



Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: P21/971

Appeal by Jack Roest care of Gerard Malone of Crossbeg, Cross, Kilrush, County Clare against the decision made on the 3rd day of March, 2022 by Clare County Council to refuse permission for the proposed development.

Proposed Development: To construct dwellinghouse, entrance, recessed front boundary, foul sewer treatment system and percolation area plus all ancillary site works at Rehy East, Cross, County Clare.

Decision

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

Reasons and Considerations

1. Having regard to the information on file and as set out in the Site Characterisation Report submitted with the application and its Appendix, including discrepancies identified within that information, and the information provided in the appeal, the Board cannot be satisfied that the proposed development, taken in conjunction with existing development in the vicinity, would not significantly and negatively impact on the environment including both ground and surface waters in the area and would result in an excessive proliferation and concentration of developments in the area served by individual wastewater treatment systems. It is considered, therefore, that the proposed development would be prejudicial to public health.
2. The site of the proposed development is located within a 'Heritage Landscape' as set out in the Clare County Development Plan 2023-2029 as varied, where Objective CDP 14.5 of the plan requires that all proposed developments demonstrate that every effort has been made to reduce visual impact and that such developments demonstrate that site layouts avail of existing vegetation to minimise visibility from roads. Furthermore Section 4.4 of the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of Environment, Heritage and Local Government in 2005 encourages the retention of roadside boundaries to assist in absorbing new rural housing into its surroundings. Having regard to the proposed removal of a substantial length of existing roadside boundary across the frontage of the site and public road and the proposal to reinstate a new boundary ditch set back from the existing road edge, it is considered that the proposed development would have a negative visual impact on the area when viewed from the public road, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the 'Heritage Landscape', would militate against the preservation of the rural environment and would set an undesirable precedent for other such

development in the vicinity. The proposed development would, therefore, be contrary to Objective CDP14.5 of the Development Plan, the provisions of the statutory guidelines and the proper planning and sustainable development of the area.

3. On the basis of the information provided in connection with the planning application and the appeal, the Board is not satisfied, that the proposed development demonstrates, that it, individually or in combination with other plans or projects, would not be likely to have a significant effect on the Lower River Shannon Special Area of Conservation (Site Code: 002165). In such circumstances, the Board is precluded from granting permission for the proposed development.
4. It is considered that the proposed development would endanger public safety by reason of a traffic hazard because of the traffic turning movements the development would generate on a public road at a point where proposed sightlines have not been adequately demonstrated and without the unacceptable removal of a substantial length of existing roadside boundary that would seriously injure the visual amenities of the area.

5. National Policy Objective 19 of the National Planning Framework facilitates the provision of single housing in the countryside in rural areas considered 'elsewhere' from those under urban influence, based on siting and design criteria for rural housing in statutory guidelines and plans. In this regard, the location of the proposed development is 'sited' in an area specifically identified as an 'Area of Special Planning Control', that is, within a designated 'Heritage Landscape' as per Objective CDP 4.14 of the Clare County Development 2023-2029, as varied. It is considered that the proposed development, by reason of this siting and proposed boundary treatment involving removal of hedgerows, and having regard to the viability of smaller towns and rural settlements, would be contrary to National Policy Objective 19 of the National Planning Framework, would be contrary to the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of Environment, Heritage and Local Government in 2005 and would be contrary to Objective CDP 4.14 of the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Tom Rabbette

Member of An Bord Pleanála

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

Dated this 24th day of August 2023.