

An  
Bord  
Pleanála

**Board Direction**  
**BD-011242-22**  
**ABP-312520-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/09/2022.

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

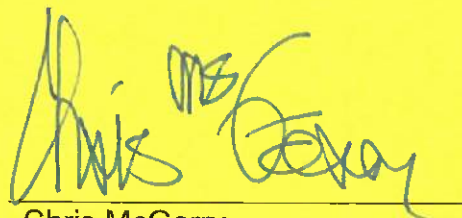
### **Reasons and Considerations**

Having regard to the location of the site within a rural area under urban influence as set out in 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 (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, and to the provisions of the Clare County Development Plan 2017-2023, including the site's location within an area under strong urban pressure and to objective CDP3.11, which facilitates the provision of rural housing for local rural people building in their local rural area, it is considered on the basis of the information on the file including the current employment of the applicants, that the applicants have not demonstrated an economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements. 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 unserved 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 relevant provisions of the Ministerial Guidelines and the over-arching provisions of the National Planning Framework and having regard to the relevant provisions of the current Clare County Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

**Note:** The Board noted the recommended reason for refusal set out by the Inspector in his report and which stated that, it is policy of the planning authority outlined in the Clare County Development Plan 2017-2023 under policy Objectives CDP15.8, CDP 15.9 and CDP15.10 to protect and preserve all archaeological monuments included in the Record of Monuments and Places as established under Section 12 of the National Monuments (Amendment) Act, 1994, and of sites, features and objects of archaeological and historical interest generally and that it is considered that the proposed development by reason of its proximity to a historic monument which stands registered, or which is situated in an archaeological area so registered and in advance of an archaeological assessment has the potential to injure or interfere with a historic monument, would be premature and would, therefore, be contrary to the proper planning and sustainable development of the area. The Board shared the concern of the Inspector on this matter but given that this would constitute a new issue at appeal stage and having regard to the substantive reason for refusal set out above, it was decided not to pursue this matter in the context of the current appeal.

**Board Member**



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Chris McGarry

**Date:** 08/09/2022

