



Planning and Development Acts 2000 to 2019

Planning Authority: Leitrim County Council

Planning Register Reference Number: 19/25

APPEAL by Tony and Phina Dunne care of Pat Byrne Consulting of Teeboy, Corlough, Belturbet, County Cavan against the decision made on the 2nd day of April, 2019 by Leitrim County Council to refuse permission.

Proposed Development: Construction of a new private domestic two-storey dwelling, private domestic garage, proprietary effluent treatment system and percolation area to EN 12566-3 and SR.66, new entrance gate piers, front wall and driveway and associated site works, all at Ballynacleigh, Carrick-on-Shannon, County Leitrim.

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 Leitrim County Development Plan 2015-2021. Furthermore, it is national policy, as set out in National Policy Objective 19 of the National Planning Framework (February 2018), to seek to facilitate the provision of single housing in rural areas under urban influence and pressure, 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. Having regard to the proximity of the subject site to the town of Carrick-on-Shannon, the location of the applicants’ existing dwelling and the stated nature of the employment of the applicants, and also having regard to the documentation submitted with the application and the appeal, the Board is not satisfied that the applicants have a demonstrable economic or social need to live in this rural area. It is considered, therefore, that the applicants do not come within the scope of the housing need criteria as set out in the development plan and in national policy and Guidelines for a house at this rural location. The proposed development would, therefore, be contrary to the Ministerial

Guidelines and to the over-arching national policy and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the ground, soil and subsoil conditions for the site and the extent of seasonal water ponding and soil saturation evident on site, the Board is not satisfied that the site is suitable for the treatment and disposal of domestic foul effluent in accordance with the 'Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)', 2009 and subsequent clarifications issued by the Environmental Protection Agency. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

Dave Walsh

Member of An Bord Pleanála

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

Dated this day of 2019.