

Planning and Development Acts 2000 to 2021

Planning Authority: Clare County Council

Planning Register Reference Number: 21/957

APPEAL by Antony Travers of Moorhaun House, Fountain, Ennis, County Clare and by Noel Gavin of Moorhaun, Fountain, Ennis, County Clare against the decision made on the 14th day of December, 2021 by Clare County Council to grant subject to conditions a permission to Cillian Clancy and Sadhbh Cotter care of Pat Hogan of Rushane, Kilnamona, Ennis, County Clare.

Proposed Development: Construction of a dwelling house and garage with effluent treatment system and new entrance from public road, with all associated site works at Moarhaun, Kilnamona, County Clare.

Decision

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

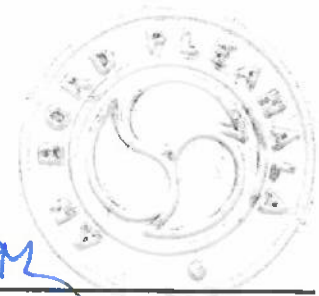
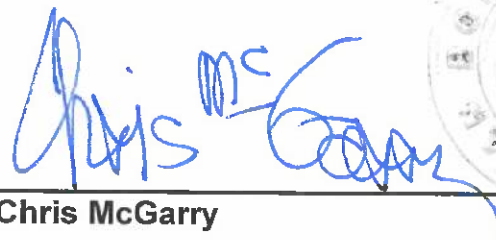
Reasons and Considerations

Having regard to:

- (a) the location of the site within a rural area under urban influence as identified 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, for rural areas under urban influence, 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, and
- (c) the provisions of the Clare County Development Plan 2017 - 2023 (as varied), including the site's location within an area under urban influence, and to Development Plan Objective CDP3.11 of the Clare County Development Plan 2017 - 2023 (as varied) which facilitates the provision of rural housing for local rural persons building in their local rural area,



it is considered, on the basis of the information submitted with the planning application and the appeal, including the current employment of the applicants, that the applicants have not demonstrated an economic or social need to live in this rural area having regard to the viability of smaller towns and rural settlements. 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 would undermine the settlement strategy set out in the Clare County Development Plan 2017 - 2023 (as varied). The proposed development would be contrary to the relevant provisions of the 'Sustainable Rural Housing Guidelines for Planning Authorities', the over-arching provisions of the National Planning Framework and the relevant provisions of the current development plan and would, therefore, 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 9th day of September 2022.