



An
Coimisiún
Pleanála

**Commission Order
PL-501460-CE-26**

Planning and Development Act 2000, as amended

Planning Authority: Clare County Council

Planning Register Reference Number: 2670

Appeal by Michael J Queally against the decision made on the 11th day of May 2026, by Clare County Council to grant, subject to conditions, a permission to Marian and Colin O'Donoghue in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a dwelling house, garage, install a wastewater treatment system and all other associated site and ancillary works at Ballyvoe, Doolin, 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 site's location 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 (New Single Houses in the Countryside within the 'Areas of Special Control') and Category B – Social Need, together with the siting, scale and design of the proposed development in a 'Settled Landscape' in accordance with Objective CDP 14.2, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the landscape or visual amenity of the area, would not result in the creation of a traffic hazard or be injurious to public health, 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 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 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 finished floor level of the proposed dwelling shall be as specified on the Site Layout Plan received by the planning authority on the 18th day of March 2026 and shall not be modified in any way without prior consent from the planning authority.

Reason: To reduce the impact of the proposed house on the landscape, in the interest of visual amenity.

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 existing front boundary wall shall be retained except to the extent that its removal is necessary to provide for the entrance to the site. Hedgerows and any sod and stone wall boundary shall be retained except as may be required to provide the proposed entrance and any associated vision splays. Details shall be agreed with the planning authority prior to the commencement of development.

Reason: In the interests of visual amenity and traffic safety.

6. (a) The eastern, northern and western boundaries of the site shall be planted with a line of native hedgerow species.
- (b) The landscaping shall be implemented not later than the first planting season after commencement of the development. Any planting that is diseased or fails within two years of planting shall be replaced.

Reason: To protect the character of the rural area.

7. (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.

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

8. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the Site Characterisation Report, received by the planning authority on the 18th day of March 2026, 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 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.

- 9. 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



Paul Caprani

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



Dated this 16th day of September 2026