

An  
Bord  
Pleanála

Board Order  
ABP-311070-21

---

**Planning and Development Acts 2000 to 2021**

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

**Planning Register Reference Number: 21/113**

**APPEAL** by Robert and Lisa Eustace, John Enright and Helen O'Brien of Clogher East, Kilmallock, County Limerick against the decision made on the 13<sup>th</sup> day of July, 2021 by Limerick City and County Council to grant subject to conditions a permission to Niall and Jackie Burchill care of Eamon Cronin of Gange, Bruff, County Limerick.

**Proposed Development:** Construction of a dwellinghouse, garage, entrance, proprietary waste water treatment system, percolation area and all associated site works at Clogher East, Athlacca, Kilmallock, 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:

- (a) the location of the site within a rural area identified as being a stronger rural area in accordance with the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of Environment, Heritage and Local Government in 2005,
- (b) National Policy Objective 19 of the National Planning Framework (February 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, having regard to the viability of smaller towns and rural settlements,
- (c) the provisions of the Limerick County Development Plan 2010-2016 (as amended) and specifically Objective RS O2, which facilitates the provision of rural housing for local rural people building in their local rural area (defined as within 10 kilometres radius of the where the applicant has lived or was living), and
- (d) the documentation on the file including details of the applicants' links with the settlement of Athlacca, and Kilmallock and Shannon as their current locations of employment,

the Board could not be satisfied on the basis of the information on the file that the applicants came within the scope of either economic or social housing need criteria as set out in the overarching National Guidelines or the definition of a local rural person in accordance with the relevant criteria of the development plan.

The proposed development, in the absence of any identified locally based need for a house at this location, would result in a haphazard and unsustainable form of development in an unserviced area, 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 undermine the settlement strategy set out in the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

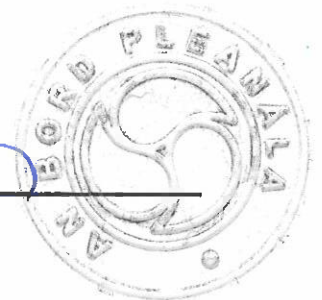


---

**John Connolly**

**Member of An Bord Pleanála**

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



Dated this 31<sup>st</sup> day of MARCH 2022.