



Development	Retention: Prefabricated house and all associated site works
Location	Loughross Glebe, Milford, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2550175
Applicant(s)	Thomas & Sinead Curran
Type of Application	Retention
Planning Authority Decision	Refuse Retention
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Thomas & Sinead Curran
Observer(s)	None
Date of Site Inspection	21/4/26
Inspector	Ronan Murphy

1.0 Site Location and Description

- 1.1. The appeal site is located within the townland of Loughross, Glebe which is a rural area punctuated with single dwellings located c.2.4km to the southeast of Milford, in Co. Donegal.
- 1.2. The appeal site which has a stated area of c. 0.31ha comprises of an existing single storey modular home surrounded by a gravel yard area and a fence to the south of the dwelling.
- 1.3. In terms of topography the site slopes steeply in a north-westerly direction across the site. The location of the dwelling is c.10m above the public road to the south of the site.
- 1.4. Access to the site is via a steep, winding, single lane access road which is finished in a hardcore / gravel and connects to the local road (L-5652-1). The L-5652-1 is a single lane undulating local road which services local traffic.

2.0 Proposed Development

- 2.1. This application seeks retention permission for an existing modular home and an associated hardcore yard. The application also seeks permission for the upgrade of an existing sewerage treatment system.
- 2.2. The dwelling for which retention is sought comprises of a single storey dwelling incorporating two bedrooms, a bathroom, a dining room, and a kitchen / living room.
- 2.3. The dwelling has an internal area of c. 52.35m² and a height of c.3.4m. In addition to the above, the dwelling includes an external, covered, balcony on its southern side.
- 2.4. The hardcore yard surrounds the dwelling and connects to the access road to the dwelling.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 By order dated 22/1/26 the Planning Authority decided to refuse planning permission for 4 No. reasons as set out below:

1. *The proposal is contrary to Policy RH-P-3 of the County Development Plan 2024-2030 in that evidence of a genuine need has not been demonstrated. Accordingly, to permit the development would materially contravene the aforementioned Policy of the*

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

2. *The proposal is contrary to Policies RH-P-9 of the County Development Plan, 2024-2030 in that the proposed dwelling is inappropriate for the site and its locality and, if granted, would result in the imposition of a visually incongruous development which would fail to integrate in the landscape and would impact the visual amenities of the surrounding rural area, particularly having regard to (i) the elevated position of the dwelling and (ii) the extent of ground works. Accordingly, to permit the development as proposed would materially contravene the aforementioned Policies of the Plan and would therefore be contrary to the proper planning and sustainable development of the area.*
3. *The subject site is located within a rural area designated as being an 'Area of Moderate Scenic Amenity' in the County Development Plan, 2024-2030. The proposal is contrary to Policy RH-P-9 in that the design of the proposed dwelling is inappropriate for the site and its locality and, if granted, would result in the imposition of a dwelling that does not comfortably integrate within the host area and would impact the visual amenities of the surrounding area. Accordingly, to permit the development as proposed would materially contravene the aforementioned Policy of the Plan and would therefore be contrary to the proper planning and sustainable development of the area.*
4. *The proposal is contrary to proper planning and sustainable development in that the development would, if permitted, have an unacceptable impact on the residential amenity of the adjacent dwelling to the south in terms of overlooking and loss of privacy.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

- There is one planning report on file dated 19/1/26. The area planner outlines concerns that the applicant has not provided any supporting documentary evidence to demonstrate that a genuine rural housing need in accordance with RH-P-3.
- The area planner notes that the dwelling for which retention is sought has been constructed in an entirely different location on the site to that previously granted. The

dwelling is located 8 metres from the southern site boundary and the front elevation of the same is orientated to face south with the pitch of the roof visible from the adjoining local road.

- Concerns are also outlined that the dwelling subject of this application is not reflective of the traditional Donegal vernacular nor existing dwellings in this area. The dwelling for which retention is sought is more akin to a cabin-like structure with a front balcony-like porch with overhanging roof and sheet board finish. It is considered that to permit the same, which is visible from the adjoining road, would establish an undesirable precedent for similar development in a rural area and would negatively impact the character of the area.
- Refusal is recommended on this basis.

3.2.2. Other Technical Reports

- **Environmental Health:** Report dated 16/12/25 outlining no objection, subject to conditions.
- **EE Roads:** Report dated 13/1/2/25 outlining no objection, subject to conditions.

3.3. Prescribed Bodies

3.3.1 There are no responses on file.

3.4. Third Party Observations

3.4.1 There are no third-party observations on file.

4.0 Planning History

Appeal site

Reg. Ref. 09/50075: Application for the erection of a dwelling house and treatment system with soil polishing filter. Permission granted, subject to conditions. Conditions of note include:

4. (a) Save for the construction of the proposed laneway and sand polishing filter, no development or excavation shall take place within 25 metres of the southern boundary of the application site.

Reg. Ref. 1351070: Application for an extension of duration with respect to Reg. Ref. 09/50075 as set out above. Extension of Duration for 5 years granted.

Enforcement

Ref: UD25106: Warning letter was issued in relation to the creation of hard cored yard and the Installation of prefabricated dwelling unit without the benefit of planning permission.

Site to the south

Reg. Ref. 2251027: Application for the retention of a dwelling house, associated septic tank, vehicular entrance, and all other site development works. Retention planning permission granted, subject to conditions.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan is the *Donegal County Development Plan 2024-2030*. The following policies and objectives are pertinent to this application:

5.1.2 Housing Policies

The site falls within a 'Structurally Weak Area' with reference to Map 6.3.1 Rural Area Types of the *Donegal County Development Plan 2024-2030*.

Relevant Objectives and Policies include:

Objective RH-O-1 To ensure that new residential development in rural areas provides for genuine rural need.

Objective RH-O-4 - To ensure that rural housing is located, designed, and constructed in a manner that does not detract from the character or quality of the receiving landscape having particular regard to Map 11.1: 'Scenic Amenity' of this Plan.

Policy RH-P-3 -To consider proposals for new one-off housing within 'Structurally Weak Rural Areas' from any prospective applicants for a dwelling house, subject to siting and design considerations and compliance with all other relevant policies of this Plan including Policy RH-P-9. New holiday homes will not be permitted in these areas.

Policy RH-P-9 relates to impact on the landscape, design, ribbon development, impact on amenity, site characteristics, and impact on the environment, including the safe disposal of effluent and surface waters.

Landscape

The site falls within an Area of Moderate Scenic Amenity with reference to Map 11.1 of the County Development Plan 2024-2030 Objective and Policies of relevance are as follows:

Objective L-O-1: To protect, manage and conserve the character, quality, and value of the Donegal landscape.

Policy L-P-2 To protect areas identified as 'High Scenic Amenity' and 'Moderate Scenic Amenity' on Map 11.1 'Scenic Amenity'. Within these areas, only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered, subject to compliance with other relevant policies of the Plan.

Other

Policy WW-P-6 Facilitate development in urban or rural settings for single dwellings or other developments to be maintained in single ownership with a projected PE <10 in unsewered areas proposing the provision of effluent treatment by means of an independent wastewater treatment system where such systems:

- a. Demonstrate compliance with the EPA's Code of Practice for Domestic Wastewater Treatment Systems (PE. ≤10) (EPA 2021) or any subsequent or updated code of practice.
- b. Would not result in an over concentration or over proliferation of such systems in an area which cumulatively would be detrimental to public health or water quality.
- c. Otherwise comply with Policy WW-P-2.

Chapter 16 Technical Standards including in relation to visibility splays and surface water and roadside drainage.

Rural Housing Location Siting and Design Guide County Donegal Development Plan 2024-2030.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

5.2.1 Project Ireland 2040 - The National Planning Framework: First Revision (April 2025)

- National Policy Objective 24: - Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.
- National Policy Objective 28: - Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

Sustainable Rural Housing, Guidelines for Planning Authorities, 2005'

5.2.2 These Guidelines promote the development of appropriate rural housing for various categories of individual as a means of ensuring the sustainable development of rural areas and communities.

EPA Code of Practice Domestic Wastewater Treatment Systems, population equivalent of less than 10, 2021.

5.2.3 This document provides guidance on the site characterization, design, operation, and maintenance of domestic wastewater treatment systems.

5.3. Natural Heritage Designations

5.3.1 The subject site is not located within or adjacent to a European Site. The nearest designated site is the Lough Fern SPA and Leannan River SAC which are located c.2.12km to the west of the site and the Lough Swilly SAC and SPA which are located c. 2.9km to the south-east of the site.

5.3.2 In addition to this, the Lough Fern pNHA is located c. 2.12km to the south-west from the site and the Lough Swilly Including Big Isle, Blanket Nook & Inch Lake pNHA is located c. 2.9km to the south-east of the site.

6.0 EIA Screening

6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required. Please see Appendix 1.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1 A first party appeal against the decision to refuse planning permission from Harvey Newman Planning Consultants on behalf of the applicants. I make the Coimisiún aware that this appeal includes appendices and updated drawings showing design alterations. The appeal can be summarised as follows:

- The site is located within an area designated as 'Structurally Weak Rural Area' in respect of rural housing policy in the current county plan.
- For such areas there is no actual requirement to demonstrate a link to the rural area in question nor is there a specific requirement to show a genuine need for a dwelling.
- It is somewhat difficult to understand therefore how the Planning Authority has cited policy RH-P-3 in its reason for refusal referencing how evidence of a genuine need has not been demonstrated.
- The Planning Authority has incorrectly applied its own policy in determining such a refusal reason.
- The applicant in this case actually owns a farm in the area to include the lands upon which the house is sited and immediately surrounding the subject site and as such requires to live within close proximity of his farmlands and animals both for farming husbandry purposes and security.

- Details of such farming background and activity are confirmed in a letter prepared by the applicant, appended herewith, which reference inter alia; herd number and Dept of Agdc area aid information and mapping.
- The applicants own no other dwelling, have been in rental accommodation for many years.
- The site which is locally elevated is located within a small cluster of existing dwellings (including the applicant/appellants sister's house to the east).
- The site and modest dwelling the subject of this application are comfortably assimilated and absorbed into the surrounding receiving environment.
- The initial preparation of the site was carried out some time ago in connection with the then intended construction of the dwelling permitted on this site under Ref 09/50075 and 13/5 1070 (applicants uncle), which did not then proceed.
- The subject dwelling, by reason of its modest form and siting integrates into the receiving hillside at this location.
- This local road is very lightly trafficked providing access to only the handful of local houses and as such any real impact is very insignificant.
- With regard to the main road, R245 located below the level of the site and upon which traffic travels at the maximum speed limit, it is apparent that there is very limited scope to actually notice the proposed dwelling given the extensive distance from the road and significant hillside backdrop that exists.
- The proposed dwelling is barely discernible from the busiest roads surrounding the site and contrary to the Planning Authority assessment.
- The subject site is set within lands that are designated as 'Moderate Scenic Amenity' in the Donegal CDP 2024-2030, which is the lowest level of amenity rating within the county landscape classification.
- Should the issue of the hardcore around the house be a particular issue for the Commission, the applicant is content to soften the surrounds by means of the importation of topsoil which could form planted edges and landscaping.
- The applicant/appellant wishes to propose a number of relatively minor design alterations to the proposed dwelling for the consideration of the Commission.

These proposed alterations, outlined in the drawings enclosed herewith, would successfully remove the appearance of a 'cabin-like' structure whilst also removing the porch with roof overhang.

- The proposed alterations therefore include the introduction of a cement board finish, grey in colour, which would replace the sheet board finish. Such an exterior finish would then resemble a more traditional type plaster finish as applied to the vast majority of dwellings in rural parts of Donegal.
- The proposed alterations also include the creation of an enclosed porch feature at the front of the dwelling, effectively removing the balcony with overhanging roof.
- These relatively minor design alterations would ensure that the modest dwelling adopts a more traditional appearance and complies fully with policy RH-P-9 of the CDP.
- The applicant/appellant has erected a close boarded fence on site at the southern site boundary. Overlooking of the neighbouring property is no longer possible from the subject property, either from inside the dwelling or from the circulation space at the front of the dwelling.
- Potential overlooking of the neighbour or loss of privacy has been entirely eliminated such that the residential amenities of the neighbouring property are fully protected.

7.2. Planning Authority Response

7.2.1 A response has been received from the Planning Authority has been received by letter dated 13/3/26. The letter states that the Planning Authority considers that all matters raised in the appeal have previously been addressed in the Planners report dated 19/1/1/26 and endorsed and signed by the Senior Executive Planner. The Council wishes to rely on the content in same in response to this appeal. The Planning Authority respectfully requests that An Coimisiún Pleanála upholds the decision of the Planning Authority in this case.

7.3. Observations

7.3.1 There are no observations on file.

7.4. Further Responses

7.4.1 There are no further responses on file.

8.0 Assessment

8.1. Having examined the appeal details and all other documentation on file, including submissions / observations, the reports of the local authority and inspected the site, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development / rural housing need
- House Design
- Access and sightlines
- Wastewater Treatment
- Flooding
- Appropriate Assessment
- Water Framework Directive

8.2. Principle of Development / Rural Housing Need

8.2.1 The subject site is in the open countryside, outside of a designated settlement in an area designated as a 'Structurally weak' as set out in Map 6.3.1 of the Donegal County Development Plan 2024-2030. In such cases Policy RH-P-3 applies. This policy seeks to consider proposals for new one-off housing within 'Structurally Weak Rural Areas' from any prospective applicants for a dwelling house, subject to siting and design considerations and compliance with all other relevant policies of this Plan including Policy RH-P-9. New holiday homes will not be permitted in these areas.

8.2.2 I note that permission was previously granted for a dwelling on the appeal site. In my view, the development of a dwelling on the land is acceptable in principle, subject to a full assessment of the application, including establishing whether or not the applicant has a genuine rural need for the dwelling and the visual impact of the rural area in which the site is located.

Rural Housing Need

- 8.2.3 Reason No.1 for refusal states that the proposal is contrary to Policy RH-P-3 of the *Donegal County Development Plan 2024- 2030* in that evidence of a genuine need has not been demonstrated. It is also stated that to permit the development would materially contravene the aforementioned Policy of the Plan.
- 8.2.4 The first party appeal highlights concerns that it is that the Planning Authority has cited policy RH-P-3 in its reason for refusal referencing how evidence of a genuine need has not been demonstrated. The first party states that the site is located within an area designated as 'Structurally Weak Rural Area' in respect of rural housing policy in the current county plan and that there is no actual requirement to demonstrate a link to the rural area in question nor is there a specific requirement to show a genuine need for a dwelling.
- 8.2.5 It is noted that the initial application did not include any supporting documentary evidence to demonstrate a genuine rural housing need for the applicants.
- 8.2.6 The site is located within a rural area designated as 'structurally weak.' In such a designated area Policy RH-P-3 sets out that proposals will be considered from any prospective applicants. As such, it would appear to me on a prima facie reading of Policy RH-P-3 there is no requirement for the applicant to provide evidence of a demonstratable economic or social need to live in these areas, as is the case in Areas Under Strong Holiday Home Influence and those in Areas Under Strong Urban Influence.
- 8.2.7 Whilst I note that there appears to be a wider category of applicants that can be considered as acceptable under RH-P-3, i.e. any prospective applicant, I would note there would appear to be a conflict between Policy RH-P-3 and Objective RH-O-1 which seeks *to ensure that new residential development in rural areas provides for genuine rural need*. In addition to this, I refer the Coimisiún to Section 6.3.1 of the *Donegal County Development Plan 2024-2023* which states that *'meeting genuine rural generated housing need will continue to be a central component of Council policy'*.
- 8.2.8 Having considered the above, while Policy RH-P-3 does not appear to specifically require the applicant provide evidence of a demonstratable economic or social need to live in these areas, it is the clear that it is clear intention of *the Donegal County Development Plan 2024-2030* that applicants in rural area should demonstrate rural generated housing need.

- 8.2.9 In this case, I note that the first party appeal includes a letter from the applicant which states that they are the third generation of the family living in this area and that they are involved in farming and the modular home is located on their farmland. The home is required to have to attend to their cattle and sheep on a daily basis and therefore it is important to live on the farm. In addition to this, the letter states that they are the first point of contact for their sister who is wheelchair bound and lives 90m to the east of the dwelling.
- 8.2.10 The first party appeal also includes a herd number from the Department of Agriculture and arial photography which shows the outline of the applicant's farm. In addition to this, the first party appeal includes a letter of support from a Local Councillor which outlines that the applicant farms a herd of 100 ewes and calving cows.
- 8.2.11 Having considered all the information available to me, including the first party appeal, I am satisfied that the applicant has demonstrated a genuine rural need for a dwelling on the appeal site. I have come to this conclusion having regard to the demonstrable fact that the applicant is a farmer with a herd of sheep and calving cows which require to be tended to on a daily basis and the fact the applicant provides care for a close family member who lives in a dwelling adjacent to the appeal site.
- 8.2.12 I note that reason No.1 for refusal states that the application would constitute a material contravention of Policy RH-P-3 with respect to genuine rural need for the dwelling. However, I am satisfied that the applicant has demonstrated a genuine rural need for a dwelling and therefore, in my views, does not constitute a material contravention of Policy RH-P-3 of the *Donegal County Development Plan 2024-2030*. Should the Coimisiún consider that the proposal does constitute a material contravention of Policy RH-P-3, the application should be refused on this basis.

8.3 House Design

- 8.3.1 Reason No.2 for refusal states that the proposal would not comply with Policies RH-P-9 of the *Donegal County Development Plan, 2024-2030* in that the proposed dwelling is inappropriate for the site and would be visually incongruous development which would fail to integrate in the landscape and would impact the visual amenities of the surrounding rural area, particularly having regard to (i) the elevated position of the dwelling and (ii) the extent of ground works.
- 8.3.2 In addition to this, Reason No. 3 for refusal states that the proposal is contrary to Policy RH-P-9 in that the design of the proposal is inappropriate for the site and its locality and, if

granted, would result in the imposition of a dwelling that does not comfortably integrate within the host area and would impact the visual amenities of the surrounding area.

- 8.3.3 In response the first party states that the proposed dwelling is barely discernible from the busiest roads surrounding the site and contrary to the Planning Authority assessment. In addition to this, it is stated that subject site is set within lands that are designated as 'Moderate Scenic Amenity' in *the Donegal County Development Plan 2024-2030*, which is the lowest level of amenity rating within the county landscape classification.
- 8.3.4 Policy RH-P-9 of the Donegal County Development Plan 2024-2030 requires new house proposals in rural areas to be sited and designed in a manner that is sensitive to the integrity and character of rural areas as identified in Map 11.1: 'Scenic Amenity' of this Plan, and that enables the development to be assimilated into the receiving landscape and that proposal for such shall be subject to the siting, location and design of rural housing as set out in Donegal County Council's 'Rural Housing Location, Siting and Design Guide'
- 8.3.5 The dwelling for which retention is sought comprise of a modular type structure with a sheeting board finish. The dwelling has two bedrooms, a bathroom, a dining room and a kitchen / living room. The dwelling has an internal area of c. 52.35m² and a height of c.3.4m. In addition to the above, the dwelling includes an external, covered, balcony on its southern side.
- 8.3.6 The dwelling is set back c.17m from the southern boundary of the land, c. 19m from the eastern boundary of the land, 32m from the western boundary of the land and c. 16m from the northern boundary of the land.
- 8.3.7 I make the Coimisiún aware that the applicant has proposed some design alterations which include introduction of a cement board finish and the creation of an enclosed porch feature at the front of the dwelling, effectively removing the balcony with overhanging roof as part of the first party appeal.
- 8.3.8 In my opinion, the key consideration in terms of the acceptability or not of the design and visual impact of the dwelling relates to the topography of the site. The dwelling is located c. 10m above the road level, at the top of a steep incline. This is a prominent location in the rural landscape of the area. In this regard, I refer the Coimisiún to photographs within the first party appeal (plates 1 and 2) which demonstrate the elevated nature of the site in the local context. I would also refer the Coimisiún to Drawing No. TSC /02 (Amended) Site

Layout Plan and Site Section. This drawing provides a section of the site in proximity to the road to the south of the site.

- 8.3.9 I have considered the design and location of the dwelling for which retention is sought in light of Policy RH-P-9 states and the guidance set out in The Rural Housing Location Siting and Design Guide within the *Donegal County Development Plan 2024-2030* and I have also considered the sites location within an area designated as 'Area of Moderate Scenic Amenity' in Map 11.1 of *the Donegal County Development Plan 2024-2030*. In this regard, Section 11.2.2 states that areas of high scenic amenity have the capacity to absorb additional development that is suitably located, sited and designed subject to compliance with all other objectives and policies of the Plan.
- 8.3.10 In overall terms, I am satisfied that the concept of a dwelling would be acceptable on the appeal site, in this regard, I note that Donegal County Council have previously granted planning permission for a dwelling on this site (Reg. Reg. 0950075). Notwithstanding this, I do have concerns with respect to the location of the house on site and the design of the dwelling.
- 8.3.11 While I note that the appeal site is located within an area which is designated as 'Area of Moderate Scenic Amenity' which could potentially have the capacity to absorb additional development, I do have concerns with respect to the prominent location of the proposed dwelling on the southern edge of the site. In addition to this, I have concerns that the design of the dwelling, would not appropriately harmonise with the rural area in which the site is located.
- 8.3.12 In my view, the location of the dwelling on the site should be reconsidered to ensure that it responds in a more acceptable way to the rural landscape of the area. In this regard, it is my view that the dwelling should be moved away from the southern boundary to a location closer to the northern boundary of the appeal site. In addition to this, I am of the view that the orientation of the dwelling should be changed, so that the front of the dwelling faces the western boundary of the land. In addition to this, I would recommend that the southern boundary of the development pad be landscaped to provide an effective screening of the development. These alterations would allow the dwelling to blend in with the landscape character of the area in a more acceptable manner than is currently the case. In considering the relocation of the dwelling, I had regard to the fact that the dwelling is a modular home and that relocating such would be more achievable than a non-modular home.

8.3.13 In terms of design, I am not satisfied that the sheet board finish and other elements of the design including the front balcony-like porch with overhanging roof would comply with Section 4.0 of the Rural Housing Location Siting and Design Guide for Donegal County Council which states that new buildings should respect the rural context within which they sit, and demonstrate an informed use of traditional reference in reaching a site specific and well informed design resolution. I note that the first party appeal has proposed a number of design alterations to the dwelling. These alterations include the introduction of a cement board finish, grey in colour, which would replace the sheet board finish and the creation of an enclosed porch feature at the front of the dwelling, effectively removing the balcony with overhanging roof. I make the Coimisiún aware that the design alterations proposed in the first party appeal would improve the aesthetics of the dwelling and would be acceptable. However, this is an application for retention planning permission and only minor, non-material alterations could be made by way of conditions. I do not believe that the alterations to the location of the dwelling and the design alterations to the dwelling could be considered to be minor, non-material alterations and therefore could not be dealt with by way of conditions. These alterations would require a separate full planning application. Therefore, refusal is recommended.

8.3.14 I note that both reasons for refusal No.2 and No.3 cite that to permit the development as proposed would materially contravene Policy RH-P-9 of the *Donegal County Development Plan 2024-2030*. While I would agree that the proposal does not comply with Policy RH-P-9, the concept of a dwelling on the site is acceptable and my concerns with regard to the location and design of the dwelling could be rectified in a future application, should such an application be made. Therefore, I am satisfied that the proposal does not materially contravene. However, should the Coimisiún be of a mind that the proposal does constitute a material contravention of Policy RH-P-9, the application should be refused on this basis.

8.4 Residential Amenity

8.4.1 The fourth reason for refusal states that the development is contrary to proper planning and sustainable development in that the development would, if permitted, have an unacceptable impact on the residential amenity of the adjacent dwelling to the south in terms of overlooking and loss of privacy.

8.4.2 In response the first party appeal response states that the applicant/appellant has erected a close boarded fence on site at the southern site boundary. Overlooking of the neighbouring

property is no longer possible from the subject property, either from inside the dwelling or from the circulation space at the front of the dwelling. Therefore, potential overlooking of the neighbour or loss of privacy has been entirely eliminated such that the residential amenities of the neighbouring property are fully protected.

8.4.3 On my site visit I noted that a close boarded fence has been constructed along a portion of the southern boundary of the development site. I make the Coimisiún aware that the statutory notices do not include the close boarded fence. While this is not an optimal situation, given my substantive concerns with respect to the location of the dwelling on the site and the design of the dwelling, I do not believe this matter is fundamental to the consideration of the overall scheme.

8.4.4 Notwithstanding the above, I refer the Coimisiún to Drawing No. TSC/03 'Site Layout Plan' which demonstrates that the dwelling for which retention is sought is set back c.33m from the house to the south (on the opposite side of the road. Further to this, I note that the front (southern) elevation of the dwelling looks towards the front elevation of the dwellings on the opposite side of the road. The front of dwellings is generally considered to be less sensitive than the rear private open space areas of dwellings.

8.4.5 Given the set back of the dwelling from the dwelling on the opposite side of the road and the fact that the front elevations of the dwellings face each other, I am satisfied the dwelling does not cause undue overlooking. Therefore, reason No.4 for refusal is not warranted in this case.

8.5 Access and sightlines

8.5.1 The site is accessed via an existing access road which opens onto the adjoining L-5652-1 local road to the south of the site. The access road has a very steep gradient and has a gravel / stone surface. The local road is a narrow, single lane, undulating road with a number of curves within the local environment. The site layout plan submitted with the initial application shows that sight lines of 115m to the northwest of the site entrance and 105m to the southeast of the site entrance.

8.5.2 In a comparable manner to the close boarded fence, I make the Coimisiún aware that the access to the appeal site was not included within the statutory notices. Again, I would highlight to the Coimisiún that this is not an ideal situation, however, it may be argued that the access to the land is included within the phrase 'all associated site works' within the statutory notices. In any case, given my substantive concerns with respect to other elements

of the proposal which have led me to recommend refusal of the application, as outlined above, I do not intend to advance this matter in this report.

- 8.5.3 I refer the Coimisiún to Table 16.7 of the *Donegal County Development Plan 2024-2030* and 1.3 of the TII publication DN-GEO-0301 'Rural Road Link Design' which shows that the Desirable Minimum Stopping Sight Distance for a road with a 60km speed is 90m. One step below the desirable minimum sight distances is 70m.
- 8.5.4 I note that the area planner highlighted concerns that that sight lines of 115m and 105m are attainable as detailed are not attainable, particularly so to the northwest of the site entrance. It is considered that 70m as previously conditioned is more realistic. However, the report of the area EE Roads Section of Donegal County Council outlines no concerns with respect to the entrance, subject to conditions.
- 8.5.5 I am satisfied that sightlines of 70m (which would be One step below the desirable minimum sight distances as set out in Table 1.3 of the TII publication DN-GEO-0301 'Rural Road Link Design') would be acceptable in this area and is achievable on site.
- 8.5.6 I am satisfied that the access to the site would not result in a traffic hazard. I have come to this conclusion having inspected the site and viewed the location of the proposed entrance, the relatively low volume of traffic using the public road at this location and the response of the EE Roads Section of Donegal County Council.

8.6 Wastewater

- 8.6.1 The proposed development includes the upgrade of the existing Wastewater Treatment System. It is proposed to install a secondary treatment system & soil polishing filter.
- 8.6.2 I refer the Coimisiún to the Site Suitability Assessment lodged with the application which was prepared in accordance with the EPA Code of Practice, Domestic Wastewater Treatment Systems (2021). The soil type for the site is classified as Acid Brown Earths, Brown Podzolics, Lithosols, Regosols and the bedrock type is Precambrian Quartzites Gneisses and Schists.
- 8.6.3 The underlying aquifer is categorised on the GSI maps and EPA Maps as Poor Aquifer - Bedrock which is Generally Unproductive except for Local Zone with an Extreme Vulnerability.
- 8.6.4 During the site investigations a trial hole was dug to a depth of 0.85m, and bedrock and a water table were not encountered. The topsoil encountered comprised was classified as clay

with occasional gravel with a light brown colour. The site falls within the R21 response category which indicates that an on-site system is acceptable subject to normal good practice.

8.6.5 The results of the subsurface percolation test for subsoil returned a percolation value of 17.86 minutes per 25mm. This value indicate that the site is suitable for secondary treatment and soil polishing filter.

8.6.6 I have considered the proposal in light of the setbacks set out in Table 6.2 of the EPA Guidelines and I am satisfied that all setbacks can be achieved. In addition to this, I note the response of the Environmental Health Officer of the Local Authority who did not object to the proposal, subject to conditions. Therefore, I am satisfied that wastewater treatment would comply with the EPA Code of Practice: Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) 2021.

9 AA Screening

9.1 The subject site is not located within or adjacent to a European Site. The nearest designated site is the Lough Fern SPA and Leannan River SAC which are located c.2.12km to the south-west of the site and the Lough Swilly SAC and SPA which are located c. 2.9km to the south-east of the site.

9.2 In addition to this, the Lough Fern pNHA is located c. 2.12km to the south-west from the site and the Lough Swilly Including Big Isle, Blanket Nook & Inch Lake pNHA is located c. 2.9km to the south-east of the site.

9.3 There is no hydrological link between the subject site and the European sites.

9.4 In accordance with Section 177U of the Planning and Development Act 2000, as amended, and on the basis of the information considered in this AA screening, I conclude that the

proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on

9.5 Having considered the nature, scale, and location of the development for which retention is sought, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

9.5 This determination is based on:

- The relatively modest scale of the development and lack of impact mechanisms that could significantly affect a European site,
- Lower-scale potential for source impacts of any magnitude,
- Consideration of the conservation objectives of:

Lough Fern SPA

Leannan River SAC

Lough Swilly SAC

Lough Swilly SPA

10 Water Framework Directive

10.1 The purpose of the EU Water Framework Directive is an initiative aimed at improving water quality throughout the European Union. The Directive was adopted in 2000 and requires governments to take a new approach to managing all their waters; rivers, canals, lakes,

reservoirs, groundwater, protected areas (including wetlands and other water dependent ecosystems), estuaries (transitional) and coastal waters.

- 10.2 An Coimisiún Pleanála and other statutory authorities cannot grant development consent where a proposed development would give rise to a deterioration in water quality.
- 10.3 The CARN LOW_010 (IE_NW_39L012000) is c.541m to the south-west of the site., the GLENALLA_010 (IE_NW_39G030180) is c.883.7m to the north-east of the site and the MAGGY'S BURN_010 (IE_NW_39M010300) is c.1km to the south-west of the appeal site. All of these waterbodies are classified as at-risk ecological status. This is illustrated on the EPA mapping (<https://gis.epa.ie/EPAMaps/>).
- 10.4 I have assessed the proposal and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.5 The reason for this conclusion is as follows:
- The scale of the proposed development, and
 - The adequate treatment of wastewater with the site.

11 Recommendation

- 11.1 I recommend that retention planning permission be refused.

12 Reasons and Considerations

1. Having regard to the location of the site of the development for which retention is sought within an area designated “Structurally weak’ as set out in Map 6.3.1 of the *Donegal County Development Plan 2024-2030*, Policy RH-P-9 places an emphasis on ensuring the siting and design of any dwelling integrates appropriately with its physical surroundings and the natural heritage of the area. Proposals must comply with Donegal County Council’s ‘Rural Housing Location,

Siting and Design Guide.’ The prominent location and design of the dwelling for which retention is sought does not allow it to be assimilated into the receiving landscape and does not accord with Policy RH-P-9 or the Donegal County Council’s ‘Rural Housing Location, Siting and Design Guide’. Accordingly, the proposed development would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Ronan Murphy
Planning Inspector

27 May 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500975-DL
Proposed Development Summary	Prefabricated dwelling house and hardcore yard and planning permission for the upgrade of existing sewerage treatment system with all associated site works.
Development Address	Loughross Glebe, Milford, Co. Donegal
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to	Class 10(b) of Part 2, Schedule 5 (i) Construction of more than 500 dwelling units

<p>be requested. Discuss with ADP.</p>	
<p><input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</p>	
<p><input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5, or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>1 dwelling on a site of c. 0.31ha</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?

No

Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500795-DL-26
Proposed Development Summary	Retention for a prefabricated house and all associated siteworks
Development Address	Loughross, Glebe, Milford, Co. Donegal
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposal comes forward as a stand-alone project. The development does not require any demolition works. The development does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity	The development is situated in a predominantly rural area and is not adjacent an ACA. The nearest designated Natura 2000 sites are the following:

<p>of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural, or archaeological significance).</p>	<ul style="list-style-type: none"> • the Lough Fern SPA (c.2.1km) • Leannan River SAC (c.2.1km) • Lough Swilly SAC (c.2.9km) • Lough Swilly SPA (c.2.9km) <p>The proposal is not considered to be exceptional in the context of the receiving environment adjacent to other detached houses with DWWTs.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects, and opportunities for mitigation).</p>	<p>Having regard to the nature of the dwelling for which retention is sought consisting of a prefabricated house and all associated site works. its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p> <p>Having regard to the scale of the proposal there is no potential to significantly impact on environmental parameters or on the ecological sensitivities of the aforementioned European sites, including transboundary designations, or other significant environmental sensitivities in the area.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>

There is no real likelihood of significant effects on the environment.	EIA is not required.
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Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3: Standard AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects				
Case Reference Number: PL-500732-DL-26				
Step 1: Description of the project and local site characteristics The proposal comprises of the retention of a prefabricated house, and all associated sites work at Loughross, Glebe, Milford, Co. Donegal.				
Brief description of development site characteristics and potential impact mechanisms	<p>This application seeks retention permission for an existing modular home and an associated hardcore yard. The application also seeks permission for the upgrade of an existing sewerage treatment system.</p> <p>The dwelling for which retention is sought comprises of a single storey dwelling incorporating two bedrooms, a bathroom, a dining room, and a kitchen / living room.</p> <p>The dwelling has an internal area of c. 52.35m² and a height of c.3.4m. In addition to the above, the dwelling includes an external, covered, balcony on its southern side.</p> <p>The hardcore yard surrounds the dwelling and connects to the access road to the dwelling.</p>			
Screening report	No			
Natura Impact Statement	No			
Relevant submissions	No third-party submissions raised specific concerns in terms of impacts on the European Sites.			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Lough Fern SPA (Site)	Pochard (<i>Aythya ferina</i>) [A059] Wetland and Waterbirds [A999]	2.1km to the west of the site	No, no hydrological connection from the appeal site	No

Code: 004060)				
Leannan River SAC	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Najas flexilis</i> (Slender Naiad) [1833]</p>	2.1km to the west of the site	No, no hydrological connection from the appeal site	No
Lough Swilly SAC (site code: 002287)	<p>Estuaries [1130]</p> <p>Coastal lagoons [1150]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Molinia meadows on calcareous, peaty, or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p><i>Phocoena phocoena</i> (Harbour Porpoise) [1351]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	2.9km to the south-east of the site	No, no hydrological connection from the appeal site	No

<p>Lough Swilly SPA (Site Code: 004075)</p>	<p>Great Crested Grebe (Podiceps cristatus) [A005] Grey Heron (Ardea cinerea) [A028] Whooper Swan (Cygnus cygnus) [A038] Greylag Goose (Anser anser) [A043] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Mallard (Anas platyrhynchos) [A053] Scaup (Aythya marila) [A062] Goldeneye (Bucephala clangula) [A067] Red-breasted Merganser (Mergus serrator) [A069] Coot (Fulica atra) [A125] Oystercatcher (Haematopus ostralegus) [A130] Knot (Calidris canutus) [A143] Dunlin (Calidris alpina) [A149] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Greenshank (Tringa nebularia) [A164] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182]</p>	<p>2.9km to the south-east of the site</p>	<p>No, no hydrological connection from the appeal site</p>	<p>No</p>

	Common Tern (<i>Sterna hirundo</i>) [A193] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] Wigeon (<i>Mareca penelope</i>) [A855] Shoveler (<i>Spatula clypeata</i>) [A857] Sandwich Tern (<i>Thalasseus sandvicensis</i>) [A863] Wetland and Waterbirds [A999]			
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

The appeal site is not hydrologically connected to any of the identified Natura 2000 sites and therefore, it is considered that the development does not have any effects on any European site.

No	Likelihood of significant effects from proposed development (alone): N
None	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N

Step 4: Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the development (alone / in combination with other plans and projects) does not result in likely significant effects on a European site. No mitigation measures are required to come to this conclusion.

Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000, as amended, I conclude that the development for which retention is sought individually or in combination with other plans or projects does not give rise to significant effects on the Lough Fern SPA, Leannan River SAC, Lough Swilly SAC or the Lough Swilly SPA or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively modest scale of the development and lack of impact mechanisms that could significantly affect a European site,

- The lack of any hydrological connection with any of Natura 200 site
- Consideration of the conservation objectives of:
 - the Lough Fern SPA (Site Code: 004060)
 - Leannan River SAC (Site Code: 002176)
 - Lough Swilly SAC (Site Code: 002287)
 - Lough Swilly SPA (Site Code: 004075)

Appendix 4: Water Framework Directive Screening and Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	PL-500795-DL-26	Townland, address	Site at Loughross, Glebe, Milford, Co. Donegal
Description of project		Retention of a prefabricated house and all associated site works	
Brief site description, relevant to WFD Screening		<p>The appeal site is located within the townland of Loughross, Glebe which is a rural area punctuated with single dwellings located c.2.4km to the southeast of Milford, in Co. Donegal.</p> <p>The appeal site which has a stated area of c. 0.31ha comprises of an existing single storey modular home surrounded by a gravel yard area and a fence to the south of the dwelling.</p> <p>In terms of topography the site slopes steeply in a north-westerly direction across the site. The location of the dwelling is c.10m above the public road to the south of the site.</p> <p>1Access to the site is via a steep access lane which connects to the local road (L-5652-1). The L-5652-1 is a single lane undulating local road which services local traffic.</p>	
Proposed surface water details		Connection to existing roadside drain	
Proposed water supply source & available capacity		Public water supply	
Proposed wastewater treatment system & available capacity, other issues		Secondary treatment system and soil polishing filter which is to be located to the east of the dwelling.	
Others?		The site is not within a Flood Zone.	
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection			

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	c.541m	Carn Low_010 (IE_NW_39L01200) is	At Risk	At risk	None identified	Surface water run-off.
	c.883.7m	Glenalla_010 (IE_NW_39G030180)	Not at Risk	At risk	None identified	Surface water run-off
	c.1km	Maggy's Burn_010 (IE_NW_39M010300)	At Risk	At Risk	None identified	Surface water run-off
Groundwater Waterbody	Underlying site	IEGBNI_NW_G_059	Not at Risk	At risk	None identified	Groundwater

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

Operational Phase

No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
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3.	Surface	Carn Low_010 (IE_NW_39L012000) Glenalla_010 (IE_NW_39G030180)	Overland flow (sloping site) via existing roadside drains	Failure of drainage	None proposed but standard conditions relating to stormwater is anticipated.	No. I am satisfied that surface water, in principle, could be adequately managed on site and that there will be no	Screened out.
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		Maggy's Burn _010 (IE_NW_39M0 10300)				significant pollution risks to any surface waterbody.	
4.	Ground	IEGBNI_NW_ G_059	WWTS to ground	Failure of WWTS	Conditions to ensure that the Wastewater Treatment facility maintained to appropriate EPA standards.	No, I am satisfied that the WWTS can be maintained to appropriate EPA standards and that there will be no significant pollution risks to groundwater	Screened out.
DECOMMISSIONING PHASE							
5.	N/A	N/A	N/A	N/A	N/A	N/A	N/A