

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: 24317

APPEAL by Debbie O'Flaherty care of Seamus Walsh of Glann, Oughterard, County Galway against the decision made on the 16th day of December 2024 by Galway County Council to refuse permission.

Proposed Development: Cead pleanála chun teach cónaithe agus córas séarachais a choinneáil agus chun an córas séarachais a uasghrádú chomh maith le gach obair a bhaineann leis an fhorbairt. Spás urláir comhlán na hoibre atá le coinneáil: 73 square metres, ag Tóin na Brocaí, Gaillimh.

Decision

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

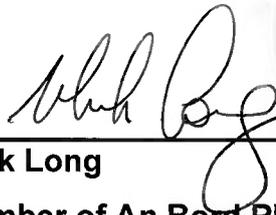


Reasons and Considerations

1. Having regard to the planning history on the lands and the nature of the previous structures thereon, the requirements of Policy Objective RH 7 (Renovation of Existing Derelict Dwelling) have not been satisfied.
Having regard to the site location in a rural area under strong urban pressure as defined in the Galway County Development Plan 2022-2028 where Policy Objective RH 1 (Rural Housing Zone 1 – Rural Metropolitan Area) is applicable, where new housing is restricted to persons who can demonstrate a rural housing need, it is considered that the applicant has not demonstrated that they are seeking to develop their first home on the existing family holdings or lands and has not substantiated the required social links to the rural area. On this basis, in the absence of a demonstrated local based need for the house, the development proposed for retention would contribute to the 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. In this regard, the development would constitute a material contravention of DM Standard 7 (Rural Housing) and Policy Objective RH 1 (Rural Housing Zone 1 – Rural Metropolitan Area). The development proposed for retention would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The development proposed for retention, which is setback less than 15 metres from the existing carriageway, would endanger public safety by reason of a traffic hazard as a result of the site layout where it has not been demonstrated that adequate sightlines can be maintained and provided without significant impacts on the roadside boundaries, where adequate parking provision has not been demonstrated and it has not been demonstrated that sufficient provision has been made for access to the site and to the public road where the alignment is inadequate. This is contrary to Section 15.5.2 Guidelines for Roads and Parking and DM Standard 29 and DM Standard 28 of the Galway County Development

Plan 2022-2028. The development proposed for retention would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the restricted area of the site and to the information on the file, the applicant has not demonstrated that the existing effluent treatment system, with upgrades, can adequately and safely dispose of domestic effluent from the new dwelling. The development proposed for retention would, therefore, not comply with Section 15.6.1 Water and Wastewater and DM Standard 38 of the Galway County Development Plan 2022-2028 and would be prejudicial to public health. It is also considered that, taken in conjunction with the existing development in the vicinity, the development proposed for retention would result in an excessive concentration of development served by septic tanks in the area. The development proposed for retention, would therefore, be contrary to the proper planning and sustainable development of the area.



Mick Long

Member of An Bord Pleanála

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

Dated this 15th day of May 2025.