

An
Coimisiún
Pleanála

Direction
ACP-323870-25

The submissions on this file and the Inspector's report were considered at a meeting held on 27/02/2026.

The Commission decided, as set out in the following Order, that

Commission Order as follows: -

WHEREAS a question has arisen as to whether the provision of the erection of a 282.96 square metre agricultural shed at Creggaunahilla, Clarecastle, Ennis, County Clare is or is not development or is or is not exempted development:

AND WHEREAS: Declan McCormack requested a declaration on this question from Clare County Council and the Council issued a declaration on the 22nd day of October 2025 stating that the matter was development and was not exempted development.

AND WHEREAS Declan McCormack referred this declaration for review to An Coimisiún Pleanála on the 14th day of November 2025:

AND WHEREAS: An Coimisiún Pleanála, in considering this referral, had regard particularly to –

- a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- b) Section 3(1) of the Planning and Development Act, 2000,
- c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- d) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- e) Part 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- f) the planning history of the site,
- g) the pattern of development in the area:
- h) the report of the Planning Inspector:

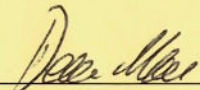
AND WHEREAS An Coimisiún Pleanála has concluded that:

- a) The agricultural shed constitutes development as defined under Section 2 (1) of the Planning and Development Act 2000 (as amended),
- b) The agricultural shed, based on the details submitted, would not come within the scope of exemptions set out in Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, as it would fail to meet conditions and limitation no1 and no. 5 of Class 9 as no details have been provided to demonstrate its intended use and it is situated within 100m of a number of dwellings that pre-date the erection of the structure and for which no consent has been provided; and

- c) The structure is situated on a site that has a direct connection to the Lower Shannon SAC (Site Code 002165) and it cannot be concluded beyond a reasonable scientific doubt that the development will not be likely to have a significant effect on the integrity of a European site and would therefore be contrary to Article 9(1)(a)(viib) of the Planning and Development Regulations, 2001 (as amended).

NOW THEREFORE: An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the erection of a 282.96 square metre agricultural shed at Gaurus, Ennis, County Clare is development and is not exempted development.

Planning Commissioner:



Declan Moore

Date: 04/04/2026