

Planning and Development Acts 2000 to 2021

Planning Authority: Donegal County Council

Planning Register Reference Number: 21/52154

APPEAL by Daniel A. Gallagher of Beefpark, Mountcharles, County Donegal against the decision made on the 3rd day of March, 2022 by Donegal County Council to grant subject to conditions a permission to Aoife Dorrian care of Cornerstone Architecture of Front Street, Ardara, County Donegal.

Proposed Development: Erection of a house with sewerage treatment system and garage together with all associated site development works in the townlands of Beefpark, Mountcharles, County Donegal.

Decision

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

Reasons and Considerations

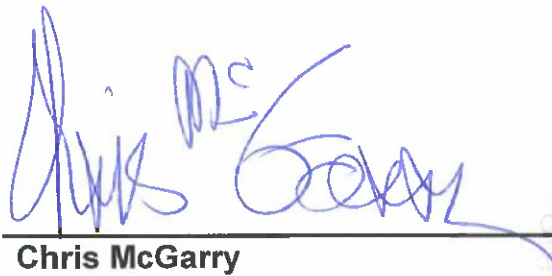
Having regard to:

- (a) the location of the site within a stronger rural area, as identified by the Donegal County Development Plan 2018-2024,
- (b) the relevant provisions of the Donegal County Development Plan 2018-2024, including policy RH-P-3 (which notes that in stronger rural areas, applicants are required to comply with specified criteria regarding persons who are deemed to have a rural housing need), and the specific component of this policy which is relied on by the applicant and by the planning authority in its decision, namely 'persons with a vital link to the rural area... by the existence in the rural area of long-established ties (7 years minimum) with established family members',
- (c) National Policy Objective 19 of the National Planning Framework published in February 2018, which states for rural areas under urban influence seeks to facilitate rural housing proposals based on the core consideration of demonstrable economic or social need to live in the rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements,
- (d) the documentation on file provided as part of the application and appeal, and
- (e) the report of the Inspector.



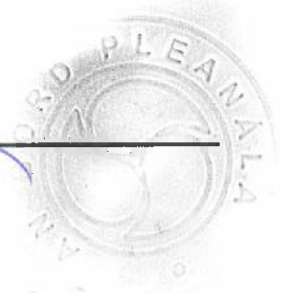
it is considered, on the basis of the information submitted with the application and appeal, that the applicant has failed to establish a vital link to the rural area within the meaning of the wording of RH-P-3. In this regard it is considered that stated reference to a parent's period of linkage to the wider rural area, which occurred over 42 years ago, would not reasonably constitute the existence of long-established ties as set out in policy RH-P-3.

In the absence of a demonstrated housing need at this location, the proposed development would result in a haphazard and unsustainable form of development, would contribute to the encroachment of random rural development in the area, 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.



Chris McGarry

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



Dated this *22nd* day of *June* 2023.