



---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: 22905**

**APPEAL** by Alanna Fox care of Derrick Burke of Newmarket Architectural and Planning Service Limited of Studio Inovo, Loughash, Newmarket-on-Fergus, County Clare against the decision made on the 28<sup>th</sup> day of November, 2022 by Clare County Council to refuse a permission.

**Proposed Development:** Construction of a dwellinghouse, wastewater treatment system and new entrance including ancillary site works at Cnoc Alainn, Ballycar, Newmarket-on-Fergus, County Clare.

**Decision**

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

## Reasons and Considerations

1. Having regard to the planning history of the site, whereby the subject site forms part of the public open space to serve the houses in the wider development, the proposed development would materially contravene conditions attached to an existing permission for development namely, condition number 1 and 4 attached to the permission granted by Clare County Council on the 16<sup>th</sup> day of September 2004 under planning register reference number P04/139. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development is in an area which previously contained a turlough. The Board is not satisfied, on the basis of the information lodged with the planning application and the appeal, that the proposed development would not give rise to a heightened risk of flooding either on the proposed development site itself, or on other lands. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

  
Liam Bergin

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

Dated this 06<sup>th</sup> day of February 2024.