



Planning and Development Acts 2000 to 2018

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 18/518

APPEAL by Conn Mullane care of Seamus McElligott of 5 High Street, Caherconlish, County Limerick against the decision made on the 18th day of July, 2018 by Limerick City and County Council to refuse permission.

Proposed Development: Construction of dwelling, site entrance, effluent treatment system and all associated site works at Croagh Commons, Rathkeale, County Limerick.

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. The site of the proposed development is located within an area of strong agricultural base as defined in the Limerick County Development Plan 2010-2016. It is considered that the applicant has not demonstrated sufficiently that he meets the criteria for a house in this area as set out in the Development Plan and, therefore, the proposed development would materially contravene the objectives of the Development Plan in relation to rural settlement, would militate against the preservation of the rural environment and would be contrary to the proper planning and sustainable development of the area.

2. Objective IN 09 of the planning authority, as set out in the Limerick County Development Plan 2010-2016, seeks to ensure that development on sub-standard roads will only be considered in exceptional circumstances. Having regard to the location of the site on a minor road that is seriously sub-standard in terms of its narrow width and surface condition, and the failure to demonstrate that exceptional circumstances apply in this case, it is considered that the proposed development would materially contravene the stated objective of the Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

Dave Walsh

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

Dated this day of 2019.