



An
Bord
Pleanála

Board Direction
BD-006090-20
ABP-307120-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/07/2020.

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

Reasons and Considerations

1. The Board is not satisfied, based on the information available in connection with the application and appeal, that the proposed development for which retention is sought would not be prejudicial to public health having regard to the on-site arrangements for treatment and disposal of foul effluent emanating from the proposed development, the recommendations and standards set out in the Environmental Protection Agency's Code of Practice, "Wastewater Treatment and Disposal Systems serving Single Houses, (2009) and, the soil composition, high water table, hydraulic conditions within the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development for which retention is sought would constitute substandard backland development by reason of the site location to the rear of existing dwellings, the means of access to the site via the existing lane between these dwellings, and the views available from the site towards the private amenity areas of adjacent dwellings, and as such, would result in loss of privacy and amenity to the occupants of these dwellings by reason of

disturbance and overlooking. The proposed development for which retention is sought would, therefore, seriously injure the residential amenities of these adjoining properties and would be contrary to the proper planning and sustainable development of the area.

Note:

1. Having regard to the location of the site within an area under strong urban influence/pressure as identified in the Clare County Development Plan 2017-2023 and the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005, and to National Policy Objective 19 of the National Planning Framework, adopted by the Government, in relation to rural areas under urban influence, such as in the current case, which states that it is policy 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 this rural area in accordance with national policy. The proposed development, in the absence of any definable or demonstrable need for the house, 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, contravene the Ministerial Guidelines and be contrary to national policy. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area. However, the Board decided not to include this as an additional reason having regard to the substantial reasons for refusal above.

2. The Board noted reference to statements in the planning officer reports on PA Refs. 07/1409 and 07/1410 (applications for outline permission for two houses for a third party on adjoining lands,) that the grant of permission under PA Ref. 01/1876 to Gerry O'Connor included a requirement, by condition, to enter into a section 38 agreement for sterilisation of the landholding. However, the Board decided not to pursue this matter further having regard to the substantial reasons for refusal above.

[Please issue a copy of this Direction with the Board Order to the parties.]

Board Member

Date: 14/07/2020

Stephen Bohan