

Planning and Development Acts 2000 to 2021

Planning Authority: Louth County Council

Planning Register Reference Number: 21/721

APPEAL by Brian Savage care of Ciara McGonigal of Studio AND, Studio 7, 32 Brunswick Street North, Dublin against the decision made on the 29th day of July, 2021 by Louth County Council to refuse permission.

Proposed Development: Permission for development of a new single storey dwelling with garage wastewater treatment system, sand polishing area, a new vehicular entrance onto a shared vehicular entrance and all associated site development works at Rath, Riverstown, Dundalk, County Louth.

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. On the basis of the information provided with the application, including the absence of a Screening report, and having regard to the documents submitted with the appeal submission, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the designated Dundalk Bay Special Protection Area (Site Code: 004026) and Dundalk Bay Special Area of Conservation (Site Code: 000455), or any other European site, in view of their Conservation Objectives. In these circumstances the Board is precluded from granting planning permission.
2. The site of the proposed development is located with an 'Area Under Strong Urban 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, published by the Government of Ireland 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, the site is located within a rural area under urban influence as defined in the Louth County Development Plan 2021-2027, wherein housing is

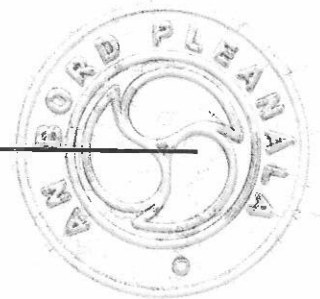
restricted to those demonstrating local need in accordance with Table 3.5. Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicant has a demonstrable social or economic need to live in this rural area. It is considered therefore that the applicant does not come within the scope of the housing need criteria as set out at local development plan, at national policy level, or in the Ministerial Guidelines for a house at this location. The proposed development, in the absence of any identified locally based need to live at this location, would contribute to the encroachment of random development which would militate against the preservation of the rural environment. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the over-arching national policy and having regard to the relevant provisions of the Louth County Development Plan 2021-2027 and would 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 14th day of January 2022

