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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Carlow County Council**

**Planning Register Reference Number: 18/112**

**APPEAL** by Brian and Charlene Maxwell care of Dean Design of The Mill House, Dunleckney, Bagenalstown, County Carlow against the decision made on the 28<sup>th</sup> day of May, 2018 by Carlow County Council to refuse permission to the said Brian and Charlene Maxwell.

**Proposed Development** To construct a single storey dwelling house, new site entrance, bored well, proprietary treatment system and associated percolation area, all ancillary site works and services, at Ballymurphy, Tullow, County Carlow.

**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 site of the proposed development is located within an “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 and in an area where housing is restricted to persons demonstrating social and economic local need in accordance with the Carlow County Development Plan 2015-2021. Furthermore, the subject site is located in a rural area that is under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, 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 proximity of existing settlements to the subject site and having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria, as set out in the Guidelines and in national policy, for a house at this location. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the over-arching national policy, notwithstanding the provisions of the current Carlow Development Plan, and would be contrary to the proper planning and sustainable development of the area.

2. The Board is not satisfied that, when taken in conjunction with the high concentration of wastewater treatment units in the area, the development would not contribute to unacceptable increase of nitrate levels in the receiving groundwater and result in an excessive concentration of development served by waste water treatment units in the area. Accordingly, it has not been demonstrated that the effluent which would be generated as a result of the development can be adequately treated and safely disposed of on-site without risk to groundwater quality. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

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**Terry Ó Niadh**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2019.**