



An
Coimisiún
Pleanála

Commission Direction
CD-001132
PL-501297-CE-26

The submissions on this file and the Inspector's report were considered at a meeting held on 19 August 2026.

The Commission decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Planning Commissioner:

Liam McGree

Date:

25th day of August 2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the nature and scale of the vehicular and pedestrian entrance gates, for which retention permission is sought, it is considered that the subject gates would not have any significant negative impact on the visual or recreational amenities of the area, would not impact the archaeological interest or integrity of the adjacent graveyard, would not impede or interfere traffic or with any public

rights of way listed in the Clare County Development Plan 2023-2029, and would therefore be in accordance with the proper planning and development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission was not aware of any evidence that the change of use of the subject premises from a public house to a residential dwelling was unauthorised.

The Commission also noted the '*Development Management – Guidelines for Planning Authorities*' Department of the Environment Heritage and Local Government 2007' and specifically section 5.13- '*Issues relating to Title to Land*' which states that: "The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not entitled solely by reason of a permission to carry out any development".

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application.

Reason: In the interest of clarity.