



An
Bord
Pleanála

**Board Order
PL 03.248905**

Planning and Development Acts 2000 to 2017

Planning Authority: Clare County Council

Planning Register Reference Number: P17/214

Appeal by Sarah and Michael McCarthy care of Michael and Teresa McCarthy of Beechpark, Ennis, County Clare against the decision made on the 13th day of July, 2017 by Clare County Council to refuse permission.

Proposed Development: Replacement of existing cottage with the construction of a passive dwellinghouse including associated site works. The dwelling will comprise of a single storey living and sleeping accommodation with adjoining garage, all at Killerk West, Darragh, County Clare. The proposed development was revised by further public notices received by the planning authority on the 16th day of June, 2017.

Decision

REFUSE permission for the above proposed development in accordance with 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. Having regard to the location of the site 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 and in an Area of Special Control (Area Under Strong Urban Pressure) where housing is restricted to persons demonstrating local need in accordance with Objective CDP3.11 (New Single Houses in the Countryside within Areas of Special Control) of the Clare County Development Plan 2017-2023, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or the development plan for a house at this location. The proposed development, in the absence of any identified locally based rural generated 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. Furthermore, the proposed development would materially contravene Objective CDP3.11 of the development plan, would be contrary to the Ministerial Guidelines and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the proposed development and the state of repair of the existing dwelling on the site, and as the applicant is not seeking to demolish a habitable but substandard dwelling and to replace it with a new single dwelling, it is considered that the provisions of Objective CDP 3.14(a) of the development plan do not apply, including the exemption from the need to comply with Objective CDP 3.11. The proposed development, therefore, would not comply with the provisions of the development plan and would be contrary to the proper planning and sustainable development of the area.

3. Having regard to the lack of information submitted with the planning application and appeal documentation in relation to the proposed wastewater treatment system, and in particular the absence of a Site Suitability Assessment Report, it is considered that the proposed development would be prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2018