

Planning and Development Acts 2000 to 2021

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 21/818

APPEAL by Diarmuid and Bernard O'Shaughnessy care of Gilleece McDonnell O'Shaughnessy Limited of Cyprus House, Cyprus Avenue, Dooradoyle Road, County Limerick against the decision made on the 4th day of August, 2021 by Limerick City and County Council to refuse permission to Diarmuid and Bernard O'Shaughnessy.

Proposed Development: Construction of a dwellinghouse, detached garage, entrance, wastewater treatment system, and all associated site works; all at Ballycummin Road, Derryknockane, 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.

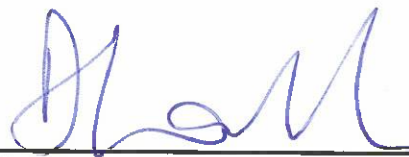
Reasons and Considerations

Having regard to:-

- (a) the location of the site within a rural area identified as an "Area Under Strong 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,
- (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) 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,

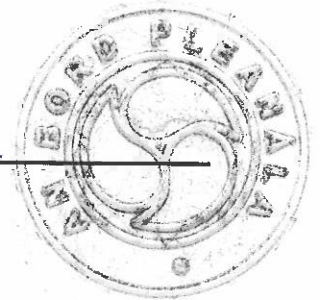
the Board is not satisfied, on the basis of the information on the file, that the applicants come within the scope of either economic or social housing need criteria as set out in the overarching National Guidelines or the definition of a local rural person in accordance with the relevant criteria of 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 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 be contrary to the Ministerial Guidelines and to overarching national policy and having regard to the relevant provisions of the statutory Development Plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.



Dave Walsh

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**



Dated this *4th* day of *March* 2022.