



Planning and Development Acts 2000 to 2018

Planning Authority: Galway County Council

Planning Register Reference Number: 18/739

APPEAL by John Fahy care of Brendan McGrath and Associates of Riverstown Cottage, Corrofin, County Clare against the decision made on the 2nd day of November, 2018 by Galway County Council to grant subject to conditions a permission to James Carey care of Grealish Glynn and Associates of 1 The Punchbowl, Ennis Road, Gort, County Galway.

Proposed Development: Construction of a dwellinghouse, garage, treatment unit and all associated services at Ballardiggan, Gort, County 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. Having regard to the location of the site within an area under strong urban influence as identified 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 policy to distinguish between urban-generated and rural generated housing need, and in an area where housing is restricted to persons demonstrating a definable social or economic need to live in the open countryside, in accordance with the Galway County Development Plan 2015 - 2021, and to National Policy Objective 19 of the National Planning Framework, adopted by the Government, in relation to rural areas under urban influence, such as in the current case, which states that it is policy 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 has not demonstrated that he comes within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location in the open countryside, and that he has not demonstrated an economic or social need to live in this rural area in accordance with national policy and the Galway County Development Plan 2015 - 2021, Furthermore, the Board is not satisfied that the

applicant's housing needs could not be satisfactorily met in an established smaller town or village/settlement centre. The proposed development, in the absence of any definable or demonstrable 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, contravene the Ministerial Guidelines, be contrary to national policy and conflict with the provisions of the current Galway County Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is on a steeply elevated and visually prominent location overlooking Ballyturin Lough within a sensitive landscape. It is considered that the proposed development by reason of its siting and design would be dominant and obtrusive, would seriously injure the rural landscape character and the visual amenities of the area, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2019.