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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 2460634**

**APPEAL** by Colm Hegarty care of Sheehan Planning of 44 Balnagowan, Palmerston Park, Dartry, Dublin against the decision made on the 20<sup>th</sup> day of June, 2024 by Donegal County Council to grant, subject to conditions a permission to Oisín O'Donnell and Hannah O'Connell care of McCullagh Architecture and Surveying Limited of Glenfinn Road, Ballybofey, County Donegal.

**Proposed Development:** To remove blockwork and foundations relating to dwelling house previously approved on site under Planning References: 94/1649 and 00/8249 and for the construction of a new dwelling house, detached domestic garage, septic tank/sewage treatment system and associated site development works at Creggan, Ballybofey, County Donegal.

## 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 provisions of the County Donegal Development Plan 2024-2030, the location of the site in an Area Under Strong Urban Influence, Policy RH-P-1 of the development plan and the documentation on file submitted as part of the application and appeal, it is considered that the applicant has not provided sufficient evidence to demonstrate a housing need at this location and, that in the absence of such, the proposed 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.
2. Having regard to the location of the site in an 'Area Under Strong Urban Influence', and an area of 'High Scenic Amenity' and the extent of existing development in the immediate vicinity of the site, it is considered that the proposed development would not avoid the creation/expansion of a suburban pattern of development in this area and would constitute a haphazard form of development contrary to Policy RH-P-9 of the County Donegal Development Plan 2024-2030 which seeks that proposals for individual dwellings be sited and designed in a manner that is sensitive to the integrity and character of rural areas. The proposed development would also result in the further erosion of the character of the 'High Scenic Amenity' area and detract from the quality of the receiving

landscape which would be contrary to objective L-O-1 of the development plan which seeks to protect, manage and conserve the character, quality and value of the Donegal landscape and policy L-P-2 of the development plan which seeks to protect areas identified as 'High Scenic Amenity' and provides that only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



*Mary Gurrie*  
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**Mary Gurrie**

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

Dated this *15* day of *January* 2025.