



LOUTH COUNTY COUNCIL

Town Hall, Crowe Street, Dundalk, County Louth A91 W20C
Tel:042/9335457

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

NOTIFICATION OF DECISION TO REFUSE

To: Colette Rakauskas
c/o Riette Gora
Brannigans Cross
Collon
Co. Louth
A92F7D1

Date: 16/10/2026

Planning Register Number: 2660597

Date Application Received: 02/09/2026

Validation Received: 02/09/2026

Further Information Received:

Type of Application: PERMISSION

Description of Development: Permission for a proposed dwelling house, wastewater treatment system with percolation area, soakaway and all associated site development works. The proposal includes a new vehicular entrance onto private laneway with upgrade works to laneway and amended site boundary walls, piers and hedge to neighbouring sites where laneway joins Hill of Rath Road

Name of Applicant: Colette Rakauskas

Location of Development: Disseldoo, Hill of Rath
Balgatheran, Co. Louth

Date of Decision: 16th October 2026

In pursuance of the powers conferred upon it by the above mentioned Acts, The Council of the County of Louth, being the Planning Authority for the County of Louth, has decided, for the reason(s) set out in the schedule attached, to **REFUSE** PERMISSION for the development described above.

An appeal against this decision may be made to An Coimisiún Pleanála. The procedure for making an appeal is available on An Coimisiún Pleanála's website (www.pleanala.ie).

Anna-Marie McKeown
Senior Staff Officer

LOUTH COUNTY COUNCIL

REFERENCE NO. 26/60597

SCHEDULE

1. Policy Objective HOU 43 of the Louth County Development Plan 2021-2027, as varied, seeks to manage the development of rural housing in the open countryside by requiring applicants to demonstrate compliance with the Local Needs Qualifying Criteria relative to the Rural Policy Zone, set out tables 3.4 and 3.5. The applicant has sought to demonstrate compliance with criteria 5 of Rural Policy Zone 1, which reads:

“5. Residents who have demonstrable social ties to the area and are providing care for an elderly person(s) or a person(s) with a disability who lives in an isolated rural area and who does not have any able bodied person residing with them. Any application shall demonstrate why the existing property cannot be extended or modified to provide residential accommodation for the carer. One house only will be allowed on this basis and the site must be adjacent to the dwelling in which the elderly person(s) or person(s) with the disability resides.”

In having regard to the above and to the supporting details provided with the application, the following requirements have not been demonstrated:

- The applicant's social ties to the area (i.e. that they have resided in the rural area of Louth for a minimum of 18 years prior to this application being made.) The personal documentary evidence covers a period of 13 years (from 2007-2020.)
- That the applicant is providing care for an elderly person(s) or a person(s) with a disability who lives in an isolated rural area and who does not have any able-bodied person residing with them.
- That the existing property cannot be extended or modified to provide residential accommodation for the carer/s.

Accordingly, the proposed development contravenes Policy Objective HOU 43 of the of the Louth County Development Plan 2021-2027 (as varied) and to grant permission for the development, would set an undesirable precedent for other similar inappropriate development in the vicinity and be contrary to the proper planning and sustainable development of the area (Rural Policy Zone 1.)

2. Having regard to the siting and backland nature of the proposed development, together with the cumulative impact of existing dwellings in the immediate locality, the proposed development would represent an overdevelopment of one-off dwellings in this rural area and is therefore considered to be contrary to Section 13.9.4 (site selection) of the Louth County Development Plan, 2021 2027 (as varied) 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.

The proposed development also constitutes a piecemeal form of backland development, fragmenting agricultural lands and further eroding the rural character of the locality, which is contrary to Section 13.9.6 (backland development). Furthermore, given the extent of native species roadside hedgerow to be removed to facilitate the minimum sightline visibility at the vehicular access, the proposed development would adversely impact the rural amenity and character of the area.

The development would therefore, if approved, be contrary to the proper planning and sustainable development of the area and contravene Sections 13.9.4, 13.9.6 and Policy Objectives HOU 44, HOU 49 and ENV 39 of the Louth County Development Plan 2021-2027 (as varied), which seek to ensure that new dwellings in the open countryside are sensitively located and designed, so as to protect the character of the rural area.

3. It is an objective of the Louth County Development Plan 2021-2027 (as varied) under Policy Objective BHC 16 to protect the northern ridgeline (Chapter 13, Map 13.1) which frames the views within and from the World Heritage Site of Brú na Bóinne from visually intrusive and inappropriate development, subject to the Development Management Assessment Criteria detailed in Chapter 13 (including Section 13.19.9) and using view-shed analysis as a tool to guide and inform development management. The applicant has (owing to a lack of detail provided with the application) failed to demonstrate that the proposed development would not contravene the above policy objective or adversely affect the protected northern ridgeline to the World Heritage Site of Brú na Bóinne.

4. The applicant has failed to demonstrate that the required minimum sightline visibility at the vehicular access to the public road (L-6300) (i.e. 4.5m x 75m over a height of 0.6m – 1.05m) can be achieved and accordingly, the development in its current form contravenes Sections 13.9.14, 13.16,17 and Table 13.13 of the Louth County Development Plan 2021-2027 (as varied) and would, if permitted, endanger public safety by reason of traffic hazard and the obstruction of other road users.

5. 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. In this regard, the proposed development contravenes Policy Objective IU 18 of the Louth County Development Plan 2021-2027, as varied and would therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of this rural area.