

An
Bord
Pleanála

Board Direction
BD-010408-22
ABP-311989-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 31/03/2022.

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

Reasons and Considerations

The proposed development, by reason of its elevated and open rural landscape setting that forms part of a landscape setting that is afforded protection as an Area of High Scenic Quality (AHSQ) would constitute an inappropriate and suburban form of ad hoc piecemeal development and would result in a further intrusive encroachment of physical development within a landscape setting that has been diminished by the proliferation of one-off dwellings. The proposed development, in itself, taken together with the extensive loss of roadside boundary, the inappropriate design, layout and overall disconnect with safeguarding the visual amenities of its setting, and in conjunction with other additional dwellings along a local road would militate against the preservation of this rural environment. It would be contrary to policy objective NBG 37 of the Louth County Development Plan, 2021 to 2027, which requires the protection of rural landscapes of the Areas of High Scenic Quality (AHSQ) from inappropriate development for the benefit and enjoyment of current and future generations and policy objectives ENV 38 as well as ENV 39 which requires the protection and preservation of existing hedgerows where appropriate in new development. As well as only permitting their removal in exceptional circumstances where their removal is necessary. The applicant in this case has no exceptional circumstance that would warrant the extensive removal of hedgerows and their

further destruction would together with the suburban response to the roadside boundary would further diminish the visual amenities of the area. It is therefore considered that the proposed development would be contrary to these policy objectives of the Louth County Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.

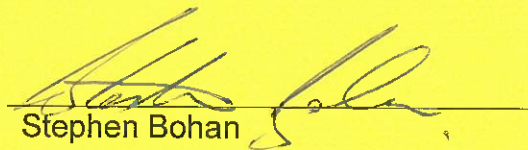
Notes:

- i. 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, the Board noted and shared the opinion of the inspector that the applicant has not demonstrated an economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements and, therefore, the proposed development does not comply with National Policy Objective 19, and that the applicant has not adequately demonstrated a rural housing need in respect of any of the relevant qualifying criteria set out under Table 3.5 of the Louth County Development Plan 2021-2027. However, noting that this would constitute a new issue in the context of the current appeal, and noting also the substantive reason for refusal set out above, it was decided not to pursue this matter further under the current appeal.
- ii. The Board noted the correspondence from Jim Garvey (dated 30 November 2021), and this would appear to suggest that the application site extends to an area greater than that for which written consent was received by the applicant. The Board considered that this would ordinarily warrant further analysis and investigation but given the substantive reason for refusal set out above, it was decided not to pursue this matter further under the current appeal.
- iii. The Board concurred with the Inspector that the proposed development could lead to an excessive proliferation of development served by individual

wastewater systems in the area. Taken in conjunction with existing development in the vicinity, the proposed development could give rise to an excessive density of development in a rural area lacking public water and wastewater facilities which could be prejudicial to public health. However, given the substantive reason for refusal set out above, it was decided not to pursue this matter further under the current appeal.

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

Board Member


Stephen Bohan

Date: 31/03/2022

