

**An
Bord
Pleanála**

**Board Order
ABP-308829-20**

Planning and Development Acts 2000 to 2020

Planning Authority: Clare County Council

Planning Register Reference Number: P20/429.

Appeal by Antony Travers of Moorhaun House, Fountain, Ennis, County Clare against the decision made on the 9th day of November, 2020 by Clare County Council to grant subject to conditions a permission to Cillian Clancy of Ballymongaun, Kilmona, County Clare for the proposed development.

Proposed Development: Construction of a dwellinghouse and garage with effluent treatment system and new entrance from public road with all associated site works at Moarhaun, Kilnamona, County Clare.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

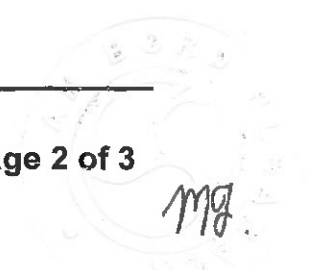


Matters Considered

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

Having regard to the location of the site within a rural area under urban influence in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005, and to National Policy Objective 19 of the National Planning Framework (February, 2018) which, for rural areas under urban influence, seeks 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, it is considered on the basis of the information on the file including the current employment of the applicant, that the applicant has not demonstrated an economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements and, therefore, the proposed development does not comply with National Policy Objective 19. Notwithstanding the applicant's apparent compliance with the criteria for new single houses in the countryside with the Areas of Special Control, the Board considered that the proposed development would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would contravene the overarching provisions of the Sustainable Rural Housing Guidelines and the National Planning



Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

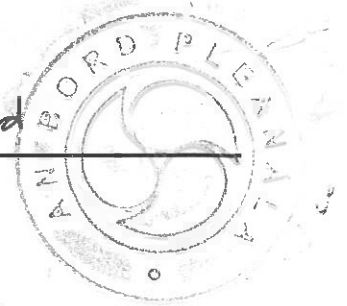
In deciding not to accept the Inspector's recommendation to grant permission, the Board did not consider, on the basis of the information on the file, including the current occupation and employment of the applicant, that the applicant's housing needs could not be accommodated in a nearby town, for example, Ennis or rural settlement. The Board, therefore, considered that the proposed development, in the absence of a demonstrable economical or social need to live in this area, was not in accordance with overarching national guidelines and policy. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.

Dr. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

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



Dated this *8th* day of *June* 2021.