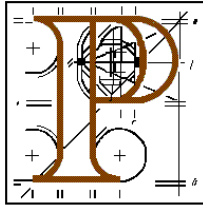


An Bord Pleanála



Inspector's Report

Board Reference:

ABP-319207-24

Planning Authority Site ID:

D523-23

Local Authority:

Clare County Council

Objector:

Rosemarie & Caroline Crowley

Location of Lands:

No. 4 Glensheen, Gort Road,
Ennis, County Clare V95 X2D7

Inspector:

Kevin Moore

Re: Application for consent from An Bord Pleanála for compulsory acquisition of house and surrounding site at No. 4 Glensheen, Gort Road, Ennis, County Clare.

1.0 INTRODUCTION

- 1.1. I have read the contents of the file and I inspected the site on 8th May, 2024.
- 1.2. Notice of the intention to compulsorily acquire the site under section 14 of the Derelict Sites Act 1990 was published on 12th January, 2024. An objection to the acquisition was received by the local authority by letter on 12th February, 2024.
- 1.3. A compulsory acquisition report is attached in the application from the local authority requesting the consent of the Board to the compulsory acquisition of the property. This report refers to a complaint leading to the application, title on the property, actions taken under the Derelict Sites Act, the decision and notices issued relating to the compulsory purchase, and the objection received.
Appendices with the report comprise an initial site inspection report and photos, a Folio document and map, a commencement of the CPO process, further reports and notices, and the objection received to the CPO process and photos of the property. The local authority submits that the letter of objection received is an attempt to pause the CPO process, that it does not set out any real proposals to put the property on the market for someone to acquire it and invest in its refurbishment, nor are there proposals to rent it or for the owners to return to live in it. It is submitted that the property is derelict within the definition of a 'derelict site' provided in section 3 of the Derelict Sites Act, 1990, being in a neglected, unsightly or objectionable condition.

2.0 OBJECTION

- 2.1. An objection was received by Clare County Council on 12th February, 2024. It was a letter that was unsigned and had no contact address or other contact details. Therein, it was stated that Rosemarie and Caroline Crowley are the owners of the property and that they object to the compulsory acquisition. Apologies were given for the delay in the response. It was submitted that the site is not derelict as relatives had carried out an extensive clean-up which included removal of overgrowth and a garden shed in disrepair. It further stated that a relative had been asked to maintain the upkeep of the house until they were in a position to do so themselves.

3.0 SITE LOCATION AND DESCRIPTION

- 3.1. No. 4 Glensheen is located within a residential estate to the north of the town of Ennis and a short distance north-west of Ennis Hospital. It comprises a two-storey, semi-detached house which adjoins a public open space. It has a gated entrance and driveway and a front and back garden. The property is enclosed by block walls along its front and side boundaries. The house is flanked by a semi-detached house to the west. The principal house types in the immediate vicinity of the site are two-storey, semi-detached units.

4.0 ASSESSMENT

- 4.1 Section 3 of the Derelict Sites Act, 1990 defines a "derelict site" as any land which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question because of -

- (a) the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, or
- (b) the neglected, unsightly or objectionable condition of the land or any structures on the land in question, or
- (c) the presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit or collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by statute or by common law.

4.2. Before offering my considerations on the property, I note for the Board that I undertook a site inspection which did not entail an internal examination of the house on this property. I examined the property from ground level from the curtilage within the site and from the adjoining open space and estate road. I was also able to look through several windows to ground floor rooms.

4.3. I note from the Council's reports on this property that it is submitted that the dwelling is vacant for a considerable period. In one report is stated to be vacant for 17 years and in another for 15 years. It has been concluded by the local authority in reports and Notices that it is a derelict site by reason of "the neglected, unsightly or objectionable condition of the land or any structures on the land in question."

4.4. Further to the Council's considerations and to my inspection of this property, I make the following observations:

- The existing house appears to be in sound structural condition. The windows and doors are intact and functioning to keep out adverse impacts from the elements.
- The roof and chimney are intact.
- There is no visual evidence of structural cracks on the building.
- The rainwear presents as being sound and functioning.

- There is no ivy or extensive other growth on the structure.
- The property is secure from any public access in the same way as other residential properties in the estate, being gated and with boundary walls in place.
- The garden spaces are overgrown. There is some small amount of growth in the guttering. The driveway has some growth on it. There is minor debris within the curtilage, which is mainly coping from the side boundary wall. The front boundary wall has lost a section of pebble dash.
- When viewed through the windows, it was noted that the sitting room is furnished and that the utility room has appliances in place and clothes were drying on a rack.

4.5. It is my submission to the Board that it is evident that the house on this site is structurally sound. In its current form, the house does not present as a derelict structure that is distinctly unsightly in this area. The gardens, boundary walls, and driveway are in place. While the gardens are overgrown and there is some very limited debris and weeds within the curtilage, these have minor effects on the presentation of the property overall. Basic cleaning up, grass cutting and limited maintenance of these components of the curtilage is what is required. I do not consider that there could be any dispute about the structural integrity of the house. Further to this, I submit that it is not reasonable to determine that there is:

- (a) the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, or
- (b) the neglected, unsightly or objectionable condition of the land or any structures on the land in question, or
- (c) the presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit or collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by statute or by common law.

- 4.6. The potential remains for this property to be retained and readily refurbished for continued residential use. It does not constitute a 'Derelict Site' in my opinion as the property does not detract, or at this time is unlikely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question.
- 4.7. Finally, I note that the local authority has submitted that it became aware of the derelict house in June 2023 from a resident of the estate. It began its reporting on 13th June, 2023. In the report to the Board with the application it is stated that the house has been vacant for 17 years. In another local authority report, dated 28th November, 2023 and constituting a recommendation to acquire the site, reference is made to the house not being occupied for 15 years. There appears to be a lack of clarity on how long the house has been unoccupied. Furthermore, there is no understanding from the local authority of how it has come to determine that this property has been unoccupied for some 15 to 17 years and it has provided no proof of same. It is apparent from my site inspection that the curtilage has been subject to some level of maintenance / clean up in recent years as the degree of overgrowth, extent of weeds, etc. over a period of 15 to 17 years would otherwise be expected to be greater than that which exists at present. There is no visual evidence externally that the house is in any way in structural decline.

5.0 CONCLUSION AND RECOMMENDATION

- 5.1. I conclude that No. 4 Glensheen, Gort Road, Ennis, County Clare does not constitute a derelict site and I recommend that the Board refuses to grant consent to the compulsory acquisition of this site at this time in accordance with the following:

Decision

REFUSE consent to the compulsory acquisition of the said site based on the reasons and considerations set out below.

Reasons and Considerations

It is considered that the structural integrity of No. 4 Glensheen is intact, that the building is neither in a ruinous or dangerous condition, and that the property does not detract to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question. Furthermore, it is considered that the existing house and its associated curtilage could reasonably be restored to residential use and does not constitute a derelict site for the purposes of the Derelict Sites Act 1990. The Board, therefore, has decided that it would be appropriate to refuse to consent to the compulsory acquisition of the site.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Kevin Moore
Senior Planning Inspector
15th May, 2024.