

An
Coimisiún
Pleanála

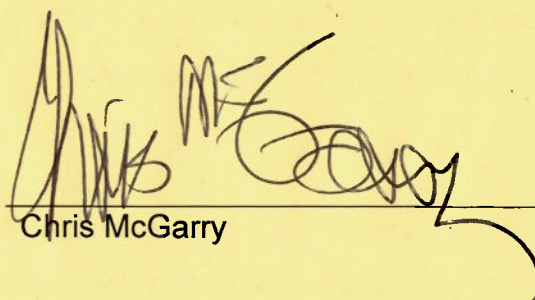
Direction
CD-021217-25
ACP-323239-25

The submissions on this file and the Inspector's report were considered at a meeting held on 07/11/2025.

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: 07/11/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the access/egress arrangements submitted in response to Further Information whereby the revised proposed access would traverse across third party lands for which written consent has not been provided within the application documentation (noting the reference in the report of the Donegal County Council planning officer in their report dated 08/07/2025 that the 'driveway will cross a very small section of third party land...'), it is considered that notwithstanding the modest extent of the relevant third party land, that the applicant does not have sufficient legal interest to make the application for the proposed development in the form as proposed. In this regard to grant permission for the proposed development would be contrary to the proper planning and sustainable development of the area.

Note 1: The Commission noted the recommended reason for the refusal of the inspector which stated as follows; having regard to the location of the site in an Area Under Strong Holiday Home Influence and Policy RH-P-2 of the 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. The Commission shared the opinion of the inspector in this regard. However, noting that this would be a new issue within the context of the appeal and having regard to the substantive reason for refusal set out above, it was decided not to pursue this matter further in the context of the current appeal.

Note 2: The Commission noted the commentary of the inspector that 'there appears to be an association between the applicant and a grant of permission in 2002 for a dwelling on the site immediately north of the appeal site... If this is the case, and in the absence of demonstrated exceptional circumstances, a grant of permission under the current application would be contrary to Policy RH-P-2'. The Commission considered that this issue might ordinarily have warranted further information to clarify and resolve any potential uncertainty within the meaning of the provisions of Policy-RH-P-2 (policy shall not apply where an individual has already had the benefit of a permission for a dwelling on another site). However, given the substantive reason for refusal it was decided not to pursue this matter in the context of the current appeal.

Note 3: The Commission considered that having regard to the location of the subject site and the position of the proposed dwelling, that the proposed development may not be in accordance with the provisions of the development plan insofar as they relate to ribbon development (RH-P-6 refers). However, noting that this would be a new issue within the context of the appeal and having regard to the

substantive reason for refusal set out above, it was decided not to pursue this matter further in the context of the current appeal.

Note 4: The Commission considered that the proposed dwelling would be served by an on-site wastewater treatment system. In this regard and notwithstanding the commentary of the inspector, the Commission considered that in the absence of further detail on the number and positioning of other wastewater treatment systems for the considerable number of existing dwellings in the immediate vicinity and by reference to an unnamed stream/Ray River (and for which the inspector has identified a Water Framework Directive status of 'poor') to the northeast of the site, with a potential pathway via surface water and groundwater, it might not be satisfied that the proposed development, by itself or in combination with other development, would not be prejudicial to public health by reason of pollution to waterbodies. However, noting that this would be a new issue within the context of the appeal and having regard to the substantive reason for refusal set out above, it was decided not to pursue this matter further in the context of the current appeal.