

An  
Bord  
Pleanála

Board Order  
ABP-311017-21

---

**Planning and Development Acts 2000 to 2020**

**Planning Authority: Limerick City and County Council**

**Planning Register Reference Number: 21/647**

**APPEAL** by Evelyn Kiely care of Michael G. O'Brien of Tinarana, Killaloe, County Clare against the decision made on the 7<sup>th</sup> day of July, 2021 by Limerick City and County Council to grant subject to conditions a permission to Donagh and Marie McCarthy of Derryclough, Ballingarry, County Limerick.

**Proposed Development:** The construction of a new two storey dwelling house, a domestic garage, a wastewater treatment system, a new site entrance wall and gate and all ancillary site works at Ballinarooga, Ballingarry, County Limerick.

## **Decision**

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

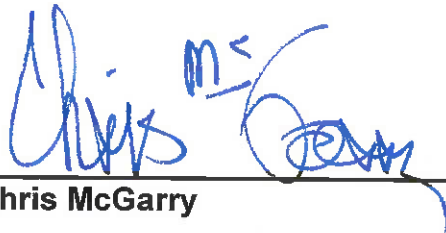
## **Matters Considered**

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**

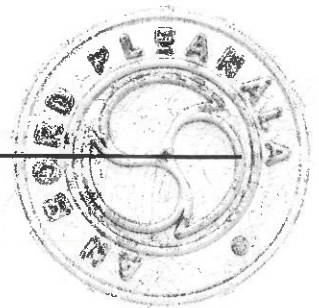
Having regard to the location of the site in a rural area within an “area of strong agricultural base,” as designated in the current Limerick County Development Plan, to the expense of one off housing in the area and having regard to the provisions of the “Sustainable Rural Housing Guidelines for Planning 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 2018, which 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, regard being had to the viability of smaller towns and rural settlements, it is considered, based on the information submitted with the application and appeal, that the applicants have not demonstrated an economic or social need for an additional dwelling in this specific rural area. It is considered, therefore, that the applicants do not come within the scope of the housing need criteria as set out in national policy and guidelines and in local development plan policy for a house at this location. The proposed development, in the absence of an identified locally based need for the house 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. It is considered that the proposed development would, therefore, be contrary to the Ministerial Guidelines and to

the over-arching national policy and having regard to the relevant provisions of the statutory development plan and 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 1<sup>st</sup> day of December 2021.