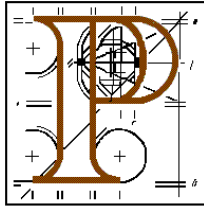


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Donegal County

Planning Register Reference Number: 15/50888

An Bord Pleanála Reference Number: PL 05.245498

APPEAL by Sarah Barr care of Doherty Building Surveying of Cashelcraw, Carndonagh, County Donegal against the decision made on the 20th day of August, 2015 by Donegal County Council to grant subject to conditions a permission to Roseleen Callaghan care of Michael Galbraith Associates of Millbrae House, 80 Lower Main Street, Buncrana, County Donegal.

PROPOSED DEVELOPMENT: (A) Retention of repositioning of dwelling house from that as approved under planning register reference number 06/72405 and minor modifications to the front elevation, namely providing hip roof over front bedroom windows, external chimneys to both gables and slight modifications to window fenestration. (B) Permission for the installation of a waste water treatment plant, soil polishing filter and site development works, all at Tullyarvan, Buncrana in the townland of Tullyarvan, County Donegal.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

The proposed waste water percolation area would be located on a separate landholding that is not within either the ownership or control of the owner of the house. The Board is therefore not satisfied that the applicant has sufficient legal interest in these lands to provide for the appropriate disposal of foul effluent at this location to serve the house on a permanent basis. It is not considered that the letter of consent provided to the applicant gives adequate assurance in terms of permanent legal rights of access for maintenance or other future works, and control of use of these lands, by the current or future owners of the house. It is therefore considered that the development proposed to be retained and completed would constitute disorderly development, would be prejudicial to public health, and would constitute a risk to the environment in an area identified by the Environmental Protection Area as being at very high risk from domestic waste water pollution. The 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 that it would not be appropriate to provide for the disposal of foul effluent at a location outside the landholding serving the house and over which the owners have no permanent legal control, associated with the dwelling, in terms of access, maintenance, provision for future works, or control of land uses appropriate to a percolation area.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.