



Planning and Development Acts 2000 to 2020

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 20/620

APPEAL by Siobhán Keyes of Cahervally, Crecora, County Limerick against the decision made on the 3rd day of September, 2020 by Limerick City and County Council to refuse permission for the proposed development.

Proposed Development: Erection of dwelling, entrance, piers, front boundary wall, wastewater treatment system, domestic garage, bored well and all associated site works at Ballycahane Upper, Manister, Croom, 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 April, 2005 and within an Area Under Strong Urban Influence, as identified in the Limerick County Development Plan 2010-2016 (as extended). 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 documentation submitted with the application and appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area, nor that the housing needs of the applicant cannot be met 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. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the over-arching national policy and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development is located within a route corridor identified for the N/M20 Cork to Limerick Scheme the reservation of which is an objective of the Limerick County Development Plan 2010-2016 as varied and extended and the National Development Plan 2018-2027. Accordingly, it is considered that development of the kind proposed would undermine the achievement of these strategic objectives and would be premature pending the determination by the planning authority, or the road authority, of a road layout for the N/M20 and would be at variance with the recommendations of the Spatial Planning and National Roads Guidelines for Planning Authorities issued by the Department of the Environment Community and Local Government in January, 2012. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development would constitute random housing development in a rural area lacking certain public services and community facilities. The proposed development would, therefore, give rise to demands for the provision of further public services and community facilities and accordingly would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2021.