

An
Coimisiún
Pleanála

Commission Order
ABP-322174-25

Planning and Development Acts 2000 to 2022

Planning Authority: Clare County Council

Planning Register Reference Number: P24/60489

APPEAL by Matthew Broggy care of Leahy Planning Limited of Mill Road House, Mill Road, Ennis, County Clare against the decision made on the 6th day of March, 2025 by Clare County Council to grant subject to conditions a permission to Eimear Crowe care of Andrew Hersey Planning of 3 Atlantic View, West End, Kilkee, County Clare.

Proposed Development: (i) Retention permission for embankment as constructed and (ii) permission to construct a dwelling house, detached garage, wastewater treatment system and all associated site works at Heathmount, Cratloe, County Clare.

Decision

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

Reasons and Considerations

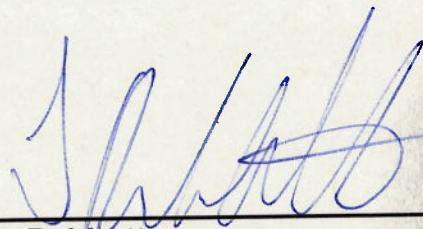
Having regard to the location of the site within an area under strong urban influence as identified in the Clare County Development Plan, 2023-2029, and to the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005, which seek to manage the growth of areas that are under urban influence to avoid over-development and to ensure that the provision of single housing in such rural areas are provided based upon demonstratable economic or social need to live in a rural area, it is considered that it has not been satisfactorily demonstrated that the applicant comes within the scope of the housing need criteria as set out in the Development Plan for a house at this location.

In particular, the development sought under this application, due to it being accessed from a designated scenic route and when taken together with forming part of an area under strong urban influence is considered to be 'Areas of Special Control' under the said County Development Plan. It is therefore a requirement for applicants for a rural house at this type of rural location to demonstrate compliance with Objective CDP 4.14 of the County Development Plan.

Under this objective a new single house for the permanent occupation of an applicant will be required to demonstrate compliance with one of its specified categories and their criteria.

On the basis of the information provided, the applicant has not adequately demonstrated an identified locally based economic, social or in this case exceptional medical need for a rural dwelling house at this rural locality and that this requirement for a dwelling house cannot be met at a less sensitive to change rural locality and/or in a settlement.

The development sought under this application would, as a result, 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. The development sought under this application would, therefore, be contrary to the proper planning and sustainable development of the area.



Tom Rabbette

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission**



Dated this 31st day of July 2025