



Planning and Development Acts 2000 to 2021

Planning Authority: Galway County Council

Planning Register Reference Number: 21/922

APPEAL by Catherine and Fionan Breathnach care of Gavin Architects of Corr Na Mona, County Galway against the decision made on the 21st day of July, 2021 by Galway County Council to refuse permission.

Proposed Development: Restoration of a dilapidated stone cottage and construction of a contemporary extension to the rear with a new wastewater treatment system and detached utility garage; gross floor space of proposed works 90 square metres; all at Gannoughs, Claddaghduff, 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. Having regard to
 - (a) the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local government in April, 2005,
 - (b) the provisions of the current Galway County Development Plan,
 - (c) the location of the site within a Structurally Weak Area and in Rural Housing Zone 3 - Landscape Category 3, 4, 5 as set out in the Development Plan,
 - (d) the requirements of Objective RHO 3, as set out in the Development Plan, where an applicant seeking to construct a rural house in the open countryside is required to demonstrate Substantiated Rural Housing Need and Rural Links as defined in the Development Plan, and
 - (e) the absence of any details to substantiate the applicant’s rural linkage to this area,

the Board is not be satisfied, on the basis of the submissions made in connection with the application and the appeal, that the applicant comes within the scope of either the economic or social need criteria as set out in the overarching National Guidelines or the definition of a rural Link in accordance with the relevant criteria of the current Galway County Development Plan. The proposed development, in the absence of any identified locally based need for the house at this location, would result in a haphazard and unsustainable form of development in an unserved area, 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 and would undermine the settlement strategy set out in the Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Notwithstanding the proposal to use a proprietary domestic wastewater treatment system on site, the Board had regard to the poor soil conditions and the shallow bedrock on site, to the proliferation of domestic wastewater treatment systems in this rural area, 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 an un-sewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities, and is not satisfied, on the basis of the submissions made in connection with the application and the appeal, that the impact of the proposed development in conjunction with existing waste water treatment systems in the area would not give rise to a risk of groundwater pollution. The proposed development would, therefore, be prejudicial to public health and be contrary to the proper planning and sustainable development of the area.

DR. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 21st day of February 2022.