



An
Bord
Pleanála

Board Order
ABP-318922-24

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: P23/60454

APPEAL by Mark Howley care of Michael Duffy of 1 Clós Na hEaglaise, Kilfenora, County Clare against the decision made on the 20th day of December, 2023 by Clare County Council to refuse a permission.

Proposed Development: Construction of a dwelling with on-site wastewater treatment, garage and new site entrance at Lisdoonvarna Townland, Lisdoonvarna, 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 poor drainage characteristics of the soil on the site, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that the site can be drained satisfactorily by means of a septic tank, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.
2. On the basis of the information on file, the Board is not satisfied that the proposed development, either individually or in combination with other projects, would not be likely to have a significant effect on the European Site Ballyteige (Clare) Special Area of Conservation (Site Code: 000994). In such circumstances, the Board is precluded from granting permission for the proposed development.
3. The site of the proposed development is located within an area outside of designated Areas of Special Control as set out in Clare County Development Plan 2023-2029. It is the objective of Clare County Council in this area, as set out under Objective CDP 4.15 of the Plan, to permit an application for a single house by persons who seek a dwelling as their principal private residence and who will, therefore, contribute to the social and economic wellbeing of the area, subject to high quality siting and design and compliance with all relevant environmental legislation. Furthermore, under this objective, the assessment of an application for a rural house in the countryside outside of the "Areas of Special Control" is required to have regard to environmental considerations, the viability of smaller towns and rural settlements, siting and design issues and the Clare Rural House Design Guide.

Having regard to the adverse environmental impacts arising from the poor drainage characteristics of the site, the potential adverse effects on Ballyteige (Clare) Special Area of Conservation, the adverse effect of accommodating development of this nature away from the serviced settlement of Lisdoonvarna thereby affecting its viability, and the highly prominent siting and visual obtrusiveness of the proposed house, it is considered that the proposed development would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure, would conflict with the objective of the planning authority as it relates to single houses in the countryside, and would, therefore, be contrary to the proper planning and sustainable development of the area.



Liam Bergin

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

Dated this 10th day of June 2024.