



An
Bord
Pleanála

Board Order
ABP-312411-22

Planning and Development Acts 2000 to 2021

Planning Authority: Limerick City and County Council

Planning Register Reference Number: 21/545

APPEAL by James Wall care of David King of PlanningStreet, Collorus House, Lauragh, County Kerry against the decision made on the 15th day of December, 2021 by Limerick City and County Council to grant permission subject to conditions to Mary Theresa Middleton care of Michael Murphy of Ballylin, Ardagh, County Limerick in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a single storey dwelling house, entrance, driveway, mechanical wastewater treatment unit, polishing filter and all ancillary site works at Coolaboy, Dromcollogher, County Limerick.

Decision

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

Reasons and Considerations

1. It is the policy of the planning authority, as set out in Policy Objective CGR 01 of the Limerick Development Plan 2022-2028, that, in order to retain the identity of towns/villages, to prevent sprawl and to ensure a distinction in character between built up areas and the open countryside, it is an objective to prevent linear roadside frontage development on roads leading out of towns and villages. The proposed development would be in conflict with this policy because, when taken in conjunction with existing development in the vicinity of the site, beyond the designated village settlement area, it would contribute to extending linear roadside frontage leading out of Dromcollogher village. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to:
 - the location of the site within a rural area identified within the Limerick Development Plan 2022-2028 as being an area designated as a strong agricultural base and an area of special control, and taking account of the relevant provisions within the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government in 2005,
 - 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,

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- the provisions of the Limerick Development Plan 2022-2028 and, specifically, Objective HO 020, 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
- the absence of documentation on the file outlining the applicant's links to this rural area,

the Board was not satisfied, on the basis of the information on the file, that the applicant comes 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 Limerick Development Plan 2022-2028. In the absence of any identified locally based need for a house at this location, it is considered that the proposed development would result in a haphazard and unsustainable form of development, would contribute to the encroachment of random rural development in the area, would add to the proliferation of proprietary sewage treatment systems 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.



Dave Walsh

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

Dated this *12th* day of *August* 2022.