

An
Coimisiún
Pleanála

Commission Order
PL-500955-CE-26

Planning and Development Act 2000, as amended

Planning Authority: Clare County Council

Planning Register Reference Number: 25255

Appeal by Noel Mantle against the decision made on the 17th day of February, 2026 by Clare County Council to grant, subject to conditions, a permission to Caroline Mantle and Adrian O'Driscoll in accordance with plans and particulars lodged with the said Council.

Proposed Development: To revise the site layout and garage design previously granted under reference P22/377 and for permission to retain the mobile home and container on site for temporary use during construction works and all associated site and ancillary works, all at Ballymaclinaun, Liscannor, County Clare.

Decision

GRANT permission for revisions to the site layout and garage design granted under reference P22/377 and all associated site and ancillary works for the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for retention of mobile home and container for temporary use during construction for the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to:

- (a) the provisions of the Clare County Development Plan 2023 – 2029;
- (b) the planning history of the subject site and the development permitted under planning register reference number P22/377;
- (c) the nature, scale, and location of the proposed development; and
- (d) the pattern of development in the surrounding area,

it is considered that the proposed revisions to the site layout and garage design and all associated site and ancillary works granted under planning register reference number P22/377, subject to compliance with the conditions set out below, would not seriously injure the residential amenity of properties in the vicinity, would be acceptable in terms of road safety, would not adversely impact any designated scenic routes, would not have a significant negative impact on the setting of the Protected Structure (RPS Number 606) on the opposite side of the public road, would be acceptable in terms of visual amenity, and 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 23rd day of October 2025, as further amended by plans and particulars received by the planning authority on the 22nd day of January 2026, 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. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission granted under planning register reference number P22/377, unless the conditions set out hereunder, specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

3. (a) All surface water generated within the site boundaries shall be collected and disposed of to adequately sized soak pits 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.

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

4. (a) The on-site wastewater treatment system shall be installed in accordance with the standards, as set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency (2021).
- (b) Treated effluent from the wastewater treatment system shall be discharged to a polishing filter which shall be provided in accordance with the standards, as set out in the document entitled "Code of Practice - Domestic Wastewater 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 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

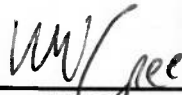
Reasons and Considerations (2)

1. Objective CDP14.7 of the Clare County Development Plan 2023 - 2029 states that it is an objective of the planning authority (a) to protect sensitive areas from inappropriate development while providing for development and change that will benefit the rural community, (b) to ensure that proposed developments take into consideration their effects on views from the public road towards scenic features or areas and are designed and located to minimise their impact; and (c) to ensure that appropriate standards of location, siting, design, finishing and landscaping are achieved. Having regard to the nature of the mobile home and storage container for which retention permission is sought, and their location on the subject site adjoining a designated scenic route in the Clare County Development Plan 2023 - 2029, it is considered that these structures constitute an inappropriate form of development in this scenic rural landscape, that detract from the scenic qualities of the scenic route, that their siting along the roadside maximises their visual impact on the sensitive landscape, that they would conflict with Objective CDP14.7 of the Clare County Development Plan 2023 - 2029 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is the policy of the planning authority for wastewater treatment and disposal systems for single houses ($PE \leq 10$) to require wastewater treatment systems and percolation areas to meet the requirements of the 2021 Environmental Protection Agency (EPA) Code of Practice, including in terms of design, sizing and construction. It is considered that the partial construction of a previously permitted effluent treatment system to temporarily serve the proposed mobile home, pending its subsequent upgrade to serve the permitted permanent dwelling on the subject site, would not be in compliance with the EPA Code of Practice and would be prejudicial to ground water quality and public health, and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the design, materials of construction, and limited floorspace of the mobile home, it is considered that the development proposed to be retained would result in an unsatisfactory standard of residential accommodation for its occupants in terms of internal floorspace and would conflict with the County Clare Rural House Design Guide, with respect to siting and boundary treatments. The development proposed to be retained would set an undesirable precedent for similar sub-standard forms of residential development in the vicinity, would be contrary to the provisions of the Clare County Development Plan 2023 - 2029, and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission to retain a mobile home and container for temporary use during construction, the Commission noted the Inspector's assessment that the two structures would constitute an inappropriate form of development that detract from the scenic qualities of the scenic route, and that their siting along the roadside maximises their visual impact on the sensitive landscape. However, the Commission did not agree with the proposition that, because they would only be on the site for the construction period of the dwellinghouse that their temporary retention would be acceptable, notwithstanding their negative visual impact on this sensitive rural landscape.



Liam McGree

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

Dated this 14th day of JULY 2026.