

Planning and Development Acts 2000 to 2021

Planning Authority: Louth County Council

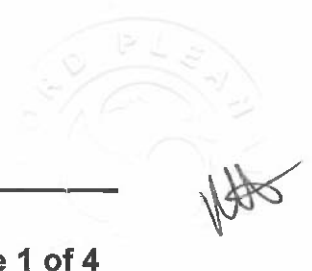
Planning Register Reference Number: 22/45

APPEAL by Jean O'Reilly care of O'Reilly Chartered Surveyors of Unit 15, East Coast Business Park, Matthew's Lane, Drogheda, County Louth against the decision made on the 11th day of March, 2022 by Louth County Council to refuse permission.

Proposed Development: Retention of a dwellinghouse, wastewater treatment system, driveway and shed and associated site works at Coolfore, Monasterboice, County Louth.

Decision

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



Reasons and Considerations

1. The site of the development proposed to be retained 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, and within lands which are designated as Rural Policy Zone 1 in the Louth County Development Plan 2021-2027. Furthermore, the subject site is located in an area that is designated as an area under urban influence where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, 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 having regard to the viability of smaller towns and rural settlements. 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, or that the housing need of the applicant could not be met in a smaller town or rural settlement. It is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. Furthermore, the development proposed to be retained would be contrary to Objective HOU 41 of the Louth County Development Plan 2021-2027. The development proposed to be retained would result in a haphazard and unsustainable form of development in an unserved area, would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment which is sensitive to change, and would give rise to inefficient and unsustainable provision of public services and infrastructure at remote from settlement locations. The development proposed to be retained would, therefore,

be contrary to the proper planning and sustainable development of the area.

2. Having regard to the siting of the development proposed to be retained, together with the cumulative impact of existing dwellings in the immediate hinterland, it is considered that the development proposed to be retained would represent an overdevelopment of one-off dwellings in this rural area. The development proposed to be retained would be contrary to Section 13.9.4 (site selection) of the Louth County Development Plan 2021-2027, which requires that applications consider the existing number of one-off dwellings in the area and the ability of the landscape to absorb further development without further eroding the rural character of the area. Furthermore, it is considered that the design of the development proposed to be retained is not reflective of a rural dwelling and would be contrary to the provisions of Section 13.9.9 and 13.9.10 of the Louth County Development Plan 2021-2027, and that the overall design is contrary to Policy Objective HOU 47, which requires that applications for one-off rural housing comply with the standards and criteria set out in Section 13.9. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the existing site conditions and the extent of the development, as indicated within the red-line site boundary, it is considered that the applicant has failed to demonstrate the minimum sightline requirements as prescribed in Section 13.16.17 (Entrances and Sightlines) and Table 13.13 of the Louth County Development Plan 2021-2027. The development proposed to be retained would endanger public safety by reason of traffic hazard and would, therefore, be contrary to the proper planning and sustainable development of the area.



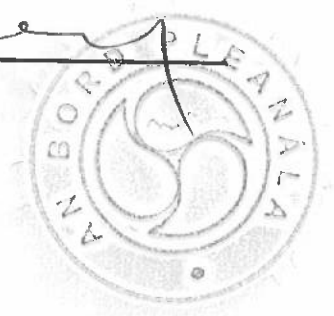
4. It is considered that the applicant has failed to demonstrate that the proposed wastewater treatment system and polishing filter is in compliance with the EPA Code of Practice, 2021. Having regard to the fact that a ground water risk assessment has not been carried out for the development proposed to be retained, there is no evidence that a safe and sustainable water supply can be provided to serve the dwelling proposed to be retained and its occupants. The Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that the development proposed to be retained would not be prejudicial to public health or would not give rise to a diminishment of ground water quality in the area. The development proposed to be retained would be contrary to Policy Objective 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.



Martina Hennessy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 19th day of June 2023.