



Planning and Development Acts 2000 to 2020

Planning Authority: Clare County Council

Planning Register Reference Number: P20/765

Application for Leave to Appeal against the decision of the planning authority by Sean Fitzgerald care of Leahy Planning Limited of Mill Road House, Mill Road, Ennis, County Clare having an interest in land adjoining the land in respect of which Clare County Council decided on the 11th day of February, 2021 to grant subject to conditions permission to Conor McGrath and Emma Robbins care of Cyril O'Reilly Design Limited of Parting Glass, Quin, County Clare.

Proposed Development: Construction of a dwellinghouse, garage, a proprietary wastewater treatment system and ancillary site works at Brickhill West, Cratloe, County Clare.

Decision

REFUSE leave to appeal under section 37 (6) of the Planning and Development Act, 2000, as amended, based on 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

Having regard to the submissions and documents received in connection with the application for leave to appeal and the conditions set out in the planning authority's decision, it is considered that -

- (i) while it has been shown that the development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission by reason of condition number 3 imposed by the planning authority to which the grant is subject,

- (ii) it has not been shown that the imposition of this condition will materially affect the applicant's enjoyment of the land adjoining the land in respect of which it has been decided to grant permission or reduce the value of the land.

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2021.