

Planning and Development Acts 2000 to 2021

Planning Authority: Limerick City and County Council

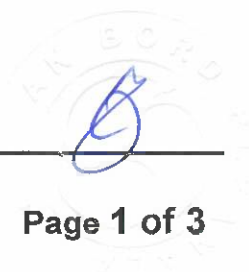
Planning Register Reference Number: 21/423

APPEAL by John Enright and others of Clogher East, Kilmallock, County Limerick against the decision made on the 4th day of August, 2021 by Limerick City and County Council to grant subject to conditions a permission to Valerie Lenihan care of Enda O'Malley of Unit 1, Bridge Street, Clifden, County Galway.

Proposed Development: The construction of a dwellinghouse, a domestic shed, an effluent treatment system and polishing filter area as well as all ancillary site works and site services, all 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.



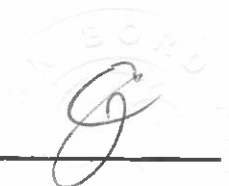
Matters Considered

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” issued by the Department of the Environment, Heritage and Local Government in April, 2005 and defined as an area of strong agricultural base in the Limerick County Development Plan 2010-2016 (as extended),
- (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 extended) and specifically Objective RS 02, which facilitates the provision of rural housing for local rural people building in their local rural area (defined as within 10 kilometres radius of 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 Cork City as her current location of employment,

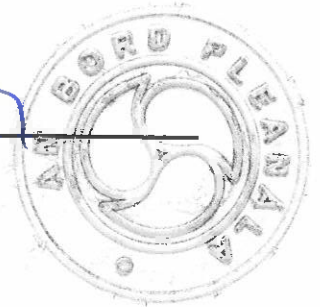
the Board could not be satisfied, on the basis of the information on file, that the applicant comes within the scope of either the economic or social housing need criteria as set out in the overarching National Guidelines or the definition of a local rural person in accordance with the relevant criteria 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 unserved area, 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 and 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 7th day of APRIL 2022.