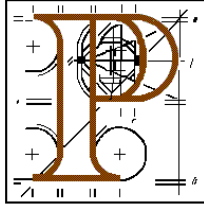


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Clare County

Planning Register Reference Number: 15/409

An Bord Pleanála Reference Number: PL 03.245414

APPEAL by Jayne E. Shanahan and Michael Clancy care of Jayne E. Shanahan of Caherscooby, Newmarket on Fergus, County Clare against the decision made on the 6th day of August, 2015 by Clare County Council to grant subject to conditions a permission to Richard and Martina Conroy care of Newmarket Architectural and Planning Services Limited of Loughash, Newmarket-on-Fergus, County Clare.

PROPOSED DEVELOPMENT: Construction of a dwelling house, entrance and wastewater treatment system including ancillary site works at Caherscooby, Newmarket-on-Fergus, County Clare.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. The subject site is located within an Area under Strong Urban Influence, as identified in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April 2005. It is also located within an area identified as being in a Rural Area Under Strong Urban Pressure in the Clare County Development Plan 2011 – 2017, as varied. It is considered that the proposed development constitutes urban-generated housing in a rural location, and does not come within the scope of rural-generated housing need, and would, therefore, conflict with the principles set out for such rural-based development in the said Guidelines. The proposed development, in the absence of any identified locally-based need for a house in this rural 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. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The subject site is located within a rich archaeological landscape. In particular, the Late Bronze Age Mooghaun Hill Fort is a complex and extensive site, understood to be the largest of its type in Ireland, occupying a strategic location overlooking a wide area including the River Shannon and River Fergus. Numerous cashels, enclosures and other recorded national monuments are located in the surrounding area, including a cashel in close proximity to the east of the proposed site, as well as clusters of such monuments including Langough Caher, Mooghaun North and Caherscooby. Having regard to its urban-generated nature, it is considered that the proposed development, by itself and by the undesirable precedent that it would set for similar such development, would fail to protect the cultural landscape of the area and would seriously injure the character and setting of Mooghaun Hill Fort and of the numerous national monuments in the area. The proposed development would, therefore, conflict with Objective 18.5 of the Clare County Development Plan 2011 – 2017, which seeks to safeguard sites, features and objects of archaeological interest generally, and would be contrary to the proper planning and sustainable development of the area.

3. Having regard to the planning history of the existing and permitted houses in the vicinity, it is considered that the proposed development would contribute to an emerging pattern of linear development at this location, which would be injurious to the rural character of the landscape and would, therefore, seriously injure the visual amenities of the area and of property in the vicinity, contrary to the proper planning and sustainable development of the area.

4. It is considered that the proposed development, by itself and by the precedent it would set for similar such undesirable development, would endanger public safety by reason of traffic hazard arising from the generation of additional traffic turning movements and the obstruction of road users on a minor road that is seriously substandard in terms of its narrow width and poor horizontal alignment.

In deciding not to accept the recommendation of the Inspector to grant permission, the Board accepted the Inspector's view that the applicants would be required to establish a rural-generated housing need in accordance with the provisions of the "Sustainable Rural Housing Guidelines". Furthermore, the Board was satisfied that the location of the subject site does not constitute a grouping of dispersed local houses, and considered that the applicants could not avail of the stated exemption in relation to the "local need" requirement, even if the matter of conflict with the national guidelines was otherwise addressed. The Board concurred with the view of the Inspector in relation to the difficulty in reconciling Objective 3.13 of the Development Plan with the provisions of the Guidelines. On the basis of the submissions on file, neither did the Board consider that the applicants would come within the scope of "Exceptional Health and/or Family Circumstances".

The Board also had significant concerns in relation to the provision of a house that is not generated by local need in a significant archaeological landscape that is also under high pressure for urban-generated housing. The Board also had serious concerns that the proposed development would contribute to an emerging linear pattern of development, eroding the rural character of the environment. Finally, and notwithstanding the low level of traffic on this road, the Board considered that the proposed development would be inappropriate at this location on a minor road that is seriously substandard in terms of its narrow width and poor horizontal alignment, both by itself and by the precedent it would set for further such development.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.