



**An
Bord
Pleanála**

**Board Direction
BD-011002-22
ABP-312376-22**

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

1. Having regard to the rural location of the proposed development outside of the development boundary of Kilkishen village, to the location of the proposed development relative to existing development to the south and north of the site, and to Development Plan Objective CDP3.13 "New Single Houses on Infill Sites in the Countryside" of the Clare County Development Plan 2017 – 2023 where the deliberate creation of an infill site is not permitted, the Board considered that the proposed development would be contrary to this objective as it would create an infill site to the north and would consolidate and contribute to the build-up of ribbon development in an open rural area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note:

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, 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. However, the Board considered that compliance with rural need policy was a new issue and in the context of the

substantive reason for refusal set out above, decided not to pursue it in the context of the current appeal.

Copy of Board Direction to issue with the Board Order.

Board Member

Maria FitzGerald
Maria FitzGerald

Date: 19/07/2022

