



Planning and Development Acts 2000 to 2019

Planning Authority: Clare County Council

Planning Register Reference Number: P19/1005

APPEAL by Margaret and Thomas McMahon care of Midwest Consultant Engineers and Building Services Limited of Ballygriffey South, Ruan, Ennis, County Clare against the decision made on the 21st day of February, 2020 by Clare County Council to refuse permission.

Proposed Development: Retention of a private artist studio which replaced a derelict shed on the same site, associated site works and septic tank, all at Cloonlaheen Middle, Mullagh, County Clare.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. Having regard to the location of the site in an area designated as a 'Settled Landscape' in the Clare County Development Plan 2017-2023, as varied, and objective CDP13.2 of the Plan, it is considered that the structure for which retention is proposed, by reason of its design and visually prominent siting within the wider landscape, would seriously injure the visual amenities of the area. Furthermore, having regard to the stand-alone nature of the subject structure to be retained, its lack of connection to the existing dwelling and the new vehicular entrance serving the structure, it is considered that the subject structure cannot be considered to be ancillary to the existing dwelling. The retention of such a structure would create an undesirable precedent for haphazard development and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the documentation submitted with the planning application and the appeal, it has not been satisfactorily demonstrated that the wastewater generated by the development proposed for retention can be treated or dispersed on this site, having regard to the ground conditions at the site. It is considered that the development proposed for retention, notwithstanding the use of a septic tank system, would represent an unacceptable risk to the environment due to the potential for impacts on the surface water network and on ground water. The development proposed for retention would, therefore, result in a risk of environmental pollution and would be prejudicial to public health.

Stephen Bohan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.