

An
Bord
Pleanála

**Board Order
ABP-310587-21**

Planning and Development Acts 2000 to 2021

Planning Authority: Clare County Council

Planning Register Reference Number: P20/760

APPEAL by Iseult O'Flynn of Bridge House Studios, Carrowbaun, Killaloe, County Clare against the decision made on the 26th day of May, 2021 by Clare County Council to grant subject to conditions a permission to Iona and John McGuinness care of OBB Consulting Engineers Limited of O'Briens Bridge, County Clare.

Proposed Development Construct dwelling house, garage, waste water treatment system, percolation area, bridge over Annacarriga River to facilitate entrance from the Carrowbaun Road and all associated site works. This application will be accompanied by a Natura Impact Statement. Carrownakilly, Ogonnelloe, County Clare.

Decision

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

Handwritten signature/initials in blue ink, possibly reading 'CNS6'.

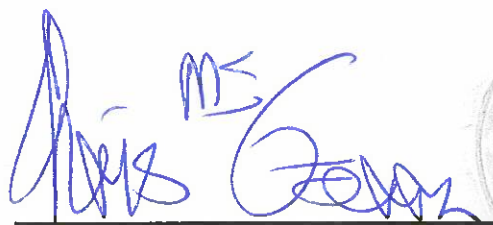
Matters Considered

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, wherein it is policy to distinguish between urban-generated and rural-generated housing need, and within an area identified as being under “Strong Urban Pressure and “a Heritage Landscape”, collectively referred to as “Areas of Special Control” in the Clare County Development Plan 2017 - 2023. National Policy Objective 19 of the National Planning Framework seeks to ensure that in rural areas under urban influence, the provision of single housing in the countryside will be based on the core consideration of demonstratable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements.

2. Having regard to the documentation submitted with the application and the appeal and including all submissions received by An Bord Pleanála, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this specific rural area and is not satisfied that the housing needs of the applicant could not be satisfactorily met in a smaller town or rural settlement. Having regard to the rural location of the site, it is considered that the proposed development would result in, and exacerbate a pattern of, haphazard development at this location outside of a settlement area, and would, both by itself and by the precedent it would set for similar such development, militate against the efficient use of services and infrastructure within nearby settlements, would contribute to the encroachment of random development in the rural area and would result in a haphazard and unsustainable form of development in an unserved area.
3. The proposed development would be contrary to the Ministerial Guidelines, to the over-arching national policy having regard to the relevant policy objectives of the current Clare County Development Plan as they relate to rural housing, and would, therefore, 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  2022.