



Planning and Development Acts 2000 to 2020

Planning Authority: Clare County Council

Planning Register Reference Number: P20/387

APPEAL by Jack Wall-O'Reilly care of Leahy Planning Limited of Mill Road House, Mill Road, Ennis, County Clare against the decision made on the 30th day of July, 2020 by Clare County Council to refuse permission for the proposed development.

Proposed Development: Construction of a dwelling house together with proprietary wastewater treatment system and ancillary site works at Ballymaconna, Barefield, 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

1. Having regard to the rural location of the site of the proposed development in an area under strong urban pressure, in an area where housing policy as set out under Development Plan Objective CDP3.11 of the Clare County Development Plan 2017-2023 (as varied) applies and identified as such in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April 2005, where it is national policy to distinguish between urban generated and rural generated housing need, and taking account of the policy provisions in the 2018 National Planning Framework, including National Policy Objective 19 and the associated policies identified in the Regional Spatial and Economic Strategy for the Southern Region and on the basis of the documentation submitted with the planning application and the appeal, it is considered that the applicant has not sufficiently demonstrated an economic or social need, necessitating a dwelling at this rural location in this area designated as an Area of Special Control. In the absence of such demonstrated rural housing need, 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 not be in accordance with the provisions of national policy and the Ministerial guidelines and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development, by reason of its location on an elevated backland site, served by a substandard laneway and by reason of its design and scale and its relationship with existing dwellings in the immediate vicinity, would be out of character with the established pattern of development in the vicinity of the site, would seriously injure the visual amenities of the area by reason of visual intrusion and would seriously injure the residential amenities of neighbouring property by reason of overlooking. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Dave Walsh

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.