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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Mayo County Council**

**Planning Register Reference Number: P20/322**

**APPEAL** by Liam Carty care of John Halligan Architects of Lowpark, Charlestown, County Mayo against the decision made on the 9<sup>th</sup> day of October, 2020 by Mayo County Council to grant subject to conditions a permission to John and Martha O'Reilly care of Axo Architects Limited of Ellison Street, Castlebar, County Mayo.

**Proposed Development:** Construction of a new single-storey dwelling house, together with a detached domestic garage, new packaged wastewater treatment system and polishing filter and other associated site works at Falduff, Louisburgh, County Mayo as revised by the further public notices received by the planning authority on the 18<sup>th</sup> day of September 2020.

**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 in a “Rural Area under Strong Urban Pressure” as set out in the Mayo County Development Plan 2014 – 2020, and to national policy, as set out in National Policy Objective 19 in the National Planning Framework, which aims 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, the Board is not satisfied, having regard to the documentation submitted with the application, that the applicants have established a demonstrable economic or social need to live at this site within this rural area, or that the applicants’ housing need could not be satisfactorily met within an established smaller town or village/settlement centre. It is considered that the applicants do not come within the scope of the housing need criteria for this type of rural area, as set out in the over-arching national policy, and that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The site is located in close proximity to Regional Road R335, a designated Scenic Route as per the Mayo County Development Plan 2014 – 2020, from which highly scenic views of Croagh Patrick are to be preserved in accordance with objective VP-01 of the Development Plan. It is considered that the proposed development would interfere with views to be preserved and, taken together with existing

development to the west of the site, would constitute an excessive concentration of development, which would be seriously injurious to the rural character and scenic amenities of the area. It is considered, therefore, that the proposed development would contravene the objectives of the Development Plan and would be contrary to the proper planning and sustainable development of the area.

3. Having regard to the soil conditions and high water table observed on inspection of the site, the Board is not satisfied that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.

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

**Dated this            day of            2021**