

P05



Comhairle Contae an Chláir  
Clare County Council

<b>Pre Planning Ref No.:</b> PPI 13/ _____
<b>Planner Name:</b> _____

## APPLICATION FORM FOR A PRE-PLANNING CONSULTATION RE A PROPOSED SINGLE DWELLING

**Address:** Planning Department, Economic Development Directorate, Clare County Council, New Road, Ennis, Co. Clare, V95 DXP2.  
**Telephone:** (065) 6821616  
**Website Address:** [www.clarecoco.ie](http://www.clarecoco.ie)  
**Email Address:** [planoff@clarecoco.ie](mailto:planoff@clarecoco.ie)

**Name of Applicant(s):** \_\_\_\_\_

**Address of Applicant(s):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**Eircode:** \_\_\_\_\_

**Contact Number(s):** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**Note:** Please refer to Clare County Council- Guidance Note on Clare County Development Plan 2017-2023 Policy for Single Houses in the Countryside.

**Address of Site** \_\_\_\_\_  
 \_\_\_\_\_

**Proposed development:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Legal Interest in the site:**

- Owner** ( )  
**Option to purchase** ( )  
**Other** ( )

**If other, please specify** \_\_\_\_\_

**Size of Site** \_\_\_\_\_ **ha.**

**The proposed development is for: (please tick one or more of the following)**

- My own permanent residence** ( )  
**For Sale** ( )  
**For Letting** ( )  
**Holiday Home Use** ( )  
**Other** ( ) **Please specify** \_\_\_\_\_

**My site is located in / on: (Please refer over leaf and tick one or more boxes)**

Settlement (name)	
Zoning of the site	
Countryside	
Sewered area	
Unsewered area	
Within an area of special development control (please refer to guidance document)	
Outside an area of special development control (please refer to guidance document)	
Not known	
On a national route (please specify which one and refer to guidance document)	
On a regional route (please specify which one and refer to guidance document)	

**Please complete regarding past planning history:**

I have been granted planning permission for a single dwelling before. If yes, please give planning reference number if known	
I have not been granted planning permission	
I have been refused planning permission before. Please provide reference number if known	
I have completed a site characterisation report (if so please include a copy of same)	
I currently own a dwelling. If yes, please provide its location	

**Schedule of Attachments:**

**Please note you are required to attached a site location map and / or landholding map to allow for site identification and recording of the query.**

- Site location map** ( )
- Landholding map** ( )
- Sketch/Preliminary Drawings** ( )
- Photographs** ( )

**I certify that the information given in this form is correct and to the best of my knowledge**

**Signature of applicant(s)** \_\_\_\_\_

**Date** \_\_\_\_\_

**Qualification**

Please note that any advice is given in good faith and without prejudice to the formal consideration of any subsequent planning application. Section 247 (3) of the Local Planning & Development Act 2000 as amended states that "the carrying out of consultations shall not prejudice the performance by a planning authority of any other of its functions under this Act, or any regulations made under this Act and cannot be relied upon in the formal planning process or in legal proceedings." Formal consideration of an application is necessarily more extensive than consideration at the pre-application stage including because of consideration of any internal technical reports e.g. environment section or submissions from a third party or prescribed bodies.



## CLARE COUNTY COUNCIL GUIDANCE NOTE ON CLARE COUNTY DEVELOPEMNT PLAN 2017-2023 POLICY FOR SINGLE HOUSES IN THE COUNTRYSIDE

### Single housing in the Countryside

#### **Introduction**

There is a long tradition in County Clare of people living in the countryside in dispersed settlement patterns. In these areas, the rural townland remains an important unit of identity and this is recognised by Clare County Council. It is the Council's intention to support this tradition in a positive manner and in accordance with the Sustainable Rural Housing Guidelines for Planning Authorities (DoEHLG).

This guidance note sets out how the development of single houses in rural areas outside of the confines of the towns and villages can be accommodated as outlined in Chapter 3 of the Clare County Development Plan 2017-2023.

Policies and objectives are based on the National Spatial Strategy (NSS) and the Sustainable Rural Housing Guidelines for Planning Authorities (DoEHLG). The Sustainable Rural Housing Guidelines constitute Ministerial Guidelines under Section 28 of the Planning and Development Act 2000 (as amended). Therefore, the Council is required to have regard to them in formulating its policies on rural housing.

#### **Rural Area Types**

The Guidelines require the Council to identify the different types of rural areas within the County as set out in the NSS and to tailor policies that are responsive to:

- The varying characteristics of rural areas
- The different housing requirements of urban and rural communities.

In this regard, the Council must distinguish between rural-generated housing (i.e. housing in rural areas from persons within the established rural community) and urban-generated housing (i.e. housing in rural locations sought by persons already living and working in urban areas, including second homes).

These distinctions are necessary to ensure that first and foremost the housing requirements of persons with roots or links in rural areas are facilitated and that policies respond to local circumstances whether these relate to areas experiencing economic and population decline or to areas under strong urban pressure for housing.

Urban generated pressure for housing, if not properly managed, can result in ribbon development and piecemeal/haphazard development along the approach roads to larger settlements. This creates problems as these centres grow in relation to:

- The orderly and efficient development of newly developing areas on the edges of towns.
- Obstructing alignments for future provision of infrastructure.
- Undermining the viability of urban public transport due to low densities.
- Attendant later problems in terms of demands for higher public expenditure.

Such development is therefore more appropriately located in the urban areas or well planned extensions to them. The NSS, the Sustainable Rural Housing Guidelines, population trends, development pressure, travel-to-work distances and socio-economic data from the 2006 Census, were used to identify two different rural area types as described below.

### **1. Rural areas under Strong Urban Pressure**

These areas experience the greatest pressures for development due to:

- Proximity to the immediate environs or close commuting catchment of large towns.
- Rapidly rising population.
- Location in areas of considerable pressure for development of housing.
- Proximity to major transport corridors with ready access to urban areas.

Areas which are under strong urban pressures are primarily located along the Limerick – Shannon – Ennis – Galway road corridor, around the key towns, along the coastline and around Lough Derg. These rural areas under strong urban pressure are shown on Map 3B<sup>1</sup> of the Clare County Development Plan 2017-2023.

In these areas, the key objectives of the Council are:

- a) To facilitate the genuine housing requirements of the local rural community (rural generated housing), subject to satisfactory site suitability and technical considerations.
- b) To direct urban-generated development to areas zoned for new housing development in the adjoining urban centres, towns and villages as identified in the County Settlement Strategy and to seek to enhance these settlements.

### **2. Rural areas that are structurally weak or with a strong agricultural economic base**

The economic growth over the period of the last County Development Plan has led to major changes in the structure of rural communities. Whilst some rural areas, particularly those adjacent to the larger urban centres and towns, have seen significant population growth, other areas, particularly the more remote areas, continue to experience population decline or slower rates of growth. A significant portion of the rural areas outside of those under strong urban pressure are structurally weak with only small pockets demonstrating the characteristics of stronger rural areas. Those rural areas that are structurally weak or with a strong agricultural economic base are those areas outside the areas of strong urban pressure shown on Map 3B of the Clare County Development Plan 2017-2023.

In this second rural area type, the key objectives of the Council are:

- a) To accommodate demands for individual permanent residential development proposals as they arise subject to satisfactory site suitability and technical considerations,
- b) To maintain and strengthen existing towns and villages.

In arriving at policies to respond to the above, an additional consideration in a scenic county such as Clare is that the issue of individual housing in the countryside cannot

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<sup>1</sup> Map 3B is attached to the end of these Guidance notes.

be considered in isolation from the development pressures on sensitive scenic and coastal areas of the County, since there is limited capacity to accommodate individual houses. These landscapes comprise areas such as the Burren, Loop Head, the Atlantic Coastline, Slieve Aughty, Lough Derg, and the Shannon Estuary. These are collectively known as Heritage Landscapes. There is also an important network of scenic routes in the County that must be afforded adequate protection. In these areas the objective of the Council is to facilitate rural-generated housing subject to the normal site suitability and technical requirements.

**Objectives and Criteria**

In order to respond to the challenges outlined above and deliver on the requirements of the Sustainable Rural Housing Guidelines, the Clare County Development Plan 2017-2023 has a different policy response for each of the following:

- a) New single houses in the countryside within the 'Areas of Special Control'
- b) New single houses in the countryside outside the 'Areas of Special Control'
- c) New single rural houses on infill sites
- d) Replacement of sub-standard habitable houses in the countryside
- e) Refurbishment of derelict dwellings/structures in the countryside
- f) New single holiday homes in the countryside

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

The 'Areas of Special Control' are:

- Rural Areas under Strong Urban pressure
- Heritage Landscapes
- Sites accessed from Scenic Routes

These are shown in Map 3B of the Clare County Development Plan 2017-2023.

\*The objectives below are sourced from the Clare County Development Plan 2017-2023.

Development Plan Objective: <b>New Single Houses In the Countryside within the 'Areas of Special</b>	
CDP 3.11	<p><b>It is an objective of the Development Plan:</b></p> <p>Within the parts of the countryside within the 'Areas of Special Control' i.e.:</p> <ul style="list-style-type: none"> <li>• Areas Under Strong Urban Pressure</li> <li>• Heritage Landscapes (See Chapter 13)</li> <li>• Sites accessed from Scenic Routes (See Chapter 13 and Appendix 5)</li> </ul> <p>To permit a new single house for the permanent occupation of an applicant who falls within either of the <b>Categories A or B or C</b> below and meets the necessary criteria.</p> <p>b) To ensure compliance with all relevant legislation as outlined in Objective CDP2.1 and have regard to the County Clare House Design Guide, in particular with respect to siting and boundary treatment.</p> <p><i>Note: Where the proposed site is accessed from a National and certain Regional Routes, the proposal must <b>in addition</b> to compliance with this objective, also be subject to compliance with objectives CDP8.4 and 8.5 as set out in Chapter 8 of the Clare County Development Plan 2017-2023</i></p>

### Category A – Local Rural Persons

Criteria: The following **3 criteria** arise in assessing applicants under this category:

1. The applicant must come within the definition of a 'Local Rural Person'

**and**

2. The proposed site must be situated within their 'Local Rural Area'

**and**

3. The applicant must have a 'Local Rural Housing Need'

Definitions: A '**Local Rural Person**' (applicant) is a person who was born within the local rural area, or who is living or has lived permanently in the local rural area for a substantial period of their life at any stage(s) prior to making the planning application. It therefore includes returning emigrants seeking a permanent home in their local rural area who meet this definition. It also includes persons who were born or lived in a rural area for substantial periods of their lives but that area is now within a settlement boundary/zoned land.

A 'Local Rural Person' can also include a person who has links to the rural area by virtue of being an established rural landowner. This is defined as a person and/or their son or daughter, or sibling, who has owned a land holding in a rural area prior to 1999 and who wishes to build on that land. It also provides for beneficiaries under the Succession Act.

The 'Local Rural Area', for the purpose of this objective, is defined as the rural area generally within a 10km radius of where the applicant was born, living or has lived (for a substantial period of their life as per 'local rural person'). Where the proposed site is of a greater distance but the applicant can demonstrate ties with the area of the proposed site e.g. family, landownership or being within the same parish as the applicant is from, then these cases will each be considered on their individual merits.

*Note: The rural area includes the countryside, designated clusters and small villages but excludes those settlements listed within the County Settlement Hierarchy which are urban settlements i.e. Ennis, Shannon, Service Towns, Small Towns and Large Villages.*

An applicant who satisfies a '**Local Rural Housing Need**' is defined as a person who does not or has not ever owned a house in the surrounding rural area (except in exceptional circumstances) and has the need for a dwelling for their own permanent occupation.

**OR**

### Category B – Persons Working Full time or Part-time in Rural Areas

Criteria: Such persons shall be defined as persons who by the nature of their work have a functional need to reside permanently in the rural area close to their place of work. Such circumstances will normally encompass persons involved in full-time farming, horticulture, forestry or marine related activities as well as others who can demonstrate a genuine need because of their occupation to live in the rural area. Similar part-time occupations can also be considered where it can be demonstrated that it is the predominant occupation. In each case the applicant must not already own or have owned a house in the surrounding rural area except in exceptional circumstances.

**Or**

In order to ensure compatibility with Articles 43 and 56 of the EC Treaty which guarantee respectively the Freedom of Establishment (of business) and the Free Movement of Capital, Bone fide applicants who are not considered eligible under the preceding categories may be considered as qualifying to build a permanent home in the rural areas, subject to being able to satisfy the planning authority of their commitment to operate a full time business 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. Applicants must be able to submit evidence that

a) their business will contribute to and enhance the rural community in which they seek to live

**and**

b) that they can satisfy the Planning Authority that the nature of their employment or business is compatible with those specified in the local needs criteria for rural areas i.e. that they are serving a predominantly local rural business need.

**OR**

### **Category C – Exceptional Health and/or Family Circumstances**

Criteria: Having regard to the Department of the Environment, Heritage and Local Government's *Sustainable Rural Housing Guidelines*(2005), special consideration shall be given in limited cases of exceptional health circumstances – supported by relevant documentation from a registered medical practitioner proving that a person requires to live in a particular environment or close to family support, or requires a close family members to live in close proximity to that person.

In cases where an applicant requires to reside near elderly parents (who have been living in the local rural area for a minimum of 7 years) so as to provide security, support and care, or where elderly parent(s) need to reside near an immediate family member (who have been living in the local rural area for a substantial period of their life), favourable consideration will also be given.

In addition, where elderly local farmers have no children, consideration may also be given to the housing needs of one favoured relative (in anticipation of taking over the landholding). The applicant will have established affiliations or connections with the landholding and his/her living in the area would be a service and support to the landowner.

### **b) New Single Houses in the Countryside outside of the 'Areas of Special Control'**

The 'Areas of Special Control' are shown in Map 3B of the Clare County Development Plan 2017-2023. In the areas outside 'Areas of Special Control' the following is the objective of the Development Plan.

\*Objectives set out below are sourced from the Clare County Development Plan 2017-2023



Development Plan Objective: <b>New single Houses in the Countryside outside the 'Areas of Special Control'</b>	
CDP 3.12	<p><b>It is an objective of the Development Plan:</b></p> <p>Within the parts of the countryside outside of the 'Areas of Special Control' i.e.:</p> <ul style="list-style-type: none"> <li>• Outside of the Areas under Strong Urban Pressure</li> <li>• Outside of Heritage Landscapes</li> <li>• Not accessed from a Scenic Route</li> </ul> <p>To permit an application for a single house by persons who seek a dwelling as their principal private residence and will therefore contribute to the social and economic well being of the area.</p> <p><i>Note: Where the proposed site is accessed from a National and certain Regional Routes the proposal must <b>in addition</b> to compliance with this objective, also be subject to objectives CDP 8.4 and CDP 8.5 as set out in Chapter 8 of the Clare County Development Plan 2017-2023</i></p>

**c) New Single Rural Houses on Infill Sites**

The following is the objective for new single houses on infill sites.

\* The objective set out below is sourced from the Clare County Development Plan 2017-2023

Development Plan Objective: <b>New Single Houses on Infill Sites in the Countryside</b>	
CDP 3.13	<p><b>It is an objective of the Development Plan:</b></p> <p>In the case where there is a grouping of rural houses, the development of a small gap site, sufficient to accommodate only one house, within an otherwise substantial and continuously built-up frontage, will be permitted provided it respects the existing development pattern along the frontage in terms of size, scale, siting, plot size and meets normal site suitability requirements. Dwellings constructed on infill sites of this nature must be for the permanent occupation of the applicant. The siting of new dwellings in the countryside so as to deliberately create a gap site of this nature will not be permitted.</p> <p>In circumstances where these sites occur in 'Areas of Special Control' the provisions of Objective CDP3.11 (i.e. Local Need requirement) will not apply.</p>

**d) Replacement of a Substandard Habitable House in the Countryside**

The following is the objective for the replacement of a substandard habitable house in the countryside.

\* The objective set out below is sourced from the Clare County Development Plan 2017-2023

<b>Development Plan Objective: Replacement of Substandard Habitable Houses in the Countryside</b>	
CDP 3.14	<p><b>It is an objective of the Development Plan:</b></p> <ul style="list-style-type: none"> <li>a) To permit the proposed demolition of a habitable but substandard dwelling and its replacement with a new single dwelling, subject to normal site suitability considerations;</li> <li>b) To permit the replacement of a dwelling damaged by fire, flood or other natural disaster subject to normal site suitability considerations;</li> <li>c) In such circumstances where these sites occur in 'Areas of Special Control' the provisions of Objective CDP 3.11 (i.e. 'Local Need' requirement) will not apply;</li> </ul> <p>Notwithstanding the above, it is Council policy to protect the County's vernacular building stock from demolition where restoration and extension is an option (see CDP 15.4).</p>

**d) Refurbishment of a Derelict Dwelling / Structure in the Countryside**

The following is the objective for the refurbishment of a derelict dwelling/structure in the countryside.

\* The objective set out below is sourced from the Clare County Development Plan 2017-2023

<b>Development Plan Objective: Refurbishment of a Derelict Dwelling / Structure in the Countryside</b>	
CDP 3.15	<p><b>It is an objective of the Development Plan:</b></p> <p>To permit applications for the refurbishment of derelict dwellings/structures in the countryside subject to the following criteria:</p> <ul style="list-style-type: none"> <li>• The external walls are substantially intact and are capable of being refurbished;</li> <li>• The design of the proposal does not erode the siting and design qualities of the dwelling/structure.</li> <li>• The size of any extension takes account of the siting and size of the existing dwelling/structure.</li> <li>• The design, scale and materials used in the refurbishment and/or extension are in keeping and sympathetic with the existing structure.</li> <li>• Mature landscape features are retained and enhanced, as appropriate.</li> <li>• That normal planning considerations i.e. road safety, amenities, public health, design, protected species (especially Lesser Horseshoe Bats and other bat species) etc. shall take precedence over the 'principle' of encouraging such development, and in particular that for such developments alongside or directly accessed from National Roads, the provisions of Objective CDP 8.4 shall apply (Refer to Chapter 8 Physical Infrastructure).</li> </ul> <p>In such circumstances where these sites occur in 'Areas of Special Control' the provisions of Objective CDP 3.11 (i.e. 'Local Need' requirement) will not apply except where the total or substantial demolition of the existing structure and a new dwelling is proposed.</p>

**e) New single holiday homes in the countryside**

The following is the objective for new single holiday homes in the countryside.

\* The objective set out below is sourced from the Clare County Development Plan 2017-2023

Development Plan Objective: <b>New Single Holiday Homes in the Countryside</b>	
CDP 3.16	<p><b>It is an objective of Clare County Council:</b></p> <p>To not permit new single holiday homes in the countryside but to seek to direct this need to appropriately zoned land within certain settlements. Alternatively, this need can be met through the second hand housing stock in the countryside or the refurbishment of derelict dwellings/structures.</p>

**Types of Rural Housing Development allowed on Suitable Sites**

Type of Development	Within areas of special control i.e. urban generated/heritage/landscape/scenic routes	Outside areas of special control
New dwelling (PPR)	O	✓
New dwelling (PPR) on an infill site	✓	✓
Replacement of substandard / damaged dwelling	✓	✓
Refurbishment of a derelict structure	✓	✓
Holiday home	X	X

✓ = development permitted in principle.

O = Open for consideration subject to criteria in Objective 3.11 "new single houses in the countryside within the areas of special control."

X = Not permitted.

**Note<sup>1</sup>:** PPR= Principal Private Residence.

- i. For new single dwelling within areas of special control (including infill sites), a condition shall be attached requiring the dwelling to be the permanent/principal place of residence of the applicant for a period of 7 years.
- ii. For new single dwellings outside areas of special control a condition shall be attached requiring the dwelling to be a permanent/principal private residence but with no restrictions on resale after the first occupancy.

**Note<sup>2</sup>:** Where any proposed site is accessed from a national road and certain regional roads the objectives in relation to housing in the countryside must be read in conjunction with objectives CDP 8.4 and CDP 8.5 (Chapter 8 of the Clare County Development Plan 2017-2023). A summary of the objectives is now provided.

**Table 8.1 Strategic Regional Roads ( as set out in the Clare County Development Plan 2017-2023)**

Strategic Regional Corridors	Location
R352	Ennis – Tuamgraney
R476	Fountain Cross – Kilfenora
R463	Limerick – Killaloe – Tuamgraney
R471	Cloverhill – Sixmilebridge
R465	Barry’s Cross to Broadford settlement boundary
R462	Sixmilebridge to Setright’s Cross
R469	Ennis to Quin
R478	Lahinch to Lisdoonvarna

\* The objective set out below is sourced from the Clare County Development Plan 2017-2023

**Development Plan Objective: Strategic Regional Roads**

Development Plan Objective: <b>Development of Strategic Regional Roads</b>	
CDP 8.5	<p><b>It is an objective of Clare County Council:</b></p> <p>a) To upgrade and improve, where necessary, the Regional Roads in the county as outlined in Table 8.1 and Table 8.2. The Council will have regard to national and regional transport plans and the Council’s programme of works. The undertaking of any works will be subject to the availability of finance and resources;</p> <p>b) To preserve the carrying capacity of Strategic Regional Roads and safeguard the investment in such infrastructure. Development requiring direct access onto the Strategic Regional roads identified in Table 8.1 will be restricted to the following criteria:</p> <ul style="list-style-type: none"> <li>• Developments of strategic importance which by their nature are most appropriately located in a rural area;</li> <li>• Established rural landowners* and their sons and daughters wishing to build a dwelling for their own occupation on family land. It must be clearly demonstrated that there is no reasonable alternative site with access off a minor road available, and that the development complies with the objectives as set out in Chapter 3 Urban and Rural Settlement Strategy;</li> <li>• Developments located within the settlement boundaries, residential clusters and where the 50kmh speed limit applies.</li> </ul>

\*An established rural landowner is defined as a person and/or their son or daughter, or sibling, who has owned a landholding in a rural area prior to 1999 and who wishes to build on that land. It also provides for beneficiaries under the Succession Act

### **Development Plan Objectives: Direct Access onto National Routes**

\* The extract of the objective set out below is sourced from the Clare County Development Plan 2017-2023

Development Plan Objectives: <b>Direct Access onto National Routes</b>	
CDP 8.4	<b>It is an objective of Clare County Council:</b>  a) To safeguard the safety, efficiency and carrying capacity of national primary and secondary roads within the county in line with national policy;  b) To assess development proposals requiring direct access onto the national road network having regard to the criteria set out in Section 8.2.3.3 of the plan.

### **Site Suitability and Other Considerations**

It is important to note that the policy considerations outlined in the county development plan represent only one element in the assessment of an application for dwelling(s) in the countryside. Other considerations relating to siting, design, environment, heritage, amenity and traffic considerations are also of paramount importance in the consideration of any development. It is the intention of the Council to attempt to facilitate, where necessary, the resolution of these issues through supplementary guidance and pre-planning application discussions.

Further information is available in the Clare County Development Plan 2017-2023, and Clare Rural House Design Guide may be obtained or viewed from any office of Clare County Council or on the Council website [www.clarecoco.ie](http://www.clarecoco.ie)

Other useful planning publications can be found at the following web addresses:  
[www.viron.ie](http://www.viron.ie)





