

An
Bord
Pleanála

Board Direction
BD-017410-24
ABP-317158-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/09/2024.

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 Protected Structure on site (Ref 36-04)) and Policy BH-02 in the Offaly County Development Plan 2021-2027 which seeks to prohibit inappropriate development within the curtilage or attendant grounds of a protected structure which would adversely impact on the special character of the protected structure, it is considered that the development to be retained, by reason of its uncharacteristic design and siting, would materially and adversely affect the character and setting of the Protected Structure and would seriously injure the amenities of the area. The development to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to standards DMS-49 Log Cabins/ Pods of Chapter 13 Development Management Standards of the Offaly County Development Plan 2021-2027, which sets out that Log Cabins are not vernacular typologies of the Offaly countryside and are only to be permitted in limited cases, it is considered that the development to be retained is not a vernacular typology of the Offaly countryside, that to permit such a dwelling in this specific location would seriously injure the visual amenities of the area and would set an undesirable


precedent for other such developments in the area. The proposed development to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the subject site which is located in the open countryside within an area designated as a rural area under strong urban influence in the Offaly County Development Plan 2021-2027, it is considered that the applicant has not demonstrated that he comes within the scope of the housing need criteria as set out in Policy SSP-27, specifically criteria 2 'the applicant does not already own a house in the open countryside' and 4 'high quality siting and design'. The proposed development, in the absence of any identified locally based need for the house, 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 development to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

Note:

The Board noted that a site suitability report has not been provided to demonstrate the wastewater treatment system to be retained is in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021. While ordinarily this would warrant further consideration and a request for further information, in this instance given the substantive reasons for refusal above, it was decided not to pursue this matter under the current appeal.

Board Member


Martina Hennessy

Date: 05/09/2024