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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Limerick City and County Council**

**Planning Register Reference Number: 19/771**

**APPEAL** by Donal C. Ryan of Carrighoun, 9 Friarstown Park, Ballyclough, Limerick against the decision made on the 19<sup>th</sup> day of November, 2019 by Limerick City and County Council to grant subject to conditions a permission to Mark Feighery care of Virtual Concepts of 13 Ashdale, Wheaton Hall, Drogheda, County Louth.

**Proposed Development:** Construction of a two-storey dwellinghouse, detached domestic garage, wastewater treatment system, percolation area, entrance and all ancillary site works at Friarstown, Roxborough, Ballysheedy, 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**

The site of the proposed development is located within an “Area Under Strong Urban Influence” as set out 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 the policy to distinguish between urban-generated and rural-generated housing need. Furthermore, the subject site is located in an area that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, 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”.

Having regard to the location of the subject site, within the catchment of Limerick City and proximate to smaller settlements, and also having regard to the absence of information as to the nature and location of the applicant’s employment (including whether it is urban-generated or rural-generated), and having regard to the documentation submitted with the planning application and the appeal, including details of existing residential property owned by the applicant, and the lack of any social need that may require the applicant to reside within the rural countryside, the Board is not satisfied that the applicant comes within the scope of the housing need criteria as set out in the

Guidelines, nor has a demonstrable economic or social need to live in this rural area. Furthermore, the Board is not satisfied that the applicant's housing needs, if any, could not be satisfactorily met in an established smaller town or village/settlement centre, or in Limerick City. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the overarching national policy, notwithstanding the provisions of the current Limerick County Development Plan, 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            2020.**