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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 21/50217**

**APPEAL** by Josephine Diver of 47 Mellor Crescent, Knutsford, Cheshire, England against the decision made on the 30<sup>th</sup> day of September, 2021 by Donegal County Council to grant subject to conditions a permission to Avril Gallagher care of Michael Friel of Creeslough, Letterkenny, County Donegal.

**Proposed Development:** Refurbishment and extension of existing derelict dwelling house and installation of septic tank system with percolation area and all other associated site development works at Magherablad, Creeslough, 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. The subject site is located in a Stronger Rural Area, as set out on Map 6.2.1 of the County Donegal Development Plan 2018-2024 (As Varied), where development plan policies RH-P-2 and RH-P-6 together require that applicants who propose to refurbish existing derelict buildings should have a demonstrated rural housing need. The applicant has not provided evidence to demonstrate a rural housing need. In the absence of an identified rural housing need, the proposed development would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development is contrary to the provisions of the current County Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development is located adjacent to Sheephaven Special Area of Conservation (Site Code: 001190) and is hydrologically connected to it by an open drain that routes parallel to the west site boundary and which discharges to Sheephaven Bay. On the basis of the information provided with the application and the appeal, and in light of the Stage 2 Appropriate Assessment undertaken, the Board cannot be satisfied that the development, individually, or in combination with other plans or projects, would not be likely to have a significant effect on Sheephaven Special Area of Conservation, in view of the site's conservation objectives, by reason of the open nature of the west site boundary that allows for direct discharge of surface waters to the drain and in the absence of sufficient details of the proposed surface water drainage system. In such circumstances, the Board is precluded from granting permission.

  
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Paul Hyde

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board.

Dated this *8<sup>th</sup>* day of *March* 2022

