

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Galway County

**Planning Register Reference Number: 16/105**

An Bord Pleanála Reference Number: PL 07.246579

**APPEAL** by Martin Murtagh care of Ger Fahy Planning of 108 Village Green, Kilcock, County Mayo against the decision made on the 14<sup>th</sup> day of April, 2016 by Galway County Council to refuse permission.

**PROPOSED DEVELOPMENT:** Variation of planning permission planning register reference number 14/77 to demolish existing dwelling on the landholding and to construct a replacement family house (with on-site wastewater treatment system) at alternative location on the same landholding, all at Troin na Braci, Rathun, Gailliamh.

## 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. Having regard to the location of the site within an “Area Under Strong Urban Influence” as identified in Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and in an area where housing is restricted to persons demonstrating local need in accordance with the Galway County Development Plan 2015-2021, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, 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. Having regard to the location of the site above a poor aquifer, 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. The proposed development would, therefore, be prejudicial to public health.
3. The site is located on a minor road which is seriously substandard in terms of width and alignment. The traffic generated by the proposed development would, therefore, endanger public safety by reason of traffic hazard and obstruction of road users.

In deciding not to accept the Inspector's recommendation to grant permission, the Board was not satisfied based on the information provided that the applicant came within the scope of the housing need criteria and accepted and agreed with the planning authority with respect to drainage, road width and alignment concerns. Furthermore the Board was not satisfied with regard to the design of the suburban style dwelling in the rural landscape, however given the substantive reasons for refusal as outlined above, did not include this as a reason.

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

**Dated this            day of            2016.**