

An
Coimisiún
Pleanála

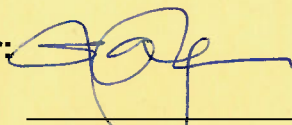
Direction
CD-021256-25
ABP-320621-24

The submissions on this file and the Inspector's report were considered at a meeting held on 13/11/2025.

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

Planning

Commissioner:



Emer Maughan

Date: 14/11/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. Having regard to the location of the site in an Area Under Strong Urban Influence, Objective RH-O-1 and Policy RH-P-1 of the County Donegal Development Plan 2024-2030, and the documentation received in connection with the planning application, it is considered that, in the absence of the provision of evidence of demonstrable economic or social 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.

2. Submitted documentation refers to a requirement to carry out works to land on the northern side of the existing entrance on the L-7581-1 in order to achieve the necessary sight line in that direction. The submitted site layout plan shows that the relevant land is located outside the application red line boundary and therefore works to same is not included as part of the application for permission. Having regard to the documentation submitted with the application, the Commission is not satisfied that the applicant has sufficient legal interest to implement the proposed works to achieve the required sightline to the north of the entrance on the L-7581-1. In these circumstances, it is considered that the Commission is precluded from giving further consideration to the granting of permission for the development the subject of the application.

Note

The Commission decided, given the substantive reasons for refusal outlined above, not to seek the views of the relevant parties in regard to the following new issues arising from the assessment of the case:

1. The Commission noted the Inspector's assessment of the access to the site from the public road, and given the misalignment of the access route to the site from the existing track and the access road approved under PA ref. 06 /70948, for which permission has lapsed, there is no evidence of a record of a planning permission granted to construct a means of access from the site to the public road.
2. On the basis that insufficient information has been provided with regards to the construction / upgrade of the proposed c.330 metre access road to the dwelling, and the identified hydrological connection to the Lough Swilly SAC and SPA the Commission is not satisfied that the proposed development

would not have likely significant effects on the integrity of the European Sites proximate to the site. The Commission is precluded from granting permission in such circumstances.

3. The Commission is not satisfied, based on the documentation provided with the application and the appeal, that the proposed development complies with Objective H-O-2 and Policy RH-P-9 by reason of the precedent a grant of permission would set by the creation or expansion of a suburban pattern of development in the rural area. The Commission considered the position, siting and location of the proposed development would constitute haphazard backland development that fails to blend in with the landform and natural features of the site and the necessary siteworks (including the extensive access road) would fail to blend in unobtrusively with its immediate and wider surroundings.