



Planning and Development Acts 2000 to 2021

Planning Authority: Galway County Council

Planning Register Reference Number: 21/685

APPEAL by Patrick Fahy of Tumnahulla, Corrandulla, County Galway and by Jim Creaven of Tumnahulla, Corrandulla, County Galway against the decision made on the 8th day of September, 2021 by Galway County Council to grant subject to conditions permission to Dara Melia and Sarah Stankard care of APK Architects and Engineers Limited of Gray Office Park, Galway Retail Park, Headford Road, Galway.

Proposed Development To construct a dwelling house, domestic garage, wastewater treatment system, polishing filter and associated site services and works, all at Tomnahulla, Corrandulla, 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. Notwithstanding the proposal to use a proprietary wastewater treatment system on site, the Board had regard to the poor soil conditions and indication of rock layers at a shallow level on site, to the proliferation of domestic wastewater treatment systems in the 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 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 could not be satisfied, on the basis of the information submitted with the application and the appeal, that the impact of the proposed development, in conjunction with existing wastewater treatment systems in the area, would not give rise to a risk of groundwater pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the site within an Area Under Strong Urban Influence in accordance with the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in 2005, National Policy Objective 19 of the “National Planning Framework – Ireland 2040 Our Plan (NPF) (2018)” which, for rural areas under urban influence, seeks 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 viability of smaller towns and rural settlements, the Board could not be satisfied, on the basis of the information submitted with the application and the appeal, and notwithstanding compliance with the criteria under 1.(b) of Objective RHO1 of the Galway County Development Plan 2015 - 2021, that the applicants have a demonstrable need to live on this specific site, or come within the scope of either economic or social housing need criteria, as set out in the overarching national policy and guidelines.



3. The proposed development, in the absence of any identified local based need for a 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, as set out in the current Development Plan for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.


Michelle Fagan

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

Dated this  day of  2022.

