

An
Bord
Pleanála

Board Direction
BD-012446-23
ABP-313250-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/06/2023.

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

Reasons and Considerations

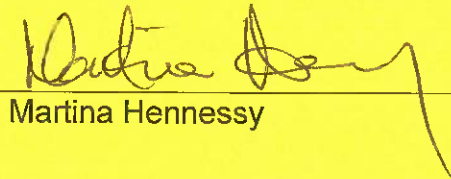
1. The site of the proposed development is located within an "Area Under Strong Urban Influence" as set out in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April 2005 and within lands which are designated as Rural Policy Zone 1 in the Louth County Development Plan 2021-2027. Furthermore, the subject site is located in an area that is designated as an area under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, 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 and having regard to the viability of smaller towns and rural settlements. Having regard to the documentation submitted with the planning application and appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area, or that the housing need of the applicant could not be met in a smaller town or rural settlement. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. In addition, the development to be retained does not accord with Objective HOU

41 of the Louth County Development Plan 2021-2027. The regularisation of the development would result in a haphazard and unsustainable form of development in an un-serviced area, it would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment that is sensitive to change, and it would give rise to inefficient and unsustainable provision of public services and infrastructure at remote from settlement locations. The proposals are therefore contrary to the proper planning and sustainable development of the area.

2. Having regard to the siting of the existing dwelling, together with the cumulative impact of existing dwellings in the immediate hinterland, the proposal would represent an overdevelopment of one-off dwellings in this rural area. The development is considered to be contrary to Section 13.9.4 (site selection) of the Louth County Development Plan, 2021-2027, which requires that applications consider the existing number of one-off dwellings in the area and the ability of the landscape to absorb further development without further eroding the rural character of the area. In addition, the design of the dwelling is not considered to be reflective of a rural dwelling and is not considered to accord with the provisions of Section 13.9.9 or 13.9.10 of the Louth County Development Plan, 2021-2027 and accordingly, the overall design is considered to be contrary to Policy Objective HOU 47 which requires applications for one-off rural housing to comply with the standards and criteria set out in Section 13.9 of Chapter 13. Such development is therefore considered to be contrary to the proper planning and sustainable development of the area.
3. Based on the existing site conditions and the extent of the development proposals as indicated within the red line site boundary, the Applicant has failed to demonstrate the minimum sightline requirements as prescribed in Section 13.16.17 Entrances and Sightlines and Table 13.13 of the Louth County Development Plan, 2021-2027. The development would therefore endanger public safety by reason of a traffic hazard and would be contrary to the proper planning and sustainable development of the area.

4. The applicant has failed to demonstrate that the proposed waste water treatment system and polishing filter is in compliance with the EPA Code of Practice, 2021. As a ground water risk assessment has not been carried out for the proposed development, there is no demonstration that a safe and sustainable water supply can be provided to serve the dwelling sought under this application and its future occupants. Nor is there sufficient information that shows that if permission was granted, that would allay concerns that there would be no potential risk of it being prejudicial to public health or that it would not give rise to diminishment of ground water quality in this area. In this regard, the development is contrary to Policy Objective IU18 of the Louth County Development Plan, 2021-2027 and the development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of this area.

Board Member



Martina Hennessy

Date: 13/06/2023

