

An
Bord
Pleanála

Board Direction
BD-015385-24
ABP-316067-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/02/2024.

The Board decided to refuse permission for the following reasons and considerations.

Reasons and Considerations

Having regard to:

- The location of the site within a stronger rural area, as identified by the Donegal County Development Plan 2018-2024,
- The relevant provisions of the Donegal County Development Plan 2018-2024, including policy RH-P-3 (which notes that in stronger rural areas, applicants are required to comply with specified criteria regarding persons who are deemed to have a rural housing need), and the specific component of this policy which is relied on by the applicant and by the planning authority in its decision, namely *'persons with a vital link to the rural area... by the existence in the rural area of long-established ties (7 years minimum) with established family members'*,
- National Policy Objective 19 of the National Planning Framework published in February 2018, which states for rural areas under urban influence seeks to facilitate rural housing proposals based on the core consideration of demonstrable economic or social need to live in the rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements,

- The documentation on file provided as part of the application and appeal, and
- The report of the Inspector.

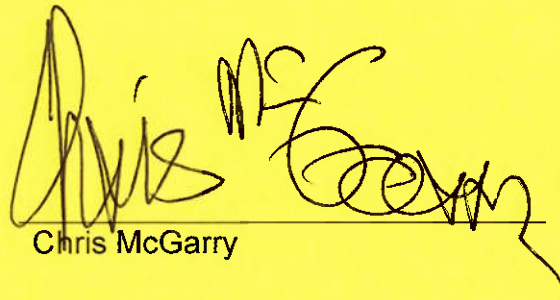
It is considered, on the basis of the information submitted with the application and appeal, that the applicant has failed to establish a vital link to the rural area within the meaning of the wording of RH-P-3. In this regard it is considered that stated reference to, previous residency of the applicant in the town of Ramelton from 1982-1994 and residency of the applicant in the town of Donegal Town from 1994 to date, along with reference to permission, on foot of a 2021 planning application, for a house in proximity to the subject site secured by a daughter of the applicant and reference to the daughter having resided (without a specified location) in a separate local rural area, would not reasonably constitute the existence of long-established ties by this particular applicant with this specific rural area, as set out in policy RH-P-3.

In the absence of a demonstrated housing need at this location, 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 and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered the totality of the documentation submitted with the application and appeal, along with the specific wording of the relevant rural housing policy as set out in the statutory development plan. In this regard, the Board did not share the view that the information available on file, supported the contention that the applicant has close family links with this area for a considerable time period, within the meaning of policy RH-P-3, as from the presented detail, the links of the applicant are primarily derived from a family relationship to a residence within the town of Ramelton. The Board determined that this presented detail would not therefore

support a thorough interrogation of compliance by the applicant with policy RH-P-3 specifically by reference to 'a vital link to the rural area...'. It was determined therefore, that a refusal of permission was warranted as set out in the reason stated.

Board Member



Chris McGarry

Date: 09/02/2024