

An  
Coimisiún  
Pleanála

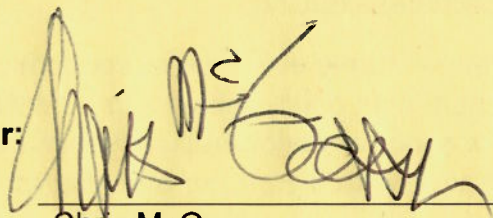
**Direction**  
**CD-020676-25**  
**ABP-322600-25**

The submissions on this file and the Inspector's report were considered at a meeting held on 15/09/2025.

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

**Planning**

**Commissioner:**

  
Chris McGarry

**Date:** 15/09/2025

### **DRAFT WORDING FOR ORDER**

#### **Reasons and Considerations**

Having regard to the location of the site in an Area Under Strong Holiday Home Influence and Policy RH-P-2 of the County Donegal Development Plan 2024-2030, and the documentation received in connection with the planning application and the appeal, 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.

**Note 1:**

The Commission noted that the issue of insufficient documentary evidence of a demonstrable economic or social need for a rural dwelling at this specific location (evidence that is necessary to confirm compliance with the relevant statutory development plan policy) was central to the appeal, yet the applicants did not use the opportunity to provide such detail as part of their response to the third-party appeal. The inspector formed a resolute view on this matter at paragraph 8.1.6. of his report, wherein he stated, 'no definitive evidence has been supplied by the applicant to corroborate a social need'. The Commission agreed with this assessment.

In this regard, the consideration of a further request in the context of the current appeal was discounted for this specific case, noting the principle of natural justice and the appropriateness that such clear demonstrable evidence should be available within the totality of the documentation presented at application stage and thus available for scrutiny by any and all interested parties in a manner which affirms the integrity of the overall planning application exercise.

On the facts of this specific case demonstrable evidence of economic or social need is at the heart of statutory development plan policy relevant to a dwelling proposal at this site and cannot be considered a minor or peripheral issue in the overall assessment of compatibility or otherwise with the proper planning and sustainable development of the area.

In this regard, it is considered that full provision of such information should more properly be provided in any future application at this site. This would then enable a clear ventilation and determination of this central issue, in a transparent and expeditious manner consistent with the principles of natural justice for all parties, including the general public and indeed an applicant.



**Note 2:**

The Commission noted and shared the concern of the inspector with regard to a shortfall of information within the application documentation to adequately demonstrate that the proposed wastewater treatment system could appropriately treat effluent arising from the subject development and that minimum separation distances from trees can be achieved in accordance with the EPA Code of Practice. Furthermore, the Commission considered that the lack of drawing detail with regard to the wastewater treatment system, other than the Site Layout Plan was a concern, particularly with regard to the topographical nature of the site and to the heavily treed context within which the treatment system is proposed to be located. Ordinarily this issue would warrant further consideration and potentially further information at the least, to enable a determination to be made. However, having regard to the substantive reason for refusal set out above, and the potential for change as a consequence of updated detail, it was decided not to pursue this matter in the context of the current application and appeal. It is recommended that any future application should address this issue in more detail.