



An
Bord
Pleanála

Inspector's Report ABP-319301-24

Development	Construction of dwelling house and garage complete with new entrance, sewage treatment system and ancillary works		
Location	Ballygriffy North, Ruan, Ennis, Co Clare.		
Planning Authority Ref.	2360566		
Applicants	Colin and Cora Ingram		
Type of Application	Permission.	PA Decision	To grant
Type of Appeal	Third	Appellant	Marie Slattery
Observer(s)	None		
Date of Site Inspection	16/07/24	Inspector	Ann Bogan

1.0 Context

1. Site Location/ and Description.

Site, which is 0.426ha in area, is located on the L-8226, in a rural area approximately 5km from Ennis Town and 1.2km from the small village of Toonagh. There are a number of existing single houses in the vicinity, on the opposite side of the road and in the wider area.

The site was apparently used for forestry which was harvested some years ago. Regrowth of self-seeded native trees such as willow and alder and undergrowth

has occurred, although the northeastern half of the site has been cleared of such vegetation. The adjoining land to the north-east, which was previously cleared of forestry, also has dense growth of willows, alders etc and undergrowth.

The side (south-western) boundary of the site is formed by a wire fence, with a strip of land parallel running to the site boundary giving access to land to the rear of the site. The rear boundary is formed by a row of evergreen trees and native hedging and there is an earthen bank and mature, mainly evergreen trees along the front boundary. The site slopes southwards, away from the road. A mature dense hedgerow bounds the adjacent land to the south-west.

Applicants are intended purchasers of the site which is part of a 2.21ha land holding. Site lies within an area defined as an area 'Under Strong Urban Influence'.

2. Description of development.

Development consists of:

- Construction of a dormer style, 3 bedroomed dwelling 185sqm in area
- Separate circa 86sqm garage.
- Water supply from group water scheme
- Wastewater treatment System, site assessment report submitted
- Site entrance

3. Planning History.

On site: None

Adjacent site:

P22/72 Outline permission granted by planning authority for construction of dwelling house, garage, treatment system and ancillary works. Applicant in that case was son of the landowner (separate landholding to current application)

Opposite side of road (130m away):

ABP 302340-18 Permission refused on appeal for demolition of derelict structure on an infill site and construction of dwelling, wastewater treatment system and associated works. Reasons for refusal: risk of flooding on site; site not suitable for treatment and disposal of wastewater having regard to potential contamination of

floodwaters; having regard to lack of information on file in relation to potential impact on horseshoe bat and potential for contaminated floodwaters to enter Ballyallia Lake Board not satisfied project would not be likely to have significant impact on Toonagh Estate SAC, Ballyallia Lake SAC and Ballyallia Lough SPA..

4. National/Regional/Local Planning Policy (see attached)

National Planning Framework (NPF) Project Ireland 2040

- National Policy Objective 15
- National Policy Objective 19

Sustainable Rural Housing Guidelines for Planning Authorities 2005 (the Guidelines)

Clare County Development Plan 2023-2029:

- Section 4.2.2 Compact Growth: supports National Strategic Outcome of Compact Growth and ‘acknowledges the social and economic benefits of more compact settlements’
- Vol 1 Section 4.2.6 Single Houses in the Countryside; CDP 4.14 New Single Houses in the Countryside within areas of special control
- Volume 2 Map D Areas of Special Control: Site is located in a ‘Rural Area Under Strong Urban Influence’

5. Natural Heritage Designations

- Toonagh Estate SAC 0.97km (Qualifying interest: Lessor Horseshoe Bat)
- BallyAllia Lough SPA and Ballyallia Lake SAC 1.93km
- Dromore Woods and Lough SAC 2.73km
- Lower River Shannon SAC 3.3km
- Ballycullinan Old Domestic Building SAC 3.43km (Qualifying interest: Lessor Horseshoe Bat)
- Ballycullinan Lake SAC 3.63
- Old Farm Buildings Ballymacrogan 3.87km (Qualifying interest: Lessor Horseshoe Bat)
- East Burren Complex SAC 4.32km

2.0 Development, Decision and Grounds of Appeal

6. Planning Authority Decision.

Decision: Planning Authority decided to grant permission subject to 11, mainly standard, conditions including:

- dwelling to be occupied by applicant for at least 7 years,
- retention of existing roadside boundary, except at entrance
- requirements re wastewater treatment system installation and maintenance
- detailed landscaping plan to be provided, requiring existing trees and hedgerows to be retained, except where removal required for the development

Planning Officer Noted row of existing houses on opposite side of road and outline permission for house on adjacent site and stated: *every application must be assessed on its own merits and on balance I consider that the proposal in this instance would be acceptable though any further developments off this landholding would need to be carefully monitored*'. She concluded that applicants had '*satisfactorily demonstrated their local and social need and connection to the area*' in compliance with Development Plan objective, and recommended permission be granted.

Other Internal reports

Environment Section: Adequate suitable sub-soil to treat wastewater and proposed WWTS meets EPA Code of Practice for Domestic Wastewater Systems 2021; WWTS conditions recommended.

Road design Office: Road speed limit is 80km therefore site distance of 160m required to comply with standards. This was not achieved from south-westerly direction but could be improved with boundary treatment; recommended conditions.

6A Third party submission on planning application

Marie Slattery: raised concerns similar to those raised in her appeal, in relation to compliance with rural housing policy, traffic safety, public health and site layout.

7. Third Party Appeal.

Summary of grounds of appeal submitted by P. Coleman and Associates on behalf of Marie Slattery:

- Rural Housing Policy: applicants have not represented a social or economic need to live in this rural area which could not be satisfied by living in nearby town or village
- National and local policy is clear that one-off housing in area under strong urban influence must be where applicant has an established housing need and a rurally generated housing need
- Notes that information on economic need to live in local rural area has not been provided and that application was assessed by planning authority based on demonstration of a social need to live there.
- Argues that to comply with Clare Development Plan policy it is not sufficient to be considered a local rural person who has lived in the area for 10 years or more during their life, they must also have a 'demonstrable social need to live in the area'. Based on the information supplied with the application, no specific quantifiable and/or robust social need justification has been provided in this case.
- Contends that applicants have not provided information on whether or not they already own a house in the rural area to show compliance with policy requirement that they do not already own a house in the rural area.
- Proposal would result in haphazard and unsustainable form of development in rural area and would mitigate against preservation of the rural environment
- Reference to planning decisions by Clare Co Council where permission was refused based on non-compliance with Policy Objective CDP 4.14 where applicants were deemed to be local rural persons but there was no evidence provided to demonstrate an economic or social need to live at the rural location
- Reference to An Bord Pleanála decisions of cases (from a number of local authority areas including County Clare) where applicant demonstrated local links to the area where they had spent substantial part of their lives, but were not considered by ABP to have demonstrated a social or economic need to reside at the rural location considered to be local rural persons.

- There are two outline planning applications under consideration by the Planning Authority on this stretch of road and there is already a considerable concentration of one-off housing on the road.
- This form of development is unsustainable and further such development would lead to increased demand for public services in the rural area and be detrimental to amenity and character of rural landscape.
- Traffic safety: Adequate sight distances cannot be achieved without changing boundary treatment, according to Road Design Office. Despite this permission was granted with condition that existing front boundary be retained in its entirety except where removal is required for site entrance. Difficult to see how this condition is in interest of traffic safety.
- Site is accessed by narrow road with poor alignment, lot of existing residential and agricultural entrances and very limited capacity to accommodate additional development. Traffic generated by proposed development would endanger public safety by reason of traffic hazard and obstruction to road users.
- Public Health: Concern that wastewater treatment system combined with existing and permitted development in area will have detrimental impact on inflow to Drumcliff Springs
- Site is located in area with regionally important aquifer with high vulnerability classification and is within inner protection area of Drumcliff Springs. Concern that accumulation of nitrate and/or microbiological contamination could occur resulting in contamination to ground water and public health.
- Outline permission on adjacent site does not appear to be considered in Site Assessment for subject site
- Increase in hard surface impermeable area on site due to proposed development will reduce soakage capacity of site which could result in ponding
- Surface water from road will have to be discharged to site due to road and site levels
- Rural Character of Area: Dwelling granted outline permission on adjacent site is set back 27m from public road while proposed house on subject site is set back 54.5m from road, resulting in no established building line and potential overlooking of rear garden of proposed neighbouring house and is not in keeping with existing pattern of development in area

- Proposed development in a rural area lacking public and community services would create an undesirable precedent for further such development which would further erode the rural character of the area.

8. Planning Authority Response

- Considered appeal documents and note that similar information was received during assessment of the application
- Refers to assessment in Planner's Report and other technical reports, and having reviewed the demonstrated connection to the area, the Environment Section report on waste water treatment system, and the third-party submission, and other considerations, the proposal 'was considered acceptable and that any further developments off this landholding would need to be carefully monitored'
- Based on the information provided and having regard to CDP 4.14 of the Clare County Development Plan 2023-2029 (rural housing policy) it was considered the applicants complied with policies of the plan
- Considers the development is appropriate at this location and requests the Board to uphold the Planning Authority decision

3.0 Environmental Screening

9. EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

4.0 Assessment

- 4.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant

local/regional/national policies and guidance, I consider that the substantive issues to be considered in this appeal are as follows:

- Rural Housing Policy
- Traffic Safety
- Water supply/waste water
- Rural Character of the area
- Appropriate Assessment

4.2. Rural Housing Policy

- 4.2.1. The site is located approximately 5km from the centre of Ennis and about 3km from the edge of the built up area of the town. Ennis is designated as a Key Town in the RSES with a potential for expansion of 30% by 2040 and a significant amount of land is zoned for residential development in the County Development Plan. Despite this there is considerable pressure for urban generated housing in the rural areas adjacent to the town, including the area where the subject site is located.
- 4.2.2. National Policy Objective 19 of the National Planning Framework (NPF) states in relation to areas under urban influence, that it will be necessary for applicants to demonstrate '*a functional economic or social requirement for housing need*', stating that the provision of single housing in rural areas under urban influence is to be based '*on the core consideration of a demonstrable economic or social need to live in a rural area* and siting and design criteria for rural housing in statutory guidelines and plans, *having regard to the viability of smaller towns and rural settlements*'. The Sustainable Rural Housing Guidelines 2005 further state that the housing requirements of persons with roots or links in rural areas are to be facilitated and that planning policies should be tailored to local circumstances.

Clare County Development Plan policy on rural housing states in areas 'under strong urban influence' states that the key objectives of the Council are:

- a) To facilitate the genuine housing requirements of persons with a demonstrable economic or social need to live in these rural areas.*
- b) To direct urban-generated development to areas zoned for new housing development in the adjoining urban centres, towns, villages and clusters as*

identified in the County Settlement Strategy and to seek to enhance the vitality and viability of these settlements.

- 4.2.3. No information is provided as regards place of work or economic ties to the area and questions in relation to this were not answered (indicated as 'n/a') on the application form, so it is assumed the applicants do not have an economic need to reside in the local area and that the application relies on demonstrating social need for housing in this rural area. The Clare County Development Plan categorises social need as:

'A person who is an intrinsic member of a local rural community who was born within the local rural area, or who is living or has lived permanently in the local rural area for a minimum of 10 years either as one continuous period or cumulatively over a number of periods prior to making the planning application and who has a demonstrable social need to live in the area'.

- 4.2.4. The application documentation states that one of the applicants grew up in the local area, her family home being 2.3km from the site and documentation is included confirming that she attended the local national school in Toonagh and was living in her family home at the time she did a post leaving cert course. On that basis the applicant appears to comply with the criteria based on length of time living in the area in the family home.

- 4.2.5. However, in addition to a requirement that the applicant demonstrate ties with the local area, the Development Plan policy also requires applicants to *'have a demonstrable social need to live in the area'*. The application form states that the applicants live in Ennis and own their home there, and they appear to have lived there since at least 2002, (based on the address on their marriage certificate). They have not referred to a specific need or requirement for housing in this local rural area. The desire to live in a local rural area is not the same as a *'demonstrable economic or social need'* to live in a rural area'. Whilst the applicant in this case has a local connection, I consider that a demonstrable need to live at this particular location in line with this core provision not been demonstrated. It is, therefore, considered that the applicant does not comply with Policy Objective 19 of the National Planning Framework. I consider therefore that the proposal would undermine rural housing policy and would be contrary to the proper planning and sustainable development of the area.

4.3. Traffic Safety

- 4.3.1. The site is accessed via a narrow, though recently surfaced, local road which can accommodate only one vehicle at a time. Vehicles therefore have to use field gateways and entrances to houses as passing places when they meet an oncoming vehicle. This road serves local farms as well as the numerous single houses in the area and permitting further development is cumulatively likely to lead to further inconvenience for road users and potentially an increase in traffic hazard for pedestrians and vehicles.
- 4.3.2. The site layout plan indicates sightlines at the proposed site entrance of 118m and 136m. While these do not fully meet the standards the local authority Roads Engineer sought, the 'design speed' of this narrow local road is also less than the 80km limit he referenced and the sightlines are likely to be adequate for the resultant slower traffic speeds, and unlikely to result in a traffic hazard, subject to appropriate conditions regulating the design of the entrance, if the Board were minded to grant permission.

4.4. Water Supply/ Waste Water

- 4.4.1. Water supply to the proposed development is to be from a new connection to the Dysart Toonagh Group Water Scheme, and a letter is on file from the secretary of the scheme confirming this.
- 4.4.2. In relation to waste water, a Site Characterisation Report accompanies the application and I have had regard to same in my assessment. The GSI Groundwater maps show that the site is located within an area with an Aquifer Category of Regionally Important (Rkc) with a vulnerability classification of 'High'. It is also within the Inner Protection Area for Drumcliff Springs public water supply. This represents a Groundwater Protection Response (GWPR) of R2⁴ (Table E1, EPA Code of Practice for WWTS PE<6, 2021, COP).

According to the COP, on site treatment systems are acceptable in such areas subject to normal good practice and the following conditions

1. A secondary treatment system is installed with a minimum thickness of 0.3m unsaturated soil/subsoil with percolation values from 3 to 75 (in addition to the

polishing filter, which should be a minimum depth of 0.9 m) beneath the invert of the polishing filter (i.e. 1.2 m in total for a soil polishing filter, and subject to the following conditions:

2. The authority should be satisfied that, on the evidence of the groundwater quality of the source and the number of existing houses, the accumulation of significant nitrate and/or microbiological contamination is unlikely.

3. No on-site treatment system should be located within 60m of the public, group scheme or industrial water supply source.

4.4.3. The site is not within flood risk zone A or B. Ground conditions were dry and firm at the time of the site inspection. There are some young willow and alder trees growing on part of the site which can indicate poor drainage, but no evidence of rushes. There are no drains on site, there is an area of wetland at the lower end of an adjoining field to the south-east, circa 60m from site boundary. The site is some 150m from the Poulacorry River and at a higher level. There appear to be no wells in the vicinity.

4.4.4. Results of the site assessment demonstrate that there is adequate sub-soil on the site to treat wastewater, with a depth of 1.8m of suitable sub-soil available for the infiltration area. The proposed wastewater treatment system (WWTS) consists of a secondary wastewater treatment system and soil infiltration area comprising trenches of 36m length to be located in front (northwest) of proposed dwelling. The planning authority Environment Section concluded that the proposal submitted complies with the requirements of the EPA Code of Practice for DWWTS PE<10 (2021) subject to conditions relation to the installation and maintenance of the WWTS in the event of permission being granted, in the interest of health and environmental protection. Based on the information available, I am reasonably satisfied that the site is suitable for the proposed wastewater treatment system and that no significant risk of ground or surface water pollution exists.

4.4.5. Surface water is to be disposed of to a soakpit to the rear of the dwelling, which is considered satisfactory.

4.5. Rural character of the area

- 4.5.1. The site is located within a rural area and accessed off a narrow local road. There are a significant number of houses opposite the site and along this stretch of road, but the rural character of the area is still strong and evidenced in the fields bounded by mature hedgerows and trees which dominate the local landscape.
- 4.5.2. The drawings indicate the retention of existing trees on the front and rear boundaries of the site and planting of additional trees. The planning authority included a condition requiring a landscaping plan to be submitted and required existing trees and hedgerows to be retained along boundaries and mature trees on site to be retained except where removal is required to facilitate the development. This would help reduce impact on the rural landscape, although removal of the semi-mature trees and undergrowth present on the site would also have a negative impact on the rural landscape and biodiversity.
- 4.5.3. The appellant raised concerns that the proposed location of the dwelling set back further than the outline permission for a site on the adjacent site would result in a staggered building line and potential impact on residential amenities on the adjacent site. The existing mature hedgerow along the boundary of the neighbouring site, would I believe, reduce potential for such overlooking and potential impact on residential amenities significantly.
- 4.5.4. In the context of reviewing the existing level of development in the area the Planning Officer noted *'that any further developments off this landholding would need to be carefully monitored'*. I note the landowner answered 'no' to the question on the planning application form as to whether he would be willing to enter a formal undertaking not to develop further sites for residential or non -agricultural development on the landholding. In my opinion granting permission for the proposed dwelling would be likely to result in pressure for further incremental development of urban generated housing on the landholding and the wider local area, resulting in a cumulative increase in impact on the rural character, biodiversity, environment, public health and traffic safety of the area.

4.6. Appropriate Assessment

- 4.6.1. The planning authority screening exercise ruled out significant impacts on the Natura 2000 network. The planning report stated:

'the main potential impact on European sites would be by means of the proposed wastewater treatment system. In this regard the report from the environment section on file is noted where it is considered that the proposal would be acceptable from an environmental perspective. There is also no drainage channel or hydrological features on site that would lead to hydrological impacts or connectivity /pathway to nearby European sites. I also note the context of the site which does not incorporate any suitable bat roosting / foraging habitats.

4.6.2. There are nine Natura 2000 sites within 5km of the site (listed above in Section 1.0, part 5), the closest of which is Toonagh Estate SAC south-west of the site (see attached maps).

4.6.3. Toonagh Estate SAC (002247). Qualifying species 1303 Lesser horseshoe bat (*Rhinolophus hipposideros*). The conservation objectives for Toonagh Estate SAC state:

'A site-specific conservation objective aims to define favourable conservation condition for a particular habitat or species at that site. The conservation favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and*
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and*
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis'*

The subject site is less than 1 km from the Toonagh Estate SAC and is within the foraging range of the lesser horseshoe bat (2.5km), as outlined in information on the NPWS website <https://www.npws.ie/protected-sites/sac/002247> on Toonagh Estate SAC. Old stables in the estate provide a nursery roost for the bats (approximately 100 have been counted in recent surveys) and an area of parkland and trees and hedgerows is included in the SAC as it provides ideal foraging habitat for the bats.

4.6.4. Lesser horseshoe bats forage on deciduous trees and riparian vegetation and use hedgerows to travel to foraging destinations. The subject site is well within the foraging zone. I accept the view of the planning authority that the subject site does

not incorporate appear to have suitable roosting sites, such as old buildings. However, there are a significant number of trees and other vegetation on and in the vicinity of the site as well as lines of trees and nearby mature hedgerows which may act as routes to foraging sites. There may also be potential for light disturbance from the proposed development. In the absence of any information in relation to the potential of the site for foraging opportunities or connecting routes, and applying the precautionary principle, I cannot be satisfied that significant impacts on the Toonagh Estate SAC can be ruled out.

- 4.6.5. Three other Natura sites within 5k have lesser horseshoe bats as a qualifying interest but the subject site is outside their 2.5km foraging zone and I am satisfied that they can be screened out on the basis of distance to the European site.
- 4.6.6. In relation to the other European sites within 5km, the main potential impact would be by means of the proposed wastewater treatment system. As referred to earlier the proposed WWTS is considered acceptable from an environmental perspective and there are no hydrological features on site that would provide connectivity /pathway to these European sites. I am satisfied therefore that these listed sites can also be 'screened out' on the basis that significant impacts on these European Sites on the basis of a lack of a source-pathway link to these European Sites and/or distance to the European Site.
- 4.6.7. In conclusion, on the basis of the information provided with the application and appeal, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the Toonagh Estate SAC (site code 002247), in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting permission.

5.0 Recommendation

- 5.1. I recommend that permission for the development be refused for the reasons outlined below.

6.0 Reasons & Considerations

1. The subject site is located within a rural area under strong urban influence, which is an area under significant pressure for rural housing, as defined in the Clare County Development Plan 2023-2029, the Sustainable Rural Housing Guidelines and in the National Planning Framework. National Planning Framework National Policy Objective 19 aims 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 documentation submitted with the application and appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location and would be contrary to the proper planning and sustainable development of the area
2. The proposed development in the absence of a locally based need for the house, would contribute to the encroachment of random housing development in a rural area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the lack of information on file in relation to the potential impact on the lesser horseshoe bat, and on the basis of the information provided with the application and appeal, and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on have a significant effect on the Toonagh Estate SAC (site code 002247), in view of the site's Conservation

Objectives. In such circumstances, the Board is precluded from granting approval/permission.

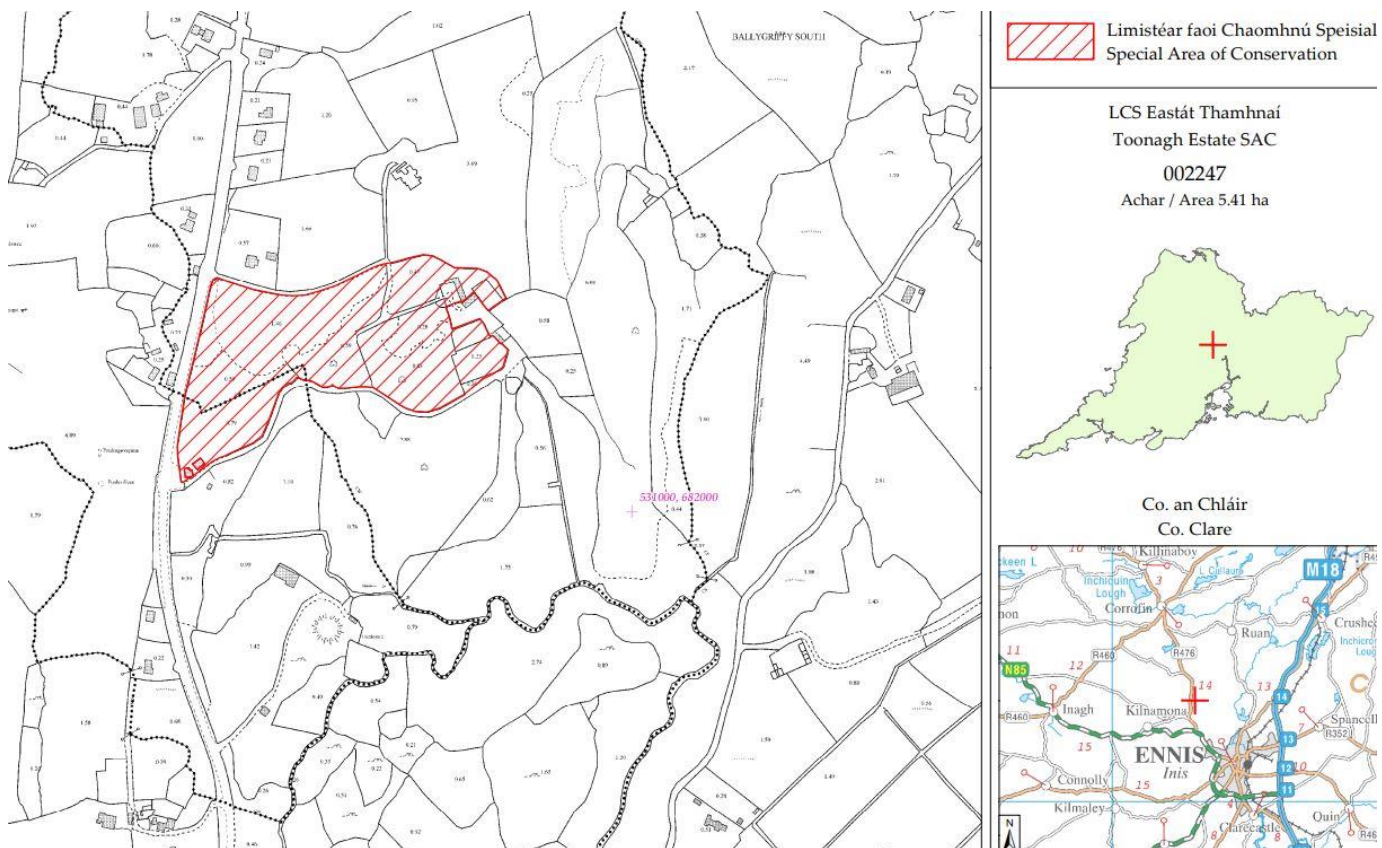
I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Ann Bogan

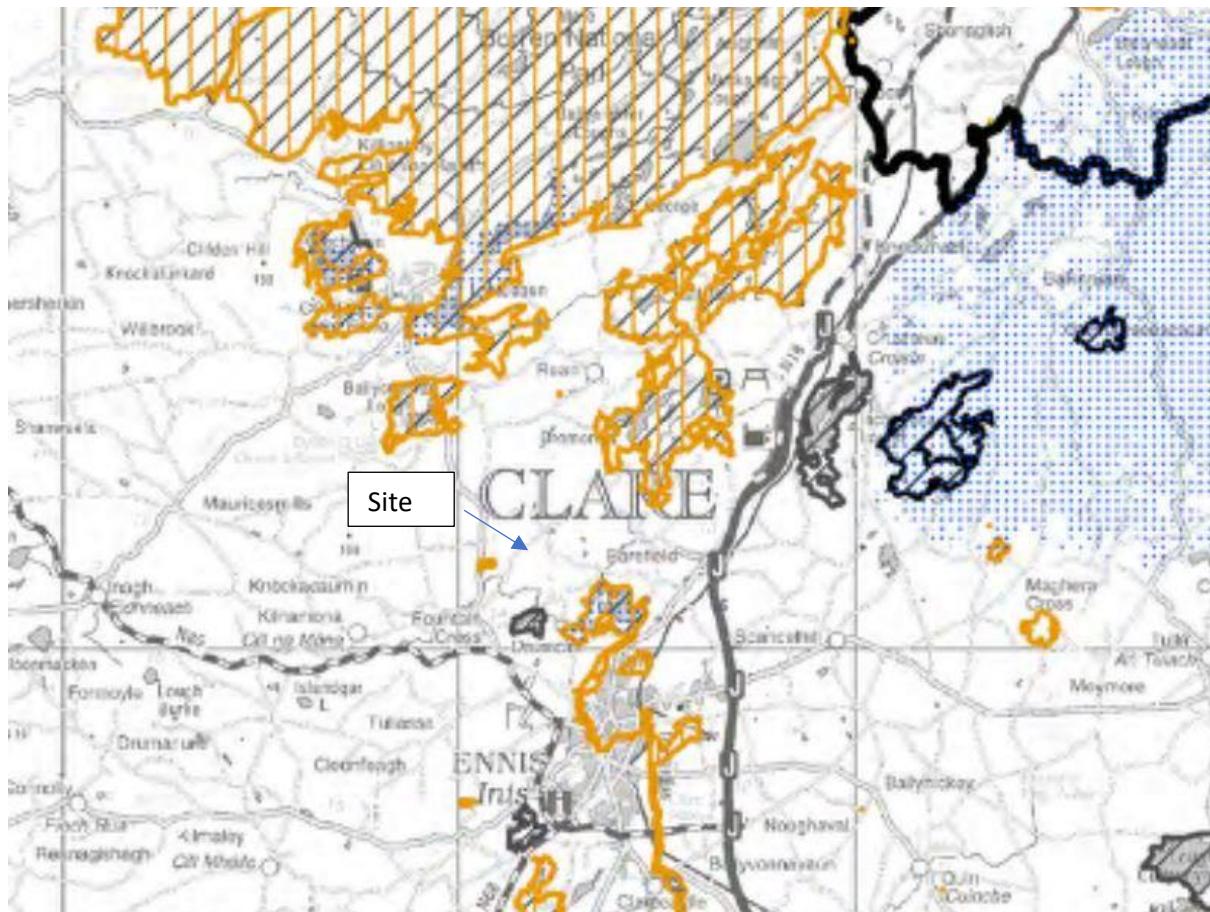
Planning Inspector

30/07/2024

Map of Toonagh Estate SAC (source NPWS.ie)



European Sites (Extract from Map F, Clare County Development Plan 2023-2029)



Appendix 1 Relevant national/local policy and guidelines

Project Ireland 2040: National Planning Framework

National Policy Objective 15

Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid overdevelopment, while sustaining vibrant rural communities.

National Policy Objective 19

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, 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 and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

Sustainable Rural Housing, Guidelines for Planning Authorities, (2005)

The Guidelines aim to ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated. The Guidelines state that areas under strong urban influence exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

Clare County Development Plan 2023-2029

Section 4.2.2 Compact Growth

The National Planning Framework's National Strategic Outcome of Compact Growth is fundamental for achieving the sustainable growth of our urban settlements. Clare County Council acknowledges the social and economic benefits of more compact settlements and is committed to delivering compact growth, through active land management and initiatives to revitalise urban settlements. The policies and objectives in this Plan promote the efficient use of urban lands to achieve compact growth, through the intensification, consolidation and positive revitalisation of our towns and villages throughout the county.

Section 4.2.6 Single Houses in the Countryside

Rural Areas under Strong Urban Influence (extract from)

The rural areas under strong urban influence are shown in Volume 2 (Maps). In these areas, the key objectives of the Council are:

- a) To facilitate the genuine housing requirements of persons with a demonstrable economic or social need to live in these rural areas.
- b) To direct urban-generated development to areas zoned for new housing development in the adjoining urban centres, towns, villages and clusters as identified in the County Settlement Strategy and to seek to enhance the vitality and viability of these settlements.

New Single Houses in the Countryside within the 'Areas of Special Control'

The 'Areas of Special Control' are:

- Rural Areas Under Strong Urban Influence
- Heritage Landscapes
- Sites accessed from Scenic Routes

CDP 4.14: New Single Houses in the Countryside within the 'Areas of Special Control'

It is an objective of Clare County Council:

i. In the parts of the countryside within the 'Areas of Special Control' i.e.

- Areas Under Strong Urban Influence
- Heritage Landscapes
- Sites accessed from or abutting Scenic Routes

To permit a new single house for the permanent occupation of an applicant who meets the necessary criteria as set out in the following categories.

To ensure compliance with all relevant environmental legislation as outlined in Objective CDP3.1 and to have regard to the County Clare House Design Guide, with respect to siting and boundary treatments.

Category A – Economic Need

i. Such persons shall be defined as persons who by the nature of their work have a demonstrable economic need to reside permanently in the rural area close to their place of work. Such circumstances will normally encompass persons involved in fulltime farming, horticulture, forestry, bloodstock or marine-related activities as well as others who can demonstrate a genuine need, because of their occupation or business (not including bed and breakfasts) to live in a specific rural area. Similar part-time occupations can also be considered where it can be demonstrated that it is the predominant occupation and that the ancillary occupation(s) are located within a reasonable daily commuting distance from the site or alternatively may be facilitated through remote working. The applicant must not already own or have owned a house in the surrounding rural area (except in sub-category iii as set out under the Social Need criteria) and needs the dwelling for their own permanent occupation. Where a person's economic need relates to their engagement in farming or bloodstock they shall have a minimum farm size of 12.5 hectares within the local rural area. Where this minimum requirement is not achieved favourable consideration will only be given where a business plan can satisfactorily demonstrate that the person's predominant occupation relates to farming or bloodstock activities on their landholding and which also demonstrates the viability of the activity(s).

Or

ii. An applicant who is considered ineligible under the preceding category may be considered for the construction of a permanent home in the rural Area Under

Special Control, subject to being able to satisfy the Planning Authority of their commitment to operate a full-time business (not including bed and breakfasts), from their proposed home in a rural area, as part of their planning application, in order for example, to discourage commuting to towns or cities. The applicant must not already own or have owned a house in the surrounding rural area (except in sub-category iii as set out under the Social Need criteria) and needs the dwelling for their own permanent occupation. Applicants must be able to submit evidence that:

- Demonstrates that the nature of their employment or business is compatible with those specified in the demonstrable economic need criteria for rural Areas Under Special Control (i.e. that they are serving a predominantly local rural business need).
- Their business will contribute to and enhance the rural community in which they seek to live

Category B – Social Need

i. A person who is an intrinsic member of a local rural community who was born within the local rural area, or who is living or has lived permanently in the local rural area for a minimum of 10 years either as one continuous period or cumulatively over a number of periods prior to making the planning application and who has a demonstrable social need to live in the area. This includes returning emigrants seeking a permanent home in their local rural area who meet these criteria. It also includes persons who were born or lived in a rural area for substantial periods of their lives and where that area is now within an urban settlement boundary/zoned land. The applicant must not already own or have owned a house in the surrounding rural area (except in the exceptional circumstances as set out in sub-category iii below) and needs the dwelling for their own permanent occupation.