



Planning and Development Acts 2000 to 2019

Planning Authority: Galway County Council

Planning Register Reference Number: 18/1789

APPEAL by Thomas and Iris Powell care of Stephen Dowds Associates, Town Planning Consultants of 5 Mary Street, Galway against the decision made on the 15th day of May, 2019 by Galway County Council to grant subject to conditions a permission to Benny Higgins care of Thomas Walsh of Glann, Oughterard, County Galway.

Proposed Development: Chun sean teach a leagan agus teach cónaithe, córas séarachais agus garáiste príomháideach a thógáil i Corr Chuilinn, Contae na Gaillimhe.

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. Furthermore, the subject site is located in an area that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, issued by the Department of Housing, Planning and Local Government in February 2018, 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 documentation submitted with the application, including a structural report on the existing structure on site, which states that the foundations and walls cannot be certified for structural soundness and that there is no viable element to the structure, and noting the assessment of the planning authority that the existing structure on site is not habitable, the Board is not satisfied that the applicant has provided 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 and having regard to the relevant provisions of the current Galway County Development Plan 2015-2021, including objective RH01, rural housing in a rural area under strong urban pressure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information submitted with the application, including the Site Characterisation Form, the Board is not satisfied that the effluent from the proposed development can be satisfactorily treated and disposed of on-site, nor that, taken in conjunction with existing development in the vicinity, the proposed development would not result in an excessive concentration of development served by individual wastewater treatment systems in the area. The proposed development would, therefore, be prejudicial to public health.

Chris McGarry

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

Dated this day of 2019