan, 2021-2027. The proposed development would be contrary to the Ministerial Guidelines and to the over-arching national policy, with particular regard to the provisions of the Offaly County Development Plan, 2021-2027, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the proximity of the proposed development to features of significant archaeological interest, the results of the Archaeological Impact Assessment, and the wider policies and objectives of the Offaly County Development Plan, 2021-2027 as regards the protection of archaeological sites and their settings, the Board is not satisfied that the proposed development would not have a detrimental impact on archaeological heritage considerations or that it would not injure or interfere with a historic recorded monument or its setting. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.


Note:

The Board noted and shared the concerns raised by the inspector in relation to inadequate sightlines and that it may be necessary for material to be excavated from the base of the nearby monument in order to achieve any notable improvement in sight distance to the west which may have archaeological implications.

The Board also noted and shared the concerns raised by the inspector in relation to on-site effluent disposal, particularly the absence of information required to demonstrate that the site is capable of safe disposal of effluent treatment through an onsite wastewater treatment system. It is noted, as referred to by the inspector, that Annex C.2.3 of the 2009 Code of Practice: 'Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)', which is the relevant technical code in this instance, that a 'T'-test should be conducted at all sites where the depth of bedrock or water table permits and that where a 'T'- value encountered is in excess of 90 then, irrespective of the 'P'-test result, the site is unsuitable for the discharge of treated effluent to ground.

The Board noted that these are new issues, however, having regard to the substantive reasons for the refusal, the Board did not pursue these.

Board Member



Stephen Brophy

Date: 27/01/2023

