

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Donegal County

Planning Register Reference Number: 15/51045

An Bord Pleanála Reference Number: PL 05E.246400

APPEAL by An Taisce of The Tailors' Hall, Back Lane, Dublin against the decision made on the 10th day of March, 2016 by Donegal County Council to grant subject to conditions a permission to Nicole Ní Ghallachóir care of Moneybeg Planning and Engineering Limited of Dunlewey, Gweedore, Letterkenny, County Donegal in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Teach cónaithe agus dabhach searachais a thógail, istigh leis an iarratas tá measnúchán Iombualadh Natura (Natura Impact Assessment) agus Ráiteas ag Mín Doire Dhamh, Na Doirí Beaga, Leitir Ceanainn, Contae Dhún an nGall.

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

1. The proposed development is located in a rural area remote from the settlement of Bunbeg in County Donegal, in an area designated a Stronger Rural Area in the Donegal County Development Plan 2012-2018. Having regard to the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government in April, 2005 including the requirements for local need to be determined in assessing planning applications for rural housing and to the provisions of the Donegal County Development Plan to ensure that new residential development in rural areas provides for genuine rural need (Objective RH-O-3), the Board is not satisfied on the basis of the information submitted in connection with the planning application and the appeal, that the applicant has demonstrated a rural-generated housing need at this location in accordance with the Guidelines and Development Plan. It is further considered that the proposed development would contribute to the disorderly pattern of housing development in this remote, sensitive rural area, would constitute haphazard one-off housing, would lead to demands for the uneconomic provision of further public services and communal facilities in the area, would set an undesirable precedent for similar development, and would seriously injure the amenities of this rural area. The proposed development would, therefore, conflict with the policy of the planning authority and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to:
 - policy RH-P-1 of the Donegal County Development Plan 2012-2018 which requires that proposals for individual dwellings shall be subject to the application of Best Practice in relation to the siting, location and design of rural housing as set out in Appendix B of the plan,
 - the provisions of Appendix B of the Plan which require that a house in the countryside should, inter alia, integrate satisfactorily within the landscape, reflect its location and contribute satisfactorily to the character of the area and be well designed informed primarily by site specifics,
 - the size, bulk, scale and mass of the proposed dwelling which is of a suburban type design, and

- the extent of the proposed modifications to the landscape including the removal of woodland and vegetation and extensive site filling to facilitate the construction of the house on an expansive developed apron,

it is considered that the proposed development would be contrary to the provisions of policy RH-P-1 of the Donegal County Development Plan 2012-2018, would seriously injure the amenities of this sensitive rural area and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the proposals for an extensive surface water drainage system, and the construction and servicing of the proposed dwelling by a private effluent treatment system on soils of poor drainage characteristics, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. In view of the effluent treatment concerns the Board also cannot be satisfied on the basis of the documentation on file that the proposed development would not adversely affect the integrity of the adjacent European site in view of the site's conservation objectives. The proposed development would, therefore, be prejudicial to public health and be contrary to the proper planning and sustainable development of the area.
4. It is considered that the proposed development would endanger public safety by reason of traffic hazard because the site is located alongside a heavily trafficked regional road at a point where the maximum speed limit applies for that road, where the road is substandard in alignment and where the additional traffic turning movements generated by the development would interfere with the safety and free flow of traffic on the public road.

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

Dated this day of 2016.