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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P19/223**

**APPEAL** by Niall Casey care of Pdraig Hogan of Newhall, Tiermaclane, Ennis, County Clare against the decision made on the 23<sup>rd</sup> day of July, 2019 by Clare County Council to refuse permission.

**Proposed Development:** Construction of a new dwellinghouse and garage complete with a new entrance, sewage treatment system and ancillary works at Killerk West, Darragh, 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 it 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, having regard to the nature and location of his occupation, the applicant would represent an urban-generated housing need and has not demonstrated an economic or social need to live at this rural location. Furthermore, it is considered that having regard to the extent of residential development permitted to date on the landholding, the proposed development in conjunction with existing and permitted development would not be in accordance with national policy or the Development Plan. The proposed development 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, and to the overriding national policy, notwithstanding the provisions of the Clare County Development Plan 2017-2023 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.**