

Planning and Development Acts 2000 to 2021

Planning Authority: Louth County Council

Planning Register Reference Number: 21974

APPEAL by Niall Donnelly care of McNamee Chartered Building Surveyors Limited of Excelsior House, Jocelyn Place, Dundalk, County Louth against the decision made on the 16th day of September, 2021 by Louth County Council to refuse permission.

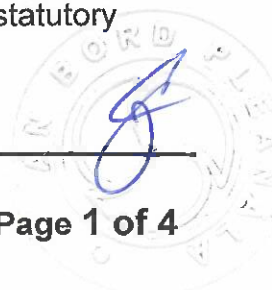
Proposed Development: Permission sought for a new dwellinghouse, effluent treatment plant and percolation area, and all associated site works, all at Mountain Park, Carlingford, County Louth.

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

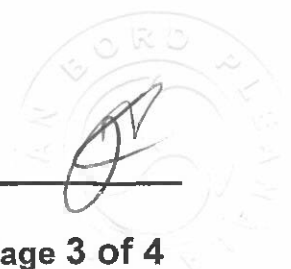
1. Having regard to:

- the location of the site within a rural area under 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 April, 2005,
- National Policy Objective 19 of the National Planning Framework (February 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 objectives of the Louth County Development Plan 2021-2027 which seek to discourage urban generated housing in rural areas and to direct proposals for such housing to the towns and villages in Settlement Levels 1-4 in the County and which seek to manage the development of rural housing in the open countryside by requiring applicants to demonstrate compliance with the Local Need Qualifying Criteria, and
- the documentation on file which indicates the applicant’s housing need,

it is considered that the applicant does not come within the scope of either the economic or social housing need criteria set out in the overarching National Guidelines or the relevant Local Housing Need Qualifying Criteria as set out in the Development Plan.

The proposed development 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 and would mitigate against the preservation of the rural environment and the efficient provision of public services and infrastructure and undermine the settlement strategy set out in the Development Plan. The proposed development would, therefore, be contrary to national policy, Ministerial Guidelines, the provisions of the Development Plan and to the proper planning and sustainable development of the area.

2. The site of the proposed development is located within Carlingford and Feede Mountains Area of Outstanding Natural Beauty as designated in the Louth County Development Plan 2021-2027. It is a stated objective of the planning authority, as set out in the Plan, to protect the unspoiled natural environment of the Areas of Outstanding Natural Beauty from inappropriate development and reinforce their character, distinctiveness, and sense of place. The proposed development, due to its peripheral location on an elevated site overlooking Carlingford Village and Carlingford Lough and the prevalence of existing housing in the wider area, would contribute to the encroachment of random rural development in this high amenity area, intensifying the suburban pattern of housing, 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 stated objectives of the Louth County Development Plan 2021-2027 and to the proper planning and sustainable development of the area.



3. The proposed development would endanger public safety by reason of traffic hazard by reason of its location on an un-surfaced access track which is inadequate in terms of width, alignment, gradient, structural condition, drainage and substandard junctions with the public road L-70592 and because sufficient control over the necessary lands to adequately address these deficiencies has not been demonstrated by the applicant.



John Connolly

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



Dated this 23rd day of FEBRUARY 2022.