

An
Coimisiún
Pleanála

**Commission Order
ACP-323030-25**

Planning and Development Act 2000, as amended

Planning Authority: Clare County Council

Planning Register Reference Number: 25/60211

Appeal by Cathal O'Donoghue care of Michael Duffy of 1 Clós na hEaglaise, Kilfenora, County Clare against the decision made on the 17th day of June, 2025 by Clare County Council to refuse permission.

Proposed Development: Construction of a new dwellinghouse, new entrance, private garage and install a new wastewater treatment system along with all associated works, all at Ballyveskil, Tiermaclane, Ennis, County Clare.

Decision

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

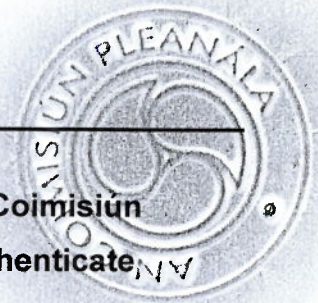
Reasons and Considerations

1. Having regard to the conditions pertaining to the site, and the failure to demonstrate compliance with the Environmental Protection Area Code of Practice 2021 Domestic Waste Water Treatment Systems for PE 10, the Commission is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that the site can be drained satisfactorily by means of a septic tank, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.
2. The site of the proposed development is located on the outside of a bend on the LS8254 local secondary road. Having regard to the nature and extent of existing and permitted development in the area, the narrow nature of the road, the poor horizontal alignment of the road at the location of the site, the non-demonstration of sightline visibility, and the nature of the traffic that would be associated with the proposed development, the Commission is not satisfied that the proposed development would not have adverse impacts on traffic safety and free flow and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. On the basis of the submissions made in connection with the planning application and the appeal, the Commission is satisfied that the proposed development relates to a site the use of which is unauthorised for the storage of buses and other vehicles and that the proposed development would facilitate the consolidation of this unauthorised use. In such circumstances, it is considered that it would be inappropriate for the Commission to consider a grant of a permission for the proposed development.


Declan Moore

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



Dated this 12th day of JANUARY 2026.