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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P20/244**

**APPEAL** by David and Edel Halliday of “Applebrook”, Springfield, Sixmilebridge, County Clare against the decision made on the 14<sup>th</sup> day of August, 2020 by Clare County Council to grant subject to conditions a permission to Fiona Meehan care of Cyril O’Reilly Design Limited of Parting Glass, Quin, County Clare.

**Proposed Development:** Construction of a dwellinghouse, garage, a proprietary wastewater treatment system and ancillary site works, all at Springfield , Sixmilebridge, 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**

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. 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 documentation submitted with the application and appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live at this site within this rural area, or that the applicant’s housing needs cannot be satisfied in an existing settlement. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location and that the proposed development would, therefore, be contrary to the Ministerial Guidelines and to the overarching national policy, notwithstanding the provisions of the Clare County Development Plan 2017-2023. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that the provisions and policies, as set down in the 2018 National Planning Framework, whose publication post-dated the adoption of the current Clare County Development Plan, and the 2005 Sustainable Rural Housing Guidelines, constitute material considerations under sections 34(2) and 143 of the Planning and Development Act 2000, as amended, in the assessment of such planning applications, as well as considering local policies set out in the Development Pan, and concluded that the applicant has not demonstrated a sufficient social or economic need to live in this rural location, when national policy seeks to direct housing need in development pressure areas towards towns and villages as more suitable and sustainable locations.

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**Chris McGarry**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2021.**