



Planning and Development Acts 2000 to 2020

Planning Authority: Cavan County Council

Planning Register Reference Number: 20/358

APPEAL by William and Johnny Crumlish care of Philip T. Brady Architects of 23 Farnham Street, Cavan, County Cavan against the decision made on the 14th day of October, 2020 by Cavan County Council to refuse permission for the proposed development.

Proposed Development: Erection of a self-contained dormer style detached family accommodation unit on the site of an existing dwellinghouse together with the relocation and upgrading of the existing wastewater treatment facilities and associated site works at Lagan, Belturbet, County Cavan.

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 documentation submitted with the application and appeal, and to the location of the subject site to the north of the town of Belturbet within a 'Stronger Rural Area' where there is significant pressure for rural housing as set out in the Sustainable Rural Housing Guidelines, and to National Policy Objective 19 of the National Planning Framework (February 2018) which seeks to facilitate the provision of single housing in the countryside having regard to the viability of smaller towns and rural settlements, it is considered that, having regard to the viability of smaller towns and rural settlements, 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, would be contrary to the Ministerial Guidelines and would contravene the provisions of the National Planning Framework. Furthermore, the proposed development would be contrary to local planning provisions, in particular Sections 2.7.4 and 2.7.5, to Policy RHP1 and Objectives RHO3 and RHO8 of the Cavan County Development Plan 2014-2020. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the results of the Site Suitability Assessment Report carried out in accordance with the Environmental Protection Agency Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses, which indicated that the existing soil conditions are poor, the Board is not satisfied, on the basis of the information submitted in connection with this application, that effluent from the proposed and existing dwellings can be satisfactorily treated and/or disposed of on site by means of an individual effluent treatment unit and percolation area. The proposed development would, therefore, be prejudicial to public health and would be contrary to Objective DMO18 of the Cavan County Development Plan 2014-2020.

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

Dated this day of 2021.