



An
Bord
Pleanála

Board Order
ABP-312474-22

Planning and Development Acts 2000 to 2021

Planning Authority: Louth County Council

Planning Register Reference Number: 211296

APPEAL by Barry Connolly care of ECC Design and Engineering Limited of Jenkintown Business Park, Jenkintown, Dundalk, County Louth against the decision made on the 9th day of December, 2021 by Louth County Council to refuse permission.

Proposed Development: Construction of one dwellinghouse, wastewater treatment system and all associated site development work at Ballyoonan, Omeath, County Louth.

Decision

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

Reasons and Considerations

1. On the basis of the submissions made in connection with the planning application and appeal, 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 Carlingford Shore Special Area of Conservation (Site Code: 002306) or any other European Site, in view of the site's Conservation Objectives. In these circumstances, it is considered that the Board is precluded from giving further consideration to the granting of permission for the development the subject of the application.

2. Having regard to:
 - (a) the location of the site within a rural area under urban influence in accordance with the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of the Environment, Heritage, and Local Government 2005,

 - (b) 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,

- (c) the objectives of the Louth County Development Plan, 2021 to 2027, which seek to discourage urban generated housing in rural areas and to direct proposals for such housing to the towns and villages 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 Needs Qualifying Criteria, and
- (d) the documentation on file which sets out 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 of the development plan.

The proposed development would result in a haphazard and unsustainable form of development in an un-serviced 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.

3. The site of the proposed development is located in an Area of High Scenic Quality and within Carlingford and Feede Mountains Area of Outstanding Natural Beauty as designated in the Louth County Development Plan, 2021-2027. It is a stated policy objective (NBG 36) - "to protect the unspoiled natural environment of the Areas of

Outstanding Natural Beauty (AONB) from inappropriate development and reinforce their character, distinctiveness and sense of place, for the benefit and enjoyment of current and future generations” and policy objective NBG 37 - “to protect the unspoiled rural landscapes of the Areas of High Scenic Quality (AHSQ) from inappropriate development for the benefit and enjoyment of current and future generations”. The proposed development, due to its backland location on an elevated site where there is a cluster of one-off dwellings overlooking Carlingford Lough and on the foothills of Carlingford and Feede Mountains, 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.

4. The proposed development is contrary to Policy MOV 56 of the Louth County Development Plan, 2021 – 2027 as the application seeks to achieve access to a Protected Regional Route (R173) and the applicant has failed to demonstrate that they qualify for one of the exemptions for the creation of a new, or intensification of an existing, access as detailed in Table 7.10 of the development plan. The applicant has also failed to demonstrate that adequate visibility can be achieved at the junction with the public road as required under Table 13.13 of the development plan. As such the proposed development would conflict with the Louth County Development Plan, 2021-2027, and would endanger public safety by reason of a traffic hazard and obstruction of road users.

