



An  
Bord  
Pleanála

Board Order  
ABP-315406-22

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 2251654**

**APPEAL** by Seamus and Makenya Kelly care of John McCallum of Main Street, Millford, County Donegal against the decision made on the 24th day of November, 2022 by Donegal County Council to refuse permission.

**Proposed Development:** Erection of a dwellinghouse, integral garage with wastewater treatment system and percolation area, at Rossgarrow Townland, Milford, Letterkenny Post Office, County Donegal.

## **Decision**

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

## Reasons and Considerations

1. The proposed development, by reason of its scale, massing and location on a backland plot that is remote from other development in the area, would result in a haphazard and visually intrusive form of development that fails to respect the rural character of the area and would not assimilate into the landscape, contrary to policies RH-P-1 and RH-P-2 of the Donegal County Development Plan 2018-2024. The Board was also not satisfied that the proposed development would be in accordance with Best Practice in relation to the siting, location and design of rural Housing as set out in Appendix 4 of the development plan. The development would, therefore, be contrary to the aforementioned provisions of the development plan and contrary to the proper planning and sustainable development of the area.
2. On the basis of the information provided with the application and appeal, the Board cannot be satisfied that the development, individually, or in combination with other plans or projects, would not be likely to have a significant effect on Mulroy Bay Special Area of Conservation (Site Code:002159), in view of the site's conservation objectives, by reason of the close proximity of the proposed septic tank and percolation area to the Special Area of Conservation boundary and the hydrological connection via groundwater, which provides a route for wastewater being discharged from the site to enter the Special Area of Conservation. In such circumstances, the Board is precluded from granting permission.

  
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**Stephen Brophy**

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

Dated this *2<sup>nd</sup>* day of *May* 2023.

