



An
Coimisiún
Pleanála

Direction
CD-020331-25
ABP-322232-25

The submissions on this file and the Inspector's report were considered at a meeting held on 23/07/2025.

The Commission decided to make a split decision, to

- (1) **grant retention permission** (subject to conditions) for (II) minor alterations to previously approved fenestration arrangements of the renovated cottage, as granted under planning reg. ref. P19-399 for the reasons and considerations marked (1) under and subject to the conditions set out below, and
- (2) **refuse retention permission** for (I) retention permission for the demolition of the existing shed at the rear of the site, retention permission and planning permission to reduce the scale of the partially constructed replacement outbuilding and to repurpose this structure as a home office with ancillary domestic rooms, along with all associated site works for the reasons and considerations marked (2) under.

Planning
Commissioner:

Tom Rabbette

Date: 24/07/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations (1)

Having regard to the nature of the alterations proposed to the renovated cottage, which forms part of the protected structure ref. no. RPS no. 619, and also having regard to the planning history pertaining to the cottage (specifically planning reg. ref. P19-399), it is considered that, subject to compliance with the conditions set out below, the proposed development for which retention permission is sought would not adversely impact on the character or setting of the cottage, would not adversely impact on the visual amenities of the area and would comply with Objectives CDP16.1 and CDP16.2 of the Clare County Development Plan 2023-2029. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference P19-399 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

Reasons and Considerations (2)

1. Section 57 (10) of the Planning and Development Act 2000, as amended, states that the Planning Authority or the Board, on appeal, shall not grant permission for the demolition of a protected structure or proposed protected structure save in exceptional circumstances. Having regard to the information received relating to the outbuilding/shed, which forms part of the protected structure ref. no. RPS no. 619, it is considered that exceptional circumstances have not been satisfactorily demonstrated in this instance. The proposed retention and completion, if permitted, would result in the direct destruction of the architectural heritage of the county, would fail to protect the structure which is of architectural and historical interest, would set an undesirable precedent for other such development proposals, would conflict with sections 6.8.11 and 14.1.3 of the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and would be contrary to the provisions of CDP16.1 and 16.2 of the Clare County Development Plan 2023-2029, where is an objective to ensure that the archaeological and architectural heritage of the county is not damaged through direct destruction and to protect, as set out in the Record of Protected Structures, all structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. The proposed development would, therefore, be contrary to the proper planning and development of the area.