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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 20/51235**

**APPEAL** by Kevin Harkin of Tullydonnell Upper, Convoy, County Donegal against the decision made on the 22<sup>nd</sup> day of October, 2020 by Donegal County Council to refuse a permission to the said Kevin Harkin.

**Proposed Development:** Retention of single storey detached house and garage, current external aesthetics and finishes, house and garage location, existing entrance location and all other associated site works, all at Tullydonnell Upper, Convoy, County Donegal.

**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 under strong urban influence as identified in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005, wherein it is policy to distinguish between urban-generated and rural generated housing need, and having regard to National Policy Objective 19 of the National Planning Framework, adopted by the Government, in relation to rural areas under urban influence, such as in the current case, which states that it is policy 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, and by reference to the rural housing provisions of the Donegal County Development Plan 2018-2024, it is considered on the basis of the information on the file, that the applicant has not demonstrated that he comes within the scope of the housing need criteria as set out in the Guidelines and has not demonstrated an economic or social need to live in this rural area in accordance with national policy, and with the provisions of the Donegal County Development Plan 2018 – 2024. The development proposed to be retained, in the absence of any definable or demonstrable based need for a house in this rural area, would contribute to the encroachment of random rural development in the area, and would

militate against the preservation of the rural environment and the efficient provision of public services and infrastructure.

Accordingly, the development proposed to be retained would be contrary to the Donegal County Development Plan 2018-2024, would be contrary to the provisions of the 2005 Guidelines and would also be contrary to National Policy Objective 19 of the National Planning Framework. Therefore, the development proposed to be retained would be contrary to the proper planning and sustainable development of the area.

2. Having regard to Policy T-P-15 and the required standards outlined under Table 3 Appendix 3 of the Development Guidelines and Technical Standards of the County Donegal Development Plan 2018-2024 and in the absence of any assessment in support of reduced vision lines, it is considered that the location of the entrance to the development for which retention is sought would be contrary to the aforementioned policies and standards. The development proposed to be retained would, therefore, endanger public safety by reason of traffic hazard and be contrary to the proper planning and sustainable development of the area.
  
3. Having regard to the planning history of the site, to the design of the house for which retention is sought and to Appendix 4 of the County Donegal Development Plan 2018-2024 entitled “ Building a House in Rural Donegal – A Location, Siting and Design Guide”, the Board considered that, in the absence of amendments or appropriate mitigation, the design of the house (including the hipped roof, bay window and red brick quoins) was contrary to the design principles set out in the County Donegal Development Plan 2018-2024. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

4. Having regard to the submitted site layout plan, which shows a reduction in the percolation area for which permission was previously granted under planning register reference number 16/51078, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a wastewater treatment system. The development proposed to be retained 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.**