



Planning and Development Acts 2000 to 2021

Planning Authority: Galway County Council

Planning Register Reference Number: 21/1817

APPEAL by John Gillane and Michelle Lally of Glenbrack, Gort, County Galway against the decision made on the 24th day of November, 2021 by Galway County Council to refuse permission for the proposed development.

Proposed Development: Construction of dwelling house, wastewater treatment system, percolation area along with any other site ancillary works attached at Glenbrack, Gort, County Galway.

Decision

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

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Reasons and Considerations

1. The site of the proposed development is located within 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, and 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 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. Having regard to the documentation submitted with the planning application and the appeal, the Board is not satisfied that the applicants have a demonstrable economic or social need to live in this rural area. The site of the proposed development is also located within “Rural Housing Zone 2 (Rural Area under Strong Urban Pressure – Galway County Transport and Planning Study)”, as well as being located within the “Urban Fringe” of Gort, both of which are specified in Map 4.2 and Chapter 4 of the Galway County Development Plan 2022 – 2028. Section 4.6.1 of the County Development Plan specifies that the erosion of the urban fringe around towns including Gort should be discouraged, and that applicants whose family home is within the urban fringe of towns including Gort will be requested to establish a Substantiated Rural Housing Need, details of which are set out in Policy Objective RH 2 of the County Development Plan, and only this category of persons will be allowed to construct a dwelling in these areas.

Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicants have a demonstrable economic or social need to live in this rural area, having regard to the requirements of Policy Objective RH 2 of the County Development Plan with respect to the requirements to demonstrate Substantiated Rural Housing Need for proposals within the Urban Fringe

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of Gort. It is considered, therefore, that the applicants have not demonstrated that they come within the scope of the housing need criteria as set out in Policy Objective RH 2 of the County Development Plan for a house at this location. The proposed development would, therefore, be contrary to the provisions of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the documentation on file, the proposed development is in an area which is deemed to be at risk of flooding. It is considered that, in the absence of adequate information relating to the risk of flooding, analysis of such risk, and appropriate mitigating measures to address any risk, a grant of permission would, therefore, be contrary to the proper planning and sustainable development of the area.
3. On the basis of the information submitted with the planning application and the appeal, including the Natura Impact Statement, the Board is not 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 Coole-Garryland Complex Special Area of Conservation (Site Code: 000252) and the Coole-Garryland Special Protection Area (Site Code: 004107) or on any other European Site, in view of the sites' Conservation Objectives. In such circumstances, the Board is precluded from granting permission.



Eamonn Patrick Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *27* day of *June* 2022.