



An
Bord
Pleanála

Board Direction
BD-010999-22
ABP-312270-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/07/2022.

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

Reasons and Considerations

Having regard to:

- the location of the site within a rural area identified as being an area under strong urban influence in accordance with the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government 2005 and an 'Area of Special Control' under the Clare County Development Plan 2017-2023,
- National Policy Objective 19 of the National Planning Framework (February 2018) which 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,
- The provisions of the Clare County Development Plan 2017-2023 and specifically Objective CDP3.11, which facilitates the provision of rural housing for local rural people building in their local rural area, and

- The absence of documentation on the file outlining the applicant's links to this rural area,

the Board could not be satisfied on the basis of the information on the file that the applicants come within the scope of either economic or social housing need criteria as set out in the overarching National Guidelines or the definition of a local rural person in accordance with the relevant criteria of the development plan.

The proposed development, in the absence of any identified locally based need for a house at this location, would result in a haphazard and unsustainable form of development in an unserviced area, 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 and undermine the settlement strategy set out in the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the design, height, bulk and scale of the proposed house, and its location within a designated 'Settled Landscape', it is considered that the proposed development would constitute an obtrusive feature on the landscape at this location, have a negative visual impact on this sensitive rural landscape within which it sits and would be contrary to Objective CDP13.2 of the Clare County Development Plan 2017-2023. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: Notwithstanding the proposal to use a proprietary domestic wastewater treatment system on the site, having regard to the soil conditions, and the high water table recorded in the site Characterisation Report, to the proliferation of domestic wastewater treatment systems in this rural area, and to the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities published by the

Department of the Environment, Heritage and Local Government 2005, which recommend, in un-sewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities, the Board could not be satisfied, on the basis of the information on the file, that the impact of the proposed development in conjunction with existing waste water treatment systems in the area would not give rise to a risk of groundwater pollution. However, the Board considered that this was a new issue and in the context of the substantive reasons for refusal set out above, decided not to pursue this issue in the context of this appeal.

Board Member Maria FitzGerald Date: 19/07/2022
Maria FitzGerald

