



An
Coimisiún
Pleanála

Commission Order
ABP-320649-24

Planning and Development Act 2000, as amended

Planning Authority: Clare County Council

Planning Register Reference Number: 24101

Appeal by Gerard Hobbs of 27 Ashbrook Park, Ennis Road, Limerick and James and Noelle Gleeson of Barr Cuain, The Goleen, Caherush, Quilty, Limerick against the decision made on the 9th day of August 2024, by Clare County Council to grant, subject to conditions, a permission to Hilary Downes care of Fergal Coughlan, Tullyvaghan, Spancilhill, Ennis, County Clare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolish the existing shed and construct a dwelling house, garage, garden/office, deck area, install proprietary wastewater treatment system, percolation area and associated ancillary works at Caherrush, Quilty, County Clare, as amended by the further public notices received by the planning authority on the 15th day of July 2024.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the location of the proposed development on an infill site and the compliance of the proposed development with the criteria set out in Objective CDP 4.16 'New Single Houses on Infill Sites in the Countryside' of the Clare County Development Plan 2023-2029, together with the nature, scale and design of the development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenity of the area, and would be acceptable in terms of traffic safety, public health and the environment. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 1st day of July 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.

3. The proposed garage and garden room shall not be used for habitable or commercial purposes or any other purpose other than incidental to the enjoyment of the dwelling house.

Reason: In the interest of orderly development.

4. (a) The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.
- (b) The external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

5. The proposed front boundary wall shall consist of natural local stone, the exact height and location of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.
- (c) The proposed surface water management system and infiltration/geocell unit shall be constructed as per the designers requirements and manufacturer's instructions and the applicant/developer shall employ a suitably qualified engineer to certify that the system has been installed in accordance with same. Details of this certification shall be submitted to the planning authority prior to occupation of the dwelling.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

7. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with the application on the 28th day of March 2024, as amended by further plans and particulars submitted on the 1st day of July 2024 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.

- (b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Mary Henchy

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 14th day of August 2025.