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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Westmeath County Council**

**Planning Register Reference Number: 19/6244**

**APPEAL** by Sorcha Nic Fhionnlaigh care of Liam Madden of Vitrius Hibernicus, Convent Road, Longford against the decision made on the 21<sup>st</sup> day of October, 2019 by Westmeath County Council to refuse permission to.

**Proposed Development:** Two-storey dwelling with wastewater treatment unit with percolation area, comprising an area of circa 330 square metres located generally on the area/footprint of an incomplete shell of a dwellinghouse commenced in 1980 under planning permission register reference number 80/232 and will include the removal of a incomplete shed from the application site. The proposed development will include boundary fences, entrance driveway and all ancillary works, all at Killucan Road, Kinnegad, County Westmeath.

**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 Ministerial Guidelines '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 local need in accordance with the Westmeath County Development Plan 2014 - 2020. Furthermore, the subject site is located in a rural area that is under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, adopted by the Government, 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 planning application and the appeal, the Board is not satisfied that the applicant has 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, the current County Development Plan and in national policy for a house at this location. The proposed development would be contrary to these Ministerial Guidelines, to the over-arching national policy and having regard to the relevant provisions of the current County Development Plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is located within 'Strong Rural Area under Significant Urban Influence' as set out in Map 11.1 (Rural Typologies in County Westmeath) of the current County Development Plan for the area, where emphasis is placed on the importance of designing with the landscape and of siting of development to minimise visual intrusion as set out in the current Westmeath Rural Design Guidelines, these guidelines are considered reasonable. Having regard to the relatively flat and open terrain, together with the height, depth and scale of the proposed dwellinghouse relative to the site width and relative to the neighbouring dwelling, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would seriously injure the residential amenities of the adjacent dwelling, would fail to be adequately absorbed and integrated into the landscape, 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.

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**Chris McGarry**

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

**Dated this            day of            2020**