

An
Coimisiún
Pleanála

**Commission Order
PL-501057-CE**

Planning and Development Act 2000, as amended

Planning Authority: Clare County Council

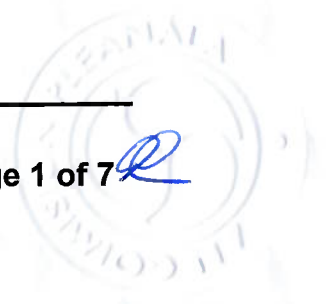
Planning Register Reference Number: 26/12

Appeal by Lavina O'Shea against the decision made on the 13th day of March, 2026 by Clare County Council to grant subject to conditions a permission to Patrick Noonan in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a detached dormer dwelling, detached domestic garage, new entrance and driveway, pumped wastewater treatment system and rising main located on ancillary lands, private bored well, and landscaping together with all associated ancillary site development works, all at Lisduff, Clonlara, County Clare.

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.



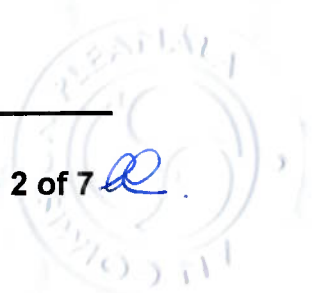
Reasons and Considerations

Having regard to the location of the site in a rural area under strong urban influence, and the applicant's demonstrated need for rural housing in accordance with the criteria set out in Objective CDP 4.14 and Category B – Social Need (i) (member of a local rural community), together with the nature, scale and design of the proposed 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, would not result in the creation of a pedestrian or traffic hazard, would not be prejudicial to public health or the environment, and would be an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed 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, as amended, 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 to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. (a) The finished floor level of the proposed dwelling shall be as specified on the site layout plan received by the planning authority on the 22nd day of January, 2026 and shall not be modified without the prior written consent of the planning authority.

- (b) The site shall be landscaped as per the landscaping details provided on the site layout plan received by the planning authority on the 22nd day of January, 2026.

Reason: In the interest of the proper planning and sustainable development of the area.

4. (a) The entrance gate shall be recessed 2.4 metres inside the line of the existing road boundary with wing walls not more than 1.1 metres in height splayed at an angle of 45 degrees or bell-mouthed in a manner to give an entrance width of 13.5 metres at the new fence line. The finished level of the recessed entrance shall be the same as the road level opposite the entrance gates.
- (b) The existing roadside drain that runs along the road frontage of the site shall be culverted to the satisfaction of the planning authority. Prior to commencement of development, full details as to the pipe size and design shall be submitted for the written agreement of the planning authority.

Reason: To preserve the rural amenities of the area and in the interest of traffic safety and visual amenities.

5. The external finishes of the proposed development shall be in accordance with those indicated on the plans and particulars received by the planning authority on the 22nd day of January, 2026.

Reason: In the interest of visual amenity.

6. 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.

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 in the site characterisation report submitted with the planning application 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. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

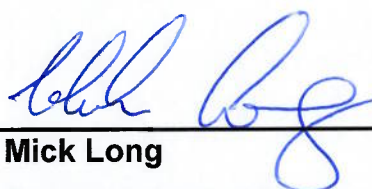
Reason: In the interest of visual and residential amenity.

9. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of all intended construction practice for the proposed development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

10. 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.



Mick Long

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

Dated this 28th day of July 2026.