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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 19/2005**

**APPEAL** by Shane Young and Joan Mulloy care of MKO of Tuam Road, Galway against the decision made on the 27<sup>th</sup> day of October, 2020 by Galway County Council to refuse permission for the proposed development.

**Proposed Development:** Construction of a two-storey dwellinghouse with photovoltaic solar panels and septic tank connected to existing sewage treatment system granted permission under planning register reference number planning register reference number 11/218 together with all associated site development works and services; all at Tullyconor, Leenane, 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. National Policy Objective 19 of the National Planning Framework facilitates the provision of single housing in the countryside in Structurally Weak areas based on siting and design criteria for rural housing in statutory guidelines and plans. In this regard, the location of the proposed development is sited in an area identified in the Galway County Development 2015-2021 as having a Landscape Sensitivity rating of Class 5 – ‘Unique’ and a Landscape Value rating of ‘Outstanding’. It is considered that the proposed development, by reason of its siting in a Class 5- Unique Landscape, an elevated location, and in the absence of consideration of alternative sites within the landholding, would not be capable of satisfactory assimilation into this ‘Unique’ and ‘Outstanding’ landscape. The proposed development would be contrary to National Policy Objective 19 of the National Planning Framework, Objective LCM 2 and DM Standards 6 and 39 of the Galway County Development Plan 2015-2021, would interfere with the character of the landscape, would seriously injure the visual amenity of the area, would militate against the preservation of the rural environment and would set an undesirable precedent for similar development in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. In the absence of a site suitability assessment of the site and proposals to treat and dispose of wastewater within the application site, the Board is not satisfied that effluent from the development can be satisfactorily treated or disposed of on site. Proposals to treat and dispose of wastewater off site and significantly remote from the proposed house and outside the guaranteed and independent control of the applicant would not be in accordance with orderly development. The proposed development would, therefore, be prejudicial to public health.

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**Michelle Fagan**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2021.**