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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 19/1688**

**APPEAL** by Rosemary O'Toole care of Brian Donovan of 131 Rathgar Road, Dublin against the decision made on the 18<sup>th</sup> day of December, 2019 by Galway County Council to refuse permission.

**Proposed Development:** Demolition of existing single storey dwelling and construction of a single storey, four bedroom house with landscaped flat roof, alterations to site entrance and driveway, new on-site water treatment system and all associated site works at Samuels Cave, 1 Belleek, Sky Road Lower, Clifden, County Galway.

**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. Having regard to the location of the site within an area designated as Class 4 rural landscape, with a landscape sensitivity rating of 'special' and landscape value rating of 'outstanding' as set out in the Galway County Development Plan 2015 - 2021, and to national rural housing policy as set out in the 'Sustainable Rural Housing Guidelines for Planning Authorities' (April 2005) which is to distinguish between urban generated and rural generated housing need, it is considered that the proposed development would, contravene materially objective RHO3 of the current development plan, and would be contrary to the Ministerial Guidelines and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the site within a rural area under urban influence, and to National Policy Objective 19 of the National Planning Framework (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 applicant has not demonstrated an economic or social need to live in a rural area

having regard to the viability of smaller towns and rural settlements and, therefore, the proposed development does not comply with National Policy Objective 19. The proposed development would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would contravene the provisions of the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. On the basis of submissions made in connection with the planning application and the appeal, the Board is not satisfied that the application has been made in accordance with the requirements of the Planning and Development Regulations 2001, as amended, in that the Board is not satisfied that a dwelling on the site was in existence prior to the carrying out of unauthorised development on the site. In these circumstances, it is considered that the Board is precluded from giving further consideration to the granting of permission for the development

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

**Dated this            day of            2020**