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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: 21/2020**

**APPEAL** by Debra Prendergast care of Big Red Barn Limited of Foxford Road, Swinford, County Mayo against the decision made on the 16<sup>th</sup> day of December, 2021 by Galway County Council to refuse permission for the proposed development.

**Proposed Development:** Construction of dwelling house with effluent treatment system and associated site works at Monard, Turloughmore, County Galway.

## **Decision**

**REFUSE** permission for the above proposed development for the reasons and considerations set out below.

## 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. Furthermore, the subject site 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 applicant has a demonstrable economic or social need to live in this rural area. It is considered that the applicant does not come within the scope of the housing need criteria as set out in the Sustainable Rural Housing Guidelines and in national policy for a house at this location. The proposed development would be contrary to the provisions of the Galway County Development Plan 2022-2028, the Sustainable Rural Housing Guidelines and to national policy, 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, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the level of water in the trial hole, which is indicative of a high water table and/or low permeability, and to the contents of the Site Assessment, the Board is not satisfied, on the basis of the information provided in connection with the planning application and the appeal, that the site is capable of treating foul effluent arising from the proposed dwelling, in accordance with the standards set out in the Code of Practice for Wastewater Treatment and Disposal Systems serving Single Houses (Environmental Protection Agency 2009), and it is further considered that the method of foul water disposal would render the treatment of the effluent unacceptable and could increase the risk of serious water pollution. The proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.



Mary Cregg

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

Dated this 30<sup>th</sup> day of May 2023.

