



Planning and Development Acts 2000 to 2018

Planning Authority: Donegal County Council

Planning Register Reference Number: 18/50175

APPEAL by Kevin and Mandy McGarvey of Bohirril, Mountain Top, Letterkenny, County Donegal against the decision made on the 23rd day of March, 2018 by Donegal County Council to grant subject to conditions a permission to Martin Friel care of Trevor Robb of Killyclug, Letterkenny, County Donegal.

Proposed Development: Removal of existing base of approved dwelling, and erection of a new dwellinghouse with septic tank and domestic garage at Bohirril, Mountain Top, Letterkenny, County Donegal.

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. Having regard to the location of the site within an Area Under Strong Urban Influence, and to National Policy Objective 19 of the National Planning Framework (February 2018) which, for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements, it is considered that the applicant does not comply with National Policy Objective 19. The proposed development would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure, and would contravene the provisions of the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Taken in conjunction with existing development in the area, the proposed development would constitute an excessive density of suburban-type dwellings in a rural area, which would militate against the preservation of the rural environment. Furthermore, the proposed development would contribute towards undesirable ribbon development in a rural area outside lands zoned for residential development and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the extreme groundwater vulnerability at this location, it is considered that the proposed development, taken in conjunction with existing development in the vicinity, would result in an excessive concentration of development served by individual wastewater treatment systems, and would constitute an unacceptable risk of groundwater pollution connected with the disposal of wastewater. The proposed development would, therefore, be prejudicial to environmental and public health and contrary to the proper planning and sustainable development of the area.

John Connolly

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

Dated this day of 2019.