

An
Bord
Pleanála

Board Order
ABP-312513-22

Planning and Development Acts 2000 to 2021

Planning Authority: Louth County Council

Planning Register Reference Number: 211353

APPEAL by Kellie Winters care of Declan P. Walsh and Company of Main Road, Tullyallen Village, Drogheda, County Louth against the decision made on the 15th day of December, 2021 by Louth County Council to refuse permission to Kellie Winters.

Proposed Development The construction of a two-storey style dwelling house, domestic garage, proprietary wastewater treatment system and all associated site works, all at Brownstown, Monasterboice, County Louth.

Decision

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



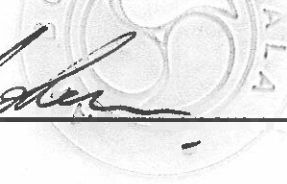
Reasons and Considerations

1. The subject site is located within an 'area under strong urban influence', as identified in the "Sustainable Rural Housing Guidelines for Planning Authorities", issued by the Department of the Environment, Heritage and Local Government in April 2005, and in the Louth County Development Plan, 2021 - 2027, by way of its Rural Policy Zone 1 – 'Area under strong urban influence and of significant landscape value' where housing is restricted to persons demonstrating local need in accordance with Table 3.4. It is considered that the applicant does not come within the scope of the housing need qualifying criteria for a rural one-off dwelling house at this location. For this reason, the proposed development is inconsistent with Policy Objective HOU 41 of the Development Plan which seeks to manage the development of rural housing in the open countryside by requiring applicants to demonstrate compliance with the local needs qualifying criteria for the rural policy zone applicable to the site in which the rural dwelling house is proposed. Furthermore, National Policy Objective 19 of the National Planning Framework, published by Government in 2018, states that in areas under urban influence, it is policy to facilitate the provision of single housing in the countryside, based on the core consideration of demonstratable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements. It is considered that the applicant has not demonstrated compliance with National Policy Objective 19 and, therefore, the applicant does not come within the scope of the housing need criteria, as set out in National Policy and guidelines and in the current Development Plan policy for a house at this location. The proposed development would be contrary to the Ministerial Guidelines and to the overarching National Policy and, having regard to the relevant provisions of the Louth County Development Plan, 2021 – 2027, would, therefore, be contrary to the proper planning and sustainable development of the area.



2. The proposed site, by reason of its elevated location approximately 115 metres back from the public road in an area under significant pressure for one-off rural housing, evident by the excessive density and inappropriate pattern of one-off dwellings in the vicinity, together with the proposed access driveway approximately 110 metres long, would constitute an inappropriate form of piecemeal, backland development and would result in the rural character of this scenic landscape being further eroded, would militate against the preservation of the rural environment and would set an undesirable precedent for other similar inappropriate development in the vicinity. The proposed development would, therefore, be contrary to section 13.9.4 - 'Site Selection' of the Louth County Development Plan, 2021 - 2027 which requires applications to consider the existing number of one-off dwellings in the area and the ability of the landscape to absorb further development of one-off dwellings without further eroding the rural character of the area, Policy Objective HOU 42 of the Louth County Development Plan 2021 - 2027 which seeks to manage development of rural housing in the open countryside by requiring any new dwelling to be 'appropriately designed and located so it integrates into the local landscape and does not negatively impact or erode the rural character of the area in which it would be located', and Policy Objective HOU 47 which requires applications for one-off rural housing to comply with the standards and criteria, as set out in Section 13.9 of Chapter 13 'Development Management Guidelines', namely Section 13.9.6 of the Development Plan relating to 'Backland Development'. Such development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Notwithstanding the proposal to use a proprietary wastewater treatment system on site, to the proliferation of domestic wastewater treatment systems in this rural area, to the fact that that groundwater in the area is classified as extreme vulnerability, that the proposed and existing dwellings in the area are highly dependent on groundwater as a source of water supply, and to the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of Environment, Heritage and Local Government in April 2005, which recommend, in un-sewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities, the Board could not be satisfied, on the basis of the information on the file, that the impact of the proposed development in conjunction with existing wastewater treatment systems in the area would not give rise to a risk of groundwater pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.




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

Dated this 11th day of May 2022.