



Planning and Development Acts 2000 to 2019

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 19/555

APPEAL by Declan and Gemma Hallahan of Beach House, Ardoginna, Ardmore, County Waterford against the decision made on the 17th day of September, 2019 by Waterford City and County Council to refuse permission.

Proposed Development: Replacement of an existing chalet type timber dwelling with a new log cabin type dwelling at Ardoginna, Ardmore, County Waterford.

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 subject site is located in a rural area designated in the Waterford County Development Plan 2011-2017 (as extended) as being under urban pressure, where it is policy to direct urban generated housing into the adjoining zoned settlements, and to cater for the housing requirements of members of the local rural community who have a genuine local housing need, as set out in section 4.10 of the development plan. On the basis of the documentation submitted with the current application and appeal, it is considered that the applicants have not demonstrated a genuine local housing need for housing in this rural location. Furthermore, having regard to the location of the site in an area under urban influence, and to the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in April 2005, and to the provisions of National Policy Objective 19 of the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018 which, for rural areas under urban influence, seeks 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 applicants have not satisfactorily demonstrated how they come within the scope of the housing need criteria as set out in the Guidelines and have not demonstrated an economic or social need to live in a rural area. The proposed development would, therefore, contravene the applicable provisions of the development plan, would be contrary to the Ministerial Guidelines and to national policy, and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the planning history of the subject site, and in particular the lack of any planning permission for the existing chalet type timber dwelling which it is proposed to replace, it is considered that the proposed development would not come within the scope of the provisions of section 7.5 of the Waterford County Development Plan 2011-2017 (as extended), as it relates to replacement dwellings. The proposed development would, therefore, be contrary to these provisions of the development plan and to the proper planning and sustainable development of the area.

3. The proposed development would be served by an existing septic tank and by an existing well, neither of which have the benefit of planning permission and which are located within an area where there is already a high concentration of septic tanks and private wells. It is considered, on the basis of the submitted documentation, and in particular in the context of the fact that the area is located over a locally important aquifer of high vulnerability, that the applicants have not demonstrated that the site is suitable to cater for the safe treatment and disposal of effluent from the proposed development and, in the absence of any plans for the provision of public water or sewerage facilities to serve the area, the proposed development would result in an excessive concentration of development served by individual wastewater treatment systems and would, therefore, be prejudicial to public health.

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

Dated this day of 2020.