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**Planning and Development Acts 2000 to 2019**

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

**Planning Register Reference Number: 19/974**

**APPEAL** by Gillian and Eddie Rohan care of Joseph Barry of Castleconnell, County Limerick against the decision made on the 26<sup>th</sup> day of November, 2019 by Limerick City and County Council to refuse permission.

**Proposed Development:** A new two-storey dwellinghouse complete with a domestic garage, effluent treatment system and a new site entrance at Gardenhill, Castleconnell, 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**

1. 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 2005, wherein it is policy to distinguish between urban-generated and rural-generated need for a house in the rural countryside. In addition, it is national policy, under National Policy Objective 19 in the National Planning Framework in areas under urban influence (as in this case), “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, such as Castleconnell, and also having regard to the absence of information as to (a) the nature and location of the employment of the applicants, and (b) any social need that may require them to reside at this particular rural location, the Board is not satisfied that the applicants have demonstrated an economic and social need to live at this specific rural location, or that the applicants’ housing needs could not be satisfactorily met in a smaller

town or settlement. The proposed development would, therefore, be contrary to these Ministerial Guidelines and to the over-arching national policy, and be contrary to the proper planning and sustainable development of the area.

2. The proposed dwellinghouse would constitute haphazard backland development off a private road in a rural area. As a new built form in this area, it would detract from its rural character and visual amenities and, to accede to this dwellinghouse would establish a precedent for such development to be sited off other similar private roads in the County. The proposed development would, therefore, be contrary to well-planned and orderly development and, would be contrary to the proper planning and sustainable development of the area.
3. The proposed dwellinghouse would be sited in a position close to the M7 motorway. Noise levels from the motorway at the proposed dwelling and its curtilage would significantly exceed World Health Organisation recommended noise exposure levels, and are likely, notwithstanding the proposed mitigation measures, to cause adverse health effects to future residents. The proposed development would, therefore, be prejudicial to public health and would militate against the establishment of a satisfactory standard of amenity for future residents. Accordingly, the proposed development would be contrary to the proper planning and sustainable development of the area.

4. The proposed development would involve the creation of additional vehicular movements onto the L1110 Local Primary Road at a location where sightlines are restricted in an easterly direction. The proposed development would, therefore, endanger public safety by reason of traffic hazard and would 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.**