

Planning and Development Acts 2000 to 2021

Planning Authority: Donegal County Council

Planning Register Reference Number: 21/51346

APPEAL by Aileen Oliver care of Hartnett Hayes Solicitors of Gweedore Road, Dungloe, County Donegal against the decision made on the 19th day of August, 2021 by Donegal County Council to grant subject to conditions a permission to Marian Hall care of Dominic Whoriskey of Main Street, Newtowncunningham, Lifford, County Donegal.

Proposed Development: (1) Retention permission of partially completed dwelling house and (2) planning permission to complete construction of same with treatment system and polishing filter at Falchorrib Lower, Dungloe, County Donegal.

Decision

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

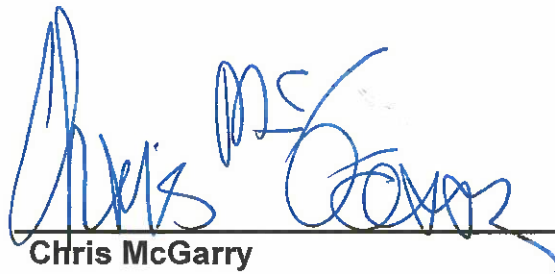
Matters Considered

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

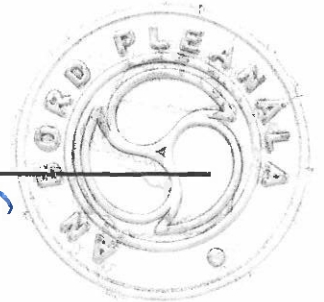
1. Having regard to the soil conditions on site, including the peat soils in the area of the proposed percolation area, the Board is not satisfied, on the basis of the information submitted with the planning application and the appeal, that effluent from the development can be satisfactorily treated or disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. In this regard, the development for which retention permission is sought and the proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The development for which retention permission is sought and the proposed development is located in an area designated as Especially High Scenic Amenity in the County Donegal Development Plan 2018-2024 for the area. The Development Plan recognises the extremely limited capacity of these landscapes to assimilate additional development and records policies to protect these areas from intrusive and/or unsympathetic development. This objective is considered reasonable. It is considered that the construction of the proposed house on this site would introduce further built development into the largely open and undeveloped character of the coastal landscape, would adversely affect the character of the area, would be to the detriment of the high scenic amenity of the area and would be contrary to the objectives of the Development Plan. The development for which retention permission is sought and the proposed development would, therefore, 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 *5th* day of *April* 2022