



Planning and Development Acts 2000 to 2019

Planning Authority: Clare County Council

Planning Register Reference Number: P19/803

APPEAL by Clement Cusack of 15 Euroville, Rosbrien, Limerick against the decision made on the 28th day of November, 2019 by Clare County Council to refuse outline permission.

Proposed Development: Construction a single storey dwelling, site entrance, site boundary, waste water treatment system and all associated site works at Coosheen, Corbally, County Clare.

Decision

REFUSE outline 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 “Areas of Special Control” as set out in the Clare County Development Plan 2017– 2023, as amended, where it is the policy (under policy CDP3.11) to permit housing in the countryside only to applicants who can demonstrate compliance with specified rural housing need criteria. Furthermore, under the Sustainable Rural Housing Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in April 2005, it is the policy to distinguish between urban-generated and rural-generated housing need, and to direct the former into existing towns, villages and other settlements.

On the basis of the documentation submitted with the application and appeal, it is considered that that the applicant does not have a rural-generated housing need for a house at this rural location, as set out in these Guidelines, and does not come within the scope of the rural housing need criteria set out in the Development Plan. In addition, on the basis of the documentation submitted with the application and appeal, it is considered that the applicant’s housing need relates to an urban area (such as Limerick or Kilkee in this instance), rather than to this rural location, and that the applicant’s stated housing need could be satisfactorily met within an established town or village/settlement centre. The proposed development would, therefore, be contrary to the

Ministerial Guidelines, would contravene materially the provisions of the Development Plan, and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the subject site, elevated above all surrounding development and at a point that would break the skyline, and within a Heritage Landscape and adjoining a designated Scenic Route, as set out in the Clare County Development Plan 2017-2023 (as varied), it is considered that the development of a dwelling at this location would represent a prominent feature in this landscape that would seriously injure the visual amenities of the area and would interfere with a view of special amenity value which it is necessary to preserve. The proposed development would, therefore, be contrary to Objective CDP13.7 of the Development Plan, and would be contrary to the proper planning and sustainable development of the area.

Philip Jones
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2020