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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P18/971**

**APPEAL** by Ann Waters of Ballingaddy West, Ennistymon, County Clare against the decision made on the 12<sup>th</sup> day of April, 2019 by Clare County Council to grant subject to conditions a permission to Alan O'Rourke care of Pat Hogan of Rushane, Kilnamona, Ennis, County Clare.

**Proposed Development:** Construction of a dwellinghouse including attached garage, with effluent treatment system, new entrance from public road and all associated site works at Ballingaddy West, Ennistymon, County Clare. Further public notices were received by the planning authority on the 12<sup>th</sup> day of March, 2019.

**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 a rural area under strong urban pressure, as defined in the Clare County Development Plan 2017 – 2023, where the key objectives are to facilitate the genuine housing requirements of the local rural community (rural generated housing), while directing urban-generated development to areas zoned for new housing development in the adjoining urban centres, towns and villages. Furthermore, it is national policy, as set out in National Policy Objective 19 of the National Planning Framework (February, 2018), to seek to facilitate the provision of single housing in rural areas under urban influence and pressure, 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. On the basis of the documentation submitted with the planning application and the appeal, and in particular the lack of any information regarding the nature and location of the employment(s) within Ireland of the applicants, the Board is not satisfied that the proposed development would not represent urban-generated housing, that the applicants have a demonstrable economic or social need to live in this rural area, and that their housing needs could not be satisfied by residing in a nearby town or village. It is considered, therefore, that the applicants do not come within the scope of the housing need criteria as

set out in national policy for a house at this rural location, notwithstanding the provisions of Section 3.11 of the Clare County Development Plan 2017-2023. The proposed development would, therefore, be contrary to the over-arching national policy and would be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is located within an area designated as a “Settled Landscape” in respect of which it is the policy of the planning authority under Policy Objective 13.2 of the Clare County Development Plan, 2017-2023 to satisfy itself that development proposals within designated “settled landscapes”:

- have appropriate site selection with regard to landscape, minimisation of visual impacts and avoidance of intrusion on scenic routes, ridges or shore lines, and
- have design that reduces visual impact by careful choice of form, finishes and colours and involves site works that reduces visual impact.

It is considered that the proposed development, by reason of the elevated and highly prominent and exposed location, and by reason of the height, scale, mass and design of the proposed dwelling and associated ground works, hard landscaping and other interventions required, would result in an insertion into the landscape of a significant suburban type feature which would be visually obtrusive and out of character with the rural landscape from a wide range of vantage points to the south west, west and north west, and in the vicinity of Liscannor. The proposed development would seriously injure the visual amenities and landscape character of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Philip Jones**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this            day of            2019.**