

An
Coimisiún
Pleanála

Direction
CD-022003-26
ACP-323845-25

The submissions on this file and the Inspector's report were considered at a Commission meeting held on 11/03/2026.

The Commission decided to refuse consent to the compulsory acquisition in accordance with the Inspectors recommendation based on the reasons and considerations set out below:

Reasons and Considerations

Notwithstanding the neglected, unsightly and objectionable condition of the subject property, and acknowledging that the site detracts to a material degree from the amenity, character and appearance of land in the locality, having considered the objection made to the compulsory acquisition, and also:

- (a) The constitutional and Convention protection afforded to property rights,
- (b) the public interest, and,
- (c) the provisions of Clare County Development Plan 2022-2028,

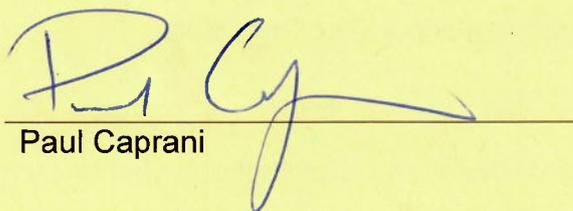
it is considered that the property comes within the definition of a derelict site as defined in Section 3 (b) of the Derelict Sites Act, 1990, as amended, and that the compulsory acquisition of the site by the local authority is not necessary in this instance in order to render the site non-derelict and to prevent it continuing to be a derelict site.

It is considered that the objection received from the property owner can be sustained having regard to the existence of an extant planning permission pertaining to the redevelopment of the dwelling on site, the submission of the commencement notice to the local authority demonstrating an intent to carry out works on site to render the dwelling habitable and that the funds are stated to be available to allow works to commence and the stated intention of the landowners to commence the works on site in a timely fashion and the fact that the landowners have secured the site, have commenced cleaning out the property and some internal works in the internal chimney area have been carried out in order to render the site non-derelict and to prevent it from continuing to be a derelict site.

It is considered that the objections from the landowner(s) made can be sustained in this instance having regard to effects on their property rights which in this instance are considered disproportionate and unjustified by the exigencies of the common good.

Planning

Commissioner:


Paul Caprani

Date: 11/03/2026