

Planning and Development Acts 2000 to 2021

Planning Authority: Louth County Council

Planning Register Reference Number: 21/1463

APPEAL by Mary Ann Flanigan care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin against the decision made on the 3rd day of February, 2022 by Louth County Council to refuse permission for the proposed development.

Proposed Development: Construction of a dormer bungalow and ancillary equestrian facility with stand-alone stable building accommodating 10 number stables and storage (190 square metres) with new vehicular entrance and site ancillary works including treatment plant at Carstown, Termonfeckin, County Louth.

Decision


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

Reasons and Considerations

1. Having regard to the location of the site 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 to National Policy Objective 19 of the National Planning Framework 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, and in an area where housing is restricted to persons demonstrating local need in accordance with the relevant objectives of the Louth County Development Plan 2021 - 2027, it is considered that it has not been sufficiently demonstrated that the applicant comes within the scope of the housing need criteria as set out in the National Planning Policy or Policy HOU 41 of the development plan for a house at this location. In the absence of an identified locally based, site specific economic or social need to live in the area, it is considered that the proposed development would contribute to the development of random rural housing in the area, would exacerbate the existing excessive development 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 proper planning and sustainable development of the area.

2. The applicant has failed to demonstrate that the ground conditions are adequate to accommodate the proposed wastewater treatment system in compliance with the EPA Code of Practice 2021, or that the waste from the proposed stable will be managed in accordance with the Department of Agriculture Regulations. Accordingly, in its current form, the proposed development would be contrary to Policy IU18 of the Louth County Development Plan 2021 - 2027, would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a road at a point where sightlines are restricted in a westerly direction.
4. It is the policy (ENV 38 and 39) of the Louth County Development Plan 2021 - 2027 to seek to retain and protect significant stands of existing trees/hedgerows/woodlands and protect and preserve existing hedgerows in new developments. The achievement of the required sightlines will require the removal of a large section of mature hedgerow along the public road. This hedgerow forms part of the rural character of the area and provides visual amenity. It is considered that the proposed development would contravene the policy of the Louth County Development Plan 2021 - 2027 and would, therefore, be contrary to the proper planning and sustainable development of the area.

5. On the basis of the information provided with the planning application and appeal, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development, individually or in combination with other plans or projects, would not result in adverse effects on the integrity of the Boyne Coast and Estuary Special Conservation Area (Site Code: 001957) and the Boyne Estuary Special Protection Area (Site Code: 004080) in view of the sites' Conservation Objectives, or any other European Site. The likely significant effects cannot be ruled out have regard to the precautionary principle and the lack of information on the treatment of domestic and agricultural effluent from the proposed development. In such circumstances the Board is precluded from granting of permission.



Mary Cregg

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



Dated this *22* day of *May* 2023