



Planning and Development Acts 2000 to 2018

Planning Authority: Louth County Council

Planning Register Reference Number: 18744

APPEAL by Jimmy Byrne care of EHP Services of 154 Riverside Drive, Red Barns Road, Dundalk, County Louth against the decision made on the 7th day of November, 2018 by Louth County Council to refuse permission to the said Jimmy Byrne.

Proposed Development: The development will consist of retention of a short stay self-catering holiday home and associated site development works, all at Starboard House, Clanrye, North Commons, Carlingford, County Louth.

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 is located within Development Zone 2 of the Louth County Development Plan 2015-2021, where it is an objective “To protect the scenic quality of the landscape and facilitate development required to sustain the existing rural community”. It is the policy of the planning authority to channel tourism and related service into serviced centres and restrict development in rural areas. Policies RD 33 and RD 34 restrict the location of holiday homes and self-catering residential units in rural areas. The development would, therefore, contravene materially the development objective as set out in the Development Plan, interfere with the character of the rural area and set an undesirable precedent for similar development in the vicinity. The development proposed to be retained would be contrary to the proper planning and sustainable development of the area.

2. The site is located within Development Zone 2 of the Louth County Development Plan 2015-2021, where it is an objective “To protect the scenic quality of the landscape and facilitate development required to sustain the existing rural community” and to which Policy SS 51 of the planning authority applies. The development comprises retention of the use of a dwelling for short stay accommodation which is 459 square metres in size. Having regard to the size of the dwelling within a scenic area which is approximately 22% larger than the previously permitted house of 375 square metres, it is considered the development proposed to be retained would interfere with the rural character and attractiveness of the area and set an undesirable precedent for similar developments in the vicinity, and would be contrary to the proper planning and sustainable development of the area.

3. The development proposed to be retained would generate an increase in the volume of traffic, including a significant increase at weekends and during the holiday periods. The site is accessed from the R173, which is designated as a Protected Regional Route in the Louth County Development Plan 2015-2021. Table 7.3 and Policy TC 10 restricts the intensification of existing access, except for certain exemptions which do not cover the proposed development. In addition, Table 7.4 sets out the minimum visibility standards to include minimum distance for non-domestic access onto the Protected Regional Routes, which the development has not significantly complied with. Having regard to the increase in traffic movements and the restricted capacity of the access, it is considered that the development proposed to be retained would, therefore, endanger public safety by reason of traffic hazard.

4. The site is located within an area with a ground water vulnerability classification of “Extreme” and “x” where rock is near the surface or karst and is approximately 120 metres from the edge of Carlingford Shore Special Area of Conservation (site code 002306). The development comprises the retention of a change of use of a dwelling for self-catering accommodation for approximately 15 persons. In the absence of a site characterisation test or satisfactory proposals to treat the additional loading on the site, it is considered the proposed development would lead to groundwater and surface water pollution within a water sensitive location and would, therefore, be prejudicial to public health.

Furthermore, the subject site is located on an elevated site above the R173, Greenore to Carlingford. It is the policy of the planning authority, as set out under Policy WS 10 of the Louth County Development Plan 2015-2021, to ensure the incorporation of Sustainable Urban Drainage Systems (SuDS) measures in all developments. The proposed development fails to demonstrate how surface water disposal can be managed to minimise storm water by the incorporation of SuDS and, therefore, it is considered the proposed development would lead to increased surface water run off within a water sensitive location and would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area

Paul Hyde

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

Dated this day of 2019.