



---

**Planning and Development Acts 2000 to 2021**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 21/890**

**APPEAL** by Martin and Emer Keenan of Drumacoo, Kilcolgan, County Galway against the decision made on the 19<sup>th</sup> day of July, 2021 by Galway County Council to refuse permission to Martin and Emer Keenan.

**Proposed Development** Dwelling house, garage, new septic tank/treatment plant and all associated works, all at Drumacoo, Kilcolgan, County Galway.

## **Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## Reasons and Considerations

1. The subject site is located within an area under strong urban influence and under significant development pressure for rural housing as well as being an area of high sensitivity, as identified in the Galway County Development Plan 2022 - 2028. Furthermore, the site is located in an area that is designated as being under urban influence in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005, and in the National Planning Framework, where National Policy Objective 19 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. Having regard to the documentation submitted with the application and the appeal, the Board is not satisfied that the applicant has demonstrated a genuine housing need to live in this rural area as required under policy objective RH4 of the current Development Plan for the area. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria, as set out in the current Galway County Development Plan, or in national policy for a house at this location. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is located within an area under 'Significant Urban Influence', as set out in the current Development Plan for the area, where emphasis is placed on the importance of designing with the landscape and of siting of development to minimise visual intrusion, as set out in the current Galway Rural House Design Guidelines, which Guidelines are considered to be reasonable. Having regard to the topography of the site, the elevated positioning of the proposed development, together with its height and scale, the resulting extensive driveway and the removal of part of the front boundary wall and hedging, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the existence of rock outcrops at/close to the surface within the appeal site and to the “Sustainable Rural Housing Guidelines for Planning Authorities”, issued by the Department of the Environment, Heritage and Local Government in April, 2005, which recommend, in un-sewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities, and on the basis of the submissions made in connection with the planning application and the appeal, the Board is not satisfied that effluent from the development can be satisfactorily treated and/or disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.

*Dr. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**



Dated this 17<sup>th</sup> day of October 2022.