

An
Coimisiún
Pleanála

Commission Order
PL- 501297-CE-26

Planning and Development Act 2000, as amended

Planning Authority: Clare County Council

Planning Register Reference Number: 2660071

Appeal by Rosemary Hannan against the decision made on the 9th day of April, 2026 by Clare County Council to grant subject to condition a permission to Michelle Caffrey and Derek Cox in accordance with plans and particulars lodged with the said Council.

Proposed Development: Development which will consist of retention of vehicular and pedestrian entrance gates to existing dwelling at Doonass Demense, 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 condition set out below.

Reasons and Considerations

Having regard to the nature and scale of the vehicular and pedestrian entrance gates, for which retention permission is sought, it is considered that the subject gates would not have any significant negative impact on the visual or recreational amenities of the area, would not impact the archaeological interest or integrity of the adjacent graveyard, would not impede or interfere with traffic or any public rights of way listed in the Clare County Development Plan 2023-2029, and would, therefore, be in accordance with the proper planning and development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission was not aware of any evidence that the change of use of the subject premises from a public house to a residential dwelling was unauthorised.

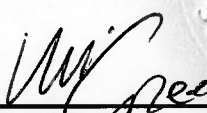
The Commission also noted the 'Development Management – Guidelines for Planning Authorities' 'Department of the Environment Heritage and Local Government 2007' and specifically section 5.13- 'Issues relating to Title to Land' which states that: "The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, a person is not entitled solely by reason of a permission to carry out any development".

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application.

Reason: In the interest of clarity.




Liam McGree

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

Dated this 25th day of AUGUST 2026