



An
Coimisiún
Pleanála

Inspector's Report

ABP-322232-25

Development

Retention: Demolition of the shed and reduction of the scale of partially constructed replacement outbuilding and to repurpose this structure as a home office. Retention also sought to regularise the minor alterations to previously approved renovated cottage, as granted under Planning Reg. Ref. P19-399. Protected Structure RPS No. 619 applies.

Location

Kilconnell, Liscannor, Co. Clare, V95 NC56.

Planning Authority

Clare County Council

Planning Authority Reg. Ref.

2560021

Applicant(s)

Bebhinn Gleeson

Type of Application

Retention permission

Planning Authority Decision

Split decision

Type of Appeal

First Party

Appellant(s)

Bebhinn Gleeson

Date of Site Inspection

13th June 2025

Inspector

Sarah O'Mahony

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The 0.154ha site is situated 4km northwest of Liscannor, Co. Clare and 1km southeast of Hags Head headland. It comprises a detached single storey dwelling situated in the centre of a row of 3no dwellings with a detached outbuilding to the rear.
- 1.2. The outbuilding is a pitched roof structure situated which has the appearance of another dwelling or habitable structure which is not completed. It comprises unrendered blockwork walls while the roof battens and felt are exposed with no covering. Windows and doors are in place but do not appear to be permanently fixed or finished.
- 1.3. Boundaries to the site comprise low drystone walls. Surrounding land is predominantly in agricultural use with some farmyards and agricultural buildings visible from the site.
- 1.4. The dwelling on the site comprises a protected structure. RPS no. 619 refers.

2.0 Proposed Development

- 2.1. Retention and planning permission are sought for development which comprises the following:
 - Retention permission is sought to retain demolition of a 47m² dry stone shed with flag stone roof tiles previously located at the rear of and within the curtilage of a protected structure.
 - Retention permission is sought to retain the partially constructed 52.2m² blockwork structure currently in place of the shed and planning permission is sought to carry out alterations to that same structure comprising of the following:
 - lowering the roof and altering its profile to include a flat roof to the rear,
 - Altering the fenestration and doors including removal of one window on the front elevation,
 - Providing a stone cladding finish externally and utilising the original flag stones on the roof.

- Change its use to a home office with ancillary domestic rooms and
- All ancillary site works.
- Retention permission is also sought for alterations to the protected structure dwelling comprising changes to previously permitted fenestration arrangements, as permitted under ref. P19-399.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. A notification of split decision was issued by Clare County Council on 13th March 2025 which:

- Granted retention permission for alterations to the dwelling subject to one standard condition requiring adherence to plans and particulars received with the application.
- Refused permission to retain demolition of the shed and retain the existing blockwork structure for one reason set out in Schedule 3 as follows:

1. The Planning Authority considers that the outbuilding which is the subject of the application for retention is part of the protected structure no. 619 and which is identified in the record of protected structures as 'a four bay single storey detached cottage built c.1830 with a lean to shed to gable end and a detached outbuilding to the rear'. Section 57 (10) of the Planning and Development Act 2000, as amended, states that the Planning Authority or the Board, on appeal, shall not grant permission for the demolition of protected structure or proposed protected structure save in exceptional circumstances. The Planning Authority is not satisfied having regard to the information received that exceptional circumstances have been demonstrated in this instance. The proposed retention and completion, if permitted, would set an undesirable precedent for other such development proposals, would be contrary to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and would be contrary to the provisions of CDP 16.2, Protected Structures, of the Clare County Development Plan 2023-2029,

where is an objective to protect, as set out in the Record of Protected Structures, all structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. The development therefore would be contrary to the proper planning and development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planners report recommendation to issue a split decision is consistent with the notification of decision which issued.
- Appropriate Assessment (AA) and Environmental Impact Assessment (EIA) issues are both screened out.
- The report considered the demolished shed constituted a protected structure as it was specifically referred to in the record entry for RPS no.619.
- It refers to Section 6.14.3 of the Architectural Heritage Protection Guidelines which states '*it should be noted that the planning legislation has been found to make no provision for applications to be made to retain the demolition of a structure, that is after, an unauthorized demolition has taken place. Therefore a Planning Authority that receives an application for the retention of the demolition of protected structure should not consider the application. Consideration instead should be given as to whether enforcement action is appropriate*'.
- Regarding proposed alterations to the blockwork structure to be retained as well as changing its use to a home office, the Case Planner considered there was no objection in principle in terms of the visual appearance and design however the proposed alterations would ultimately not make good the demolition of the original structure which was considered the fundamental issue and therefore the Planning Authority could not permit this aspect of the development.
- In relation to alterations carried out to the main dwelling, the report states '*it is not considered that the alterations have materially adversely affected the character of the protected structure in so far as it related to the cottage. This aspect of the retention can be granted*'.

- An issue of flood risk was also discussed and the cause of flooding was attributed by the applicant to be caused by overgrowth at a drain outside of the applicants landholding. In this context the Case Planner did not recommend that refusing permission would be appropriate as there was insufficient information on the file to conclude with certainty that the works for retention are the sole cause of alleged flooding.

3.2.2. Other Technical Reports

- MD Office: Report received simply stating 'The MD Office has no observations in relation to the above application.'

3.3. Prescribed Bodies

The application was referred to the following prescribed bodies however no responses were received:

- Department of Housing, Local Government and Heritage, Development Applications Unit
- The Heritage Council
- Uisce Éireann
- An Taisce

3.4. Third Party Observations

None received.

4.0 Planning History

- 23/60072: retention and planning permission sought by Bebhinn Gleeson for (i) demolition of shed and the construction of new shed as built, (ii) permission to complete works to shed and all ancillary site works for use as a home office and ancillary domestic rooms (iii) Retention of alterations to fenestration of renovated cottage from that granted under Planning Reg. Ref. P19-399 Protected Structure RPS No. 619 applies. The application was withdrawn.

- 19/399: Planning permission granted to Bebhinn Gleeson to renovate the existing cottage which is a Protected Structure Ref. 619 and all associated site works.
- 16/358 Retention permission granted to Dolores Bolton to: a) retain single storey domestic extension to rear of dwelling house; b) retain domestic extension to front of dwelling house and to modify window design in this extension. The existing dwelling house is a protected structure Ref. 619.
- P8/ 91104. Planning permission granted for the construction of a back kitchen, bathroom, toilet, septic tank and install water and sewerage facilities in dwelling house at Kilconnell.
- UD 22/79 - Warning Letter served 26th October 2022- for the unauthorised demolition of a barn which is a protected structure (619) and the construction of a new building.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the Clare County Development Plan 2023-2029 (referred to hereafter as the CDP). The following objectives are noted:

- CDP16.1: It is an objective of Clare County Council:
 - a) To ensure the protection of the architectural heritage of County Clare through the identification of Protected Structures, the designation of Architectural Conservation Areas, the safeguarding of historic gardens, and the recognition of structures and elements that contribute positively to the vernacular and industrial heritage of the county; and
 - b) To ensure that the archaeological and architectural heritage of the county is not damaged either through direct destruction or by unsympathetic developments.
 - c) To support and promote architectural vernacular skills training and facilities in the county.

- CPP16.2: It is an objective of Clare County Council:
 - a) To protect, as set out in the Record of Protected Structures, all structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social, or technical interest; and
 - b) To review the Record of Protected Structures periodically and add structures of special interest as appropriate, including significant elements of industrial, maritime or vernacular heritage and any twentieth century structures of merit.

- 5.1.2. There is a protected structure on the site referred to as RPS no. 619 which is described in the record of protected structures as a stone slate cottage with the following summary description:

Four-bay single-storey detached cottage, built c.1820. Lean-to shed to gable end and detached outbuilding to rear. Mix of Moher slate and smoother stone slate to roof which has a modern skylight. Double course of slates at eaves, pointing to slates and plastic rain water goods. Square-headed openings with replacement timber doors and windows. Smooth rendered concrete walls. Rubble stone enclosing wall to garden. Marked on the 1842 and 1916 Ordnance Survey maps.

- 5.1.3. There are also protected structures on the adjacent properties comprising additional similar stone cottages with outbuildings all referred to in their respective RPS descriptions. RPS nos. 618, 620 and 625 apply.

5.2. Section 28 Architectural Heritage Protection Guidelines for Planning Authorities

- 5.2.1. The guidelines are a resource both for Planning Authorities and private individuals for guiding best practice in developments affecting protected structures, vernacular architectural heritage and development in Architectural Conservation Areas etc.
- 5.2.2. Section 6.14 provides detailed guidance to support Planning Authorities when a protected structure is the subject of development proposals requiring retention permission and states the following:

It should be noted that the planning legislation has been found to make no provision for applications to be made to 'retain' the demolition of a structure, that is, after an unauthorised demolition has taken place. Therefore, a planning authority that receives an application for the retention of the demolition of a protected structure should not consider that application. Consideration instead should be given as to whether enforcement action is appropriate.

5.3. Natural Heritage Designations

- 5.3.1. The Cliffs of Moher Special Protection Area (SPA) is situated 600m west of the site and also encompasses the Cliffs of Moher proposed Natural Heritage Area which is situated 900m west.
- 5.3.2. The Inagh River Estuary Special Area of Conservation (SAC) and proposed Natural Heritage Area is situated 5.3km east of the site.

5.4. EIA Screening

- 5.4.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

6.0 The Appeal

6.1. Grounds of Appeal

- The appeal relates only to the element of development which was refused permission, namely that relating to retention of demolition of the outbuilding. The appeal specifically does not contest the grant of permission issued to retain elevational alterations for the main dwelling.
- The decision to refuse permission fails to make a balanced consideration of the special heritage features of the property and how this applies to the outbuilding.

- The Planning Authority's reasoning is based on an 'extra ordinary interpretation and application' of legislation and guidelines. A reasonable interpretation, together with the exceptional circumstances outlined in the appeal, concludes that the development is consistent with the proper planning and sustainable development of the area.
- The outbuilding was demolished and rebuilt in error on the mistaken understanding at the time that planning permission was not required. The appeal states that this work was carried out *'in the absence of an informed understanding of the implications of the RPS heritage designation. The applicant has advised that it had been expressly (incorrectly) advised that the structure wasn't listed and applying for retention was the appropriate action.'*
- It is not sought to retain the reconstructed outbuilding as currently constructed, but to implement the significant alterations outlined in the Conservation Report and reflected in the development description.
- Pre-planning consultation was undertaken with the then Conservation Officer of the Local Authority with no reference made to the fundamental reason for refusal as issued. The applicant *'feels somewhat disenfranchised by the planning process in this instance, when it (the applicant) has presented a legitimate, practical and conservation-based approach to remedy this situation and negate any detrimental effect to the protected structure.'*
- A structural survey was conducted prior to demolition of the structure and is provided with the appeal. It highlights the poor structural condition of the then outbuilding, indicating that it was beyond *'any practical and feasible preservation or conservation of it, let alone any functional adaption of it without realistically, reconstruction of the majority if not all of it.'* It concludes by recommending demolition of the shed and that it would not be financially or practically viable to retain the stone façade in order to bring the shed up to habitable standards. The appeal goes on to state that these clarifications are not intended to justify or condone the demolition but rather to explain the circumstances which led to the current situation.
- Aside from matters of conservation and built heritage as discussed later in the appeal, it is suggested that the principle of providing an outbuilding to the rear,

carrying out the proposed design alterations and changing its use to ancillary domestic purposes are all acceptable.

- Regarding exceptional circumstances as referred to in Section 57(10)(b) of the Planning and Development Act 2000 (as amended), the appeal suggests that the Local Authority's reason for refusal does not suggest that exceptional circumstances do not exist, but rather that they have not been demonstrated. It also highlights that the term "exceptional circumstances" is not defined in planning legislation or the Architectural Heritage Guidelines (hereafter referred to as the guidelines).
- Section 6.8.11 of guidelines outlines requirements to justify demolition as part of a proposed development and therefore the appeal suggests that the principle of demolition may be acceptable in circumstances. Similarly, the appeal contends there are no references in the CDP which expressly prohibit demolition of protected structures.
- The appeal interprets exceptional circumstances as '*a unique and compelling situation that justifies the demolition and rebuilding of the outbuilding – an action that, if not undertaken, could be detrimental to the preservation of the protected structure*'.
- The following is a summary of 8no. points outlined in the appeal demonstrating why exceptional circumstances exist in this case:
 - Misguided approach following incorrect advices and a lack of familiarity with the Irish planning code and protected structures.
 - It is unreasonable to apply the same level of sensitivity in the RPS designation to the outbuilding as the dwelling and furthermore, the RPS designation cannot reasonably be interpreted to include the outbuilding.
 - Cartography evidence suggests the dates provided on the RPS description are incorrect. The appeal contends that the outbuilding was most likely not present prior to 1924 and '*its construction certainly postdates the construction of the cottage by possibly in excess of 100 years.*' The aforementioned structural survey, prepared by an Engineer, suggests the building could date from the 1970s.

- Structural instability of the outbuilding meant it would not be feasible or safe to retain and renovate it for purposes incidental to the main cottage. The applicant therefore considered there was no structural or conservation requirement to conserve the outbuilding. Further, preserving it in its previous state prevents any sustainable 'and appropriate use' of the property for modern habitable requirements. Rebuilding the outbuilding has enabled adaptive reuse of it, contributing to viability of the property.
- The proposed alterations to the as-built outbuilding would not result in the loss of any special conservation features and by replicating the original scale, form and character, will preserve the cottage's historic setting and context. Therefore, the proposed works would comply with section 13.5 of the Guidelines relating to 'Development within the Curtilage of a Protected Structure' and no net loss to heritage value would occur. The sensitive rebuilding represents effective preservation and conservation. The appeal notes that the works are ultimately not original however they re-establish the spatial arrangement between the cottage and outbuilding.
- The Conservation Report and Structural Survey comprise archival records of the outbuilding and therefore in the absence of any detrimental effect to the category of special interest for which the RPS was designated, no detrimental effect would occur following the implementation of the proposed alterations.
- Prior modifications and permitted proposals for alterations to the cottage have demonstrated the principle of alterations and capacity for change on the site. It is therefore reasonable to assume that consent for further and significant interventions would be forthcoming given the proposal related to works at the rear.
- The likelihood of setting a precedent is highly unlikely given the context and circumstances set out in the appeal, however a refusal of permission which does not consider the conservation led approach and remedial actions as set out in the application could subsequently lead to an undesirable precedent due to impacts to the setting of the cottage. The appeal suggests that the application and 8no. points are sufficiently robust to prevent

establishing a benchmark which could be applied elsewhere, i.e. the circumstances of the case are unique.

- Section 6.14 of the Guidelines recommend that the same consideration is given to a potential proposed development as to an application seeking retention of the same unauthorised works. The appeal submits that the proposal would have a negligible impact on the character of the protected structure due to retention of the spatial arrangement between the cottage and outbuilding. It suggests that the works seeking retention permission did not remove any features of special interest which formed the basis of the designation of the protected structure. Furthermore, the proposed installation of authentic windows, doors and rain water goods will represent an improvement over the previous non-original features.
- The proposed development complies with Objectives CDP16.1 and CDP16.2 of the Clare County Development Plan as it is not considered to be detrimental to the preservation of the protected structure as it has not resulted in adverse loss of special features of architectural heritage and that the proposed works are intended to preserve the architectural heritage of the property.

6.2. Planning Authority Response

- The Planning Authority does not accept the argument that a laypersons interpretation of the built heritage protection afforded to the property would suggest the protection relates solely to the cottage as the RPS description explicitly references the outbuilding.
- The response suggests that 'exceptional circumstances' in the context of built heritage may include matters relating to common good, or public safety/interest.
- Suggestions that the outbuilding is entirely of 1970s construction based on the condition of roof timbers could also be construed to mean the roof was repaired and replaced in the 1970s. Regardless, any conjecture regarding a date when the outbuilding was constructed does not detract from its protected status as it forms part of the RPS.
- Internal correspondence records on the RPS file note that the previous landowners were aware that the RPS designation would include both the dwelling

and outbuilding at the time of the site's inclusion on the RPS during the preparation of the 2011-2017 Clare County Development Plan.

- The Planning Authority considers that the use of the word 'shall' at Section 57(10) of the Planning and Development Act 2000 (as amended) does not confer any discretion on the Planning Authority or An Bord Pleanála. It also suggests that Section 6.14.3 of the Guidelines is emphatic regarding application for retention of the demolition of a protected structure.

7.0 Assessment

7.1. Introduction

- 7.1.1. The development subject of this appeal received a notification of a split decision from the Local Authority to grant retention permission for alterations to the dwelling on the site as per the first and second schedule of the notification of decision, and to refuse permission for all other works as set out in the third schedule. The appeal expressly relates solely to the third schedule refusal and in this regard I have noted the elements of work where retention permission is sought on the dwelling and have no objection or issue with same. The following assessment therefore relates only to the outbuilding which was refused retention and planning permission.
- 7.1.2. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:
- Exceptional circumstances
 - Built Heritage Impact

7.2. Exceptional Circumstances

- 7.2.1. In order to establish if the principle of the development is acceptable, it is necessary to examine Section 57(10)(b) of the Planning and Development Act 2000 (as

amended) as referenced in the reason for refusal. Section 57(10)(b) is set out as follows:

A planning authority, or the Board on appeal, shall not grant permission for the demolition of a protected structure or proposed protected structure, save in exceptional circumstances.

- 7.2.2. The Planning Authority refused permission on the basis that the applicant did not demonstrate exceptional circumstances however the appeal submits a range of factors to demonstrate why exceptional circumstances do exist in this case. It is noted that the term exceptional circumstances is not defined in the relevant legislation or guidelines.
- 7.2.3. The main factor put forward by the applicant is unfamiliarity with Irish planning codes and a misguided approach to refurbishing the outbuilding. In my opinion this is not a valid reason to comprise exceptionality. It may represent poor professional advices or a lack of due diligence however it is not exceptional in my view.
- 7.2.4. In a similar manner the appeal suggests that the granting of permission for previous alterations and extensions to the cottage structure implies there is a reasonable assumption that there is a capacity for change at the site and that consent for further significant interventions would be forthcoming. This suggestion has no regard to the undertaking of an assessment of each proposed development on its own merits, nor has it any regard to the scale of differences between elevational alterations to a structure and its entire removal.
- 7.2.5. The appeal refers to the wording of the RPS record and applying the same built heritage sensitivity to the outbuilding as the cottage. The full description of the record is outlined above in section 5.1.2 of this report and clearly identifies and includes the outbuilding. I do not agree with the appeal that there is ambiguity or a lack of clarity surrounding the inclusion of the outbuilding within the scope of protection afforded by the RPS designation and its description. In my view the outbuilding is afforded the same sensitivity and degree of protection as the dwelling on site. The description text provided in the RPS record does not provide any varying categories of protection.
- 7.2.6. The appeal questions the accuracy of the RPS description and the associated construction date of the outbuilding. I note the Conservation report submitted with

the application states the following regarding the construction period of the outbuilding:

“Although of vernacular construction, this outbuilding was a later addition to the original cottage, as evidenced by the historic 25-inch (188-1913) OS map, which indicates that the outbuilding was constructed at a later date to that time period.”

- 7.2.7. In my opinion however this matter is irrelevant as the inclusion of the site on the RPS, and particularly the clear and evident inclusion of the outbuilding as part of the description of the RPS record, means the outbuilding was subject to statutory protections which can only be removed via a set of procedures limited to the Local Authority’s powers and ultimately outside the scope of this appeal. The outbuilding is therefore subject to the protections afforded by its designation and inclusion on the RPS, regardless of its age.
- 7.2.8. The appeal outlines how the poor structural integrity of the outbuilding meant it would not be feasible or safe to retain and renovate it for purposes incidental to the main cottage and the applicant therefore considered there was no structural or conservation requirement to conserve the outbuilding. I again consider that this falls into the earlier category of either poor professional advices and/or a lack of due diligence which is not an exceptional circumstance. Further, with regard to the structural condition of the previous outbuilding, the appeal suggests that its preservation would have prevented its sustainable and appropriate use for modern habitable requirements. I do not consider this to comprise exceptionality as the preservation of the outbuilding as a structure for ancillary domestic storage use, continuing its previous use, is a feature common to many rural dwellings in Ireland. No justification has been provided in the application to demonstrate why a change of use is required and therefore I do not agree that the structural condition of the outbuilding precluded its preservation in the first instance.
- 7.2.9. The appeal suggests that the proposed alterations to the as-built outbuilding would not result in the loss of any special conservation features and by replicating the original scale, form and character, will preserve the cottages historic setting and context. This implies that the lack of any architectural heritage impact should be included as a factor of exceptionality which I disagree with as there has been a direct

loss of original building fabric, material and character which is proposed to be replaced with an imitation and pastiche structure. The replacement may aid in preserving the cottage's character but it does not address the loss of the original outbuilding itself.

- 7.2.10. Similarly, the appeal submits that there is now an archival record of the previous outbuilding in the form of the structural condition report and conservation report and therefore there is no detrimental impact to the character and setting of the cottage. This does not sufficiently address impacts to the outbuilding itself and therefore I do not consider that it comprises any exceptional circumstances.
- 7.2.11. Lastly, the appeal sets out an argument that it is unlikely that any undesirable precedent would be set given the alleged unique circumstances outlined. It suggests that these unique circumstances would be difficult to set a benchmark and replicate elsewhere and therefore the circumstances are exceptional. While agreeing that each site and building is individual and has its own context, I consider the principle of permitting retention permission to regularise demolition of a protected structure, on the basis of ignorance and alleged misinformation, is a highly undesirable approach and would set a worrying precedent. In my view, this is the exact spirit of why Section 57(10)(b) was provided for in the legislation.
- 7.2.12. I do not agree with the applicant that a failure to grant retention permission and adopt the proposed alterations could lead to an undesirable precedent due to the potential impact to the setting of the cottage. I consider the loss of the original outbuilding protected structure and its replacement with a modern structure to represent a higher likelihood of setting a poor precedent.
- 7.2.13. In conclusion, I consider that exceptional circumstances have not been demonstrated and therefore the principle of development not established. I recommend that permission is refused in accordance with Section 57(10)(b) of the Planning and Development Act 2000 (as amended) as the legislation is explicit and only permits a grant of permission for such developments in exceptional circumstances which have not been demonstrated in this instance.

7.3. Built Heritage Impact

- 7.3.1. The appeal suggests that the built heritage of the site is ultimately not affected as a conservation-based approach outlining proposed alterations to the existing outbuilding would negate any detrimental effect to the setting of the cottage. It also submits that rebuilding the outbuilding has enabled adaptive reuse of it, contributing to viability of the property and that this sensitive re-building represents effective preservation and conservation.
- 7.3.2. I disagree with this suggestion as the entire removal of the original building cannot, in my view, possibly comprise effective preservation and conservation. I consider a significant and detrimental effect has occurred to the outbuilding as its entire built fabric, construction and character has been lost. Its replacement with a modern blockwork structure with exterior stone cladding is a pastiche response which does not constitute an adaptive reuse in my view. Reuse would require actually utilising the original structure which is not proposed in this instance. Demolition and replacement with a modern blockwork structure is a materially different construction methodology to the previous drystone building which is not a sensitive approach in preserving and conserving the outbuilding.
- 7.3.3. I note the appeal submits that the building was in poor condition and therefore there was *'a unique and compelling situation that justifies the demolition and rebuilding of the outbuilding – an action that, if not undertaken, could be detrimental to the preservation of the protected structure'*. The outbuilding, which was a protected structure, was not however preserved. It was removed entirely and its replacement is a modern imitation. In my view, no justification has been provided to rationalise the loss of the outbuilding. I also do not agree that rebuilding the outbuilding has contributed to the viability of the property. No justification has been provided to demonstrate why a change of use to habitable standard ancillary accommodation is required in order to retain its viability as a rural home. In this regard I note the argument set out in the appeal regarding the principle of converting an outbuilding to habitable and ancillary domestic use however this is irrelevant in the context of a demolishing a protected structure in the first instance.
- 7.3.4. Retaining the spatial arrangement between the outbuilding and dwelling as emphasised in the appeal, carrying out the proposed alterations to the roof profile

and fenestration, and re-using the original roofing and external stone would indeed help to maintain the setting of the dwelling as well as adjacent protected structures, however it does not address the lost original fabric and construction of the outbuilding as it ultimately comprises a different structure.

- 7.3.5. The adjacent protected structures comprise RPS nos. 618, 620 and 625 which are all situated alongside the subject site forming a clochán or cluster of dwellings and outbuildings which are all subject to RPS designations. Each of their respective records includes references to their own outbuildings and therefore I consider there is a cumulative impact to be considered which is not addressed in the appeal or conservation report. The appeal focuses on restoring the spatial relationship between the outbuilding and cottage only but does not address the special architectural interest in the relationship and importance of outbuildings to the dwellings. The vernacular character and agrarian nature of the demolished outbuilding, and in each of the neighbouring respective outbuildings, gives the cumulative effect of a sense of place, architecture and design vernacular to that area. I do agree with the concept that adaption of such buildings should be permitted in order to maintain their vitality and vibrancy however this should not be at the cost of losing an entire structure in the first instance, particularly one which adds to the streetscape of the entire cluster of structures.
- 7.3.6. In this context, I consider the loss of the original building is detrimental to the special architectural character of the site as well as cumulatively to the adjacent protected structures and therefore does not comply with Objectives CDP16.1 and CDP16.2 of the Clare County Development Plan as the appeal suggests.

8.0 AA Screening

- 8.1. I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located 600m east of the Cliffs of Moher SPA and 5.3km west of the Inagh River Estuary SAC.
- 8.2. The proposed development comprises retention of demolition of a protected structure outbuilding, retention of a replacement building, planning permission to change its use to ancillary domestic purposes and carry out alterations to its

structure including changing the roof shape and fenestration alterations, as well as retention permission for elevational changes to the main dwelling on the site.

- 8.3. No nature conservation concerns were raised in the planning appeal.
- 8.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 8.5. The reason for this conclusion is as follows [insert as relevant]:
- The small scale and domestic nature of the works,
 - the location and distance from nearest bthe European site and lack of connections and
 - taking into account screening report/determination by LPA.
- 8.6. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation 1

- 9.1. I recommend that retention and planning permission is **refused** for works comprising ‘(I) retention permission for the demolition of the existing shed at the rear of the site, retention permission and planning permission to reduce the scale of the partially constructed replacement outbuilding and to repurpose this structure as a home office with ancillary domestic rooms, along with all associated site works’ for the following reasons and considerations:
1. Section 57 (10) of the Planning and Development Act 2000, as amended, states that the Planning Authority or the Board, on appeal, shall not grant permission for the demolition of a protected structure or proposed protected structure save in exceptional circumstances. Having regard to the information received relating to protected structure ref. no. RPS no. 619, it is considered that exceptional circumstances have not been satisfactorily demonstrated in this instance. The

proposed retention and completion, if permitted, would set an undesirable precedent for other such development proposals, would be contrary to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and would be contrary to the provisions of CDP16.1 and 16.2 of the Clare County Development Plan 2023-2029, where is an objective to ensure that the archaeological and architectural heritage of the county is not damaged through direct destruction and to protect, as set out in the Record of Protected Structures, all structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. The development therefore would be contrary to the proper planning and development of the area.

10.0 Recommendation 2

- 10.1. I recommend that retention permission is **GRANTED** for (II) minor alterations to previously approved fenestration arrangements of the renovated cottage, as granted under planning reg. ref. P19-399, for the following reasons and considerations:
- 10.2. Having regard to the location and character of the site and the protected structure RPS no. 619 thereon, and the surrounding area in an rural area together with the provisions of the Clare County Development Plan 2023-2029 including Objectives CDP16.1 and CDP16.2, it is considered that, subject to compliance with the conditions set out below, the scale and nature of the development is acceptable. The development would not seriously injure the visual or architectural amenity of the area. The development is, therefore, in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	The development shall be retained 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
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	<p>prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference P19-399 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.</p> <p>Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).</p>

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.

Sarah O'Mahony
Planning Inspector

16th July 2025

Form 1

EIA Pre-Screening

An Coimisiún Pleanála Case Reference	ACP-322232-25		
Proposed Development Summary	Retention: Demolition of the shed and reduction of the scale of partially constructed replacement outbuilding and to repurpose this structure as a home office. Retention also sought to regularise the minor alterations to previously approved renovated cottage, as granted under Planning Reg. Ref. P19-399. Protected Structure RPS No. 619 applies.		
Development Address	Kilconnell, Liscannor, Co. Clare, V95 NC56		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			Proceed to Q3.
No	X		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	N/A		EIA Mandatory EIAR required

No	N/A		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	N/A		Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____