



Planning and Development Acts 2000 to 2017

Planning Authority: Galway City Council

Planning Register Reference Number: 17/217

Appeal by Martina Bermingham care of Aidan M Doyle of Colemanstown, Ballinasloe, County Galway against the decision made on the 19th day of September, 2017 by Galway City Council to refuse permission for the proposed development.

Proposed Development: Construction of a dwelling house, garage, treatment system and percolation area at Quarry Road, Mionlach (Menlo), Galway.

Decision

REFUSE permission for the above proposed development in accordance with 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 subject site is located in the open countryside within an area subject to the zoning objective: “A” in the Galway City Development Plan 2017-2023, the objective of which is to encourage sustainable agricultural activities and to protect the rural character of the lands. Within this zone, it is the policy of the planning authority not to permit dwellings unless a convincing case of housing need is established or the applicant is an immediate member of a household residing in the area, a farmer, or an immediate member of a farming family. This policy is considered to be reasonable. Furthermore, the site is also located in an area which would correspond to the rural area type “Area under Strong Urban Influence”, as set out in the Sustainable Rural Housing Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in April 2005, wherein it is indicated that it is policy to distinguish between rural-generated housing need and urban-generated housing need. On the basis of the documentation submitted in support of the application and the appeal, it is considered that the applicant has failed to demonstrate an established local housing need for a dwelling at this location, in accordance with the Development Plan policy, and it is also considered that the proposed development would represent urban-generated rural housing, and that the applicant, therefore, would not come within the scope of the housing need criteria for a house in the rural countryside within an Area of Urban Influence. Accordingly, the proposed development would contravene materially the development objective included in the Galway City Development Plan 2017-2023, and be contrary to these Ministerial Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

