

An
Bord
Pleanála

Board Order
ABP-311124-21

Planning and Development Acts 2000 to 2021

Planning Authority: Mayo County Council

Planning Register Reference Number: P20/914

APPEAL by Thomas and Claire Dolan of Drummin, Castlebar, County Mayo against the decision made on the 19th day of July, 2021 by Mayo County Council to grant subject to conditions a permission to Dearbhla and Raymond Friel care of Simon Beale and Associates of The Old Schoolhouse, Casement Street, Ballina, County Mayo.

Proposed Development: Construction of a dwelling house, septic tank with proprietary effluent treatment unit and associated percolation area together with all ancillary site development works and services at Carn and Drumminracahill, Breaffy, Castlebar, County Mayo.

Decision

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


Reasons and Considerations

1. The site of the proposed development is within an 'Area Under Strong Influence' as set out in the 'Sustainable Rural Housing Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in April 2005. Furthermore, the subject site is located in an area that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework issued by the Department of Housing, Planning and Local Government in February, 2018, 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. In addition, it is a policy of the current Mayo County Development Plan 2014-2020 "to support the sustainable development of the countryside and rural villages in the County" (P-06). This policy is considered reasonable. Having regard to the documentation submitted with the application and the appeal, the Board is not satisfied that the applicants have sufficiently demonstrated that they have a rural-generated housing need to reside at this specific rural location, or that the housing needs of the applicants cannot be satisfactorily met in an urban settlement. It is considered, therefore, that the applicants do not come within the scope of the housing need criteria as set out in the Guidelines and in national policy, for a house at this location. As a result, the Board considers that the proposed development would contribute to the further 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. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to over-arching national policy and having regard to the provisions of the Mayo County Development Plan 2014-2020 and would be contrary to the proper planning and sustainable development of the area.



2. Having regard to the characteristics of the site and to the density of houses served by individual wastewater treatment systems in the immediate vicinity, the Board is not satisfied, on the basis of the information submitted with the application and the appeal, that the site can be drained satisfactorily by means of a septic tank, notwithstanding the use of a proprietary wastewater treatment system. It is considered, therefore, that the proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Taken in conjunction with existing and permitted development in the area, the proposed development which would necessitate the removal of in excess of 55 metres of hedgerow, along with the extensive driveway and associated garden area, would constitute an excessive form of suburban type development in a rural area which would militate against the preservation of the rural environment and would seriously injure the character and amenities of this rural area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.


Chris McGarry

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



Dated this 7th day of June 2022