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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P18/636**

**APPEAL** by Tadhg O'Regan care of HRA Planning of 3 Harstonge Street, Limerick against the decision made on the 1<sup>st</sup> day of April, 2019 by Clare County Council to refuse permission.

**Proposed Development:** Construction of an entrance, dwellinghouse, domestic garage, advanced wastewater treatment system with polishing filter, together with all ancillary site development works and services at Bushypark, Ennis, County Clare.

**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**

Having regard to the location of the site within an area under strong urban influence in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005, wherein it is policy to distinguish between urban-generated and rural-generated housing need, and to National Policy Objective 19 as set out in the National Planning Framework, adopted by the Government, in relation to rural areas under urban influence such as in the current case which states that is the policy 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”. It is considered that the applicant has not demonstrated that he comes within the scope of the housing need criteria as set out in the Guidelines or in accordance with the current County Development Plan for a house at this location, and that he has not demonstrated an economic or social need to live in this rural area in accordance with national policy and the Development Plan. Furthermore, the Board is not satisfied that the applicant’s housing needs could not be satisfactorily met in an established smaller town or village/settlement centre. The proposed development, in the absence of any definable or demonstrable 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 these Ministerial Guidelines, to national policy and would be contrary to the proper planning and sustainable development of the area.

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**Stephen Bohan**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this            day of            2019.**