



An
Bord
Pleanála

Board Direction
BD-006292-20
ABP-307118-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/08/2020.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

- 1 Having regard to the location of the site within a rural area under urban influence, and to National Policy Objective 19 of the National Planning Framework (February 2018) which, for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements, it is considered that the applicant has not demonstrated an economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements and, therefore, the proposed development does not comply with National Policy Objective 19. The proposed development would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would contravene the provisions of the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 2 The site of the proposed development is in a rural location in an area under strong urban pressure, in an area where housing policy CDP3.11 applies and identified as such in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005 where it is national policy to distinguish between urban generated and rural generated housing need. On the basis of the documentation submitted with the planning application and the appeal, it is considered that the applicant does not come within the scope of the criteria for a housing need necessitating a dwelling at this rural location in an Area Under Strong Urban Pressure and in an Area of Special Control. The proposed development would, therefore, be contrary to the provisions of the Ministerial guidelines and be contrary to the policy of the planning authority. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 3 It is an objective of Clare County Council CDP 13.7 to protect sensitive areas from inappropriate development and to ensure that proposed developments take into consideration their effects on views from the public road towards scenic features or areas and are designed and located to minimise their impact. The proposed development by reason of its siting, scale, layout and design would result in a visually prominent and obtrusive development on an elevated ridge line, which would adversely affect the character of the area and seriously injure the rural and scenic amenities of the area. The proposed development would be at variance with the design objectives and guidelines as set out in the Clare County Development Plan 2017-2023 and the Clare Rural House Design Guide, 2005 and would, therefore, be contrary to the proper planning and sustainable development of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 4 Having regard to the provisions of the Code of Practice issued by the Environmental Protection Agency on “Wastewater Treatment and Disposal Systems serving Single Houses” (2009), the Board is not satisfied that wastewater generated by the proposed development could be satisfactorily

treated or dispersed on this site, having regard to the ground conditions at the site and the presence of surface water drains within the site. It is considered that the proposal, notwithstanding the use of a proprietary wastewater treatment system, represents an unacceptable risk to the environment due to the potential for ponding of treated effluent at the percolation area and consequent impacts on the surface drainage network due to overland flow to the drainage network. The proposed development would therefore conflict with the provisions of the Code of Practice of the Environmental Protection Agency, would result in a risk of environmental pollution, and would therefore be prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 5 It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a road at a point where sightlines are restricted in both the east and western directions and in close proximity to a heavily trafficked national route. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member

Date: 20/08/2020

John Connolly