



Board Direction

Ref: PL11.245301

The submissions on this file and the Inspector's report, together with the applicant's response to the Board's Section 132 notice of 16th December 2015, were considered at a Board meeting held on February 19th 2016.

The Board decided to grant permission, generally in accordance with the Inspector's recommendation, for the following reasons, considerations and conditions.

Reasons and Considerations

Having regard to the pattern of development in the area, to the planning history of the overall holding and to the modifications to the development as proposed in the applicant's response to the Board, it is considered that, subject to compliance with the conditions set out below, the proposed development, and the development for which retention is sought would not seriously injure the amenities of the area, would not be contrary to the provisions of the current Development Plan for the area and would not be prejudicial to public health. The proposed development, and the development for which retention is sought, would not, therefore, be contrary to the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, and carried out and completed, in accordance with the plans and particulars lodged with the application, as modified by the plans and particulars submitted to An Bord Pleanála on the 2nd day of February 2016, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The existing septic tank and percolation area that serves the existing cottage shall be removed, and the cottage shall be connected to the waste water treatment system serving the adjoining bungalow. The percolation area serving the latter shall be upgraded by the provision of a new percolation area, all as indicated on plans and particulars submitted to An Bord Pleanála on the 2nd day of February 2016. All of this work shall be carried out and completed within six months of the date of this order.

Reason: In the interests of public health, and as the existing cottage and its curtilage is of insufficient size to safely accommodate a separate wastewater treatment system without leading to conditions that would be prejudicial to public health.

3. The overall lands, consisting of the site of the existing cottage and the site of the existing bungalow, all as outlined in red on the drawings submitted with the application, shall be retained in a single ownership, and the site of the cottage (as shaded in grey on drawing no. 151-017-600 on site layout plan submitted to the planning authority on the 27th day of May 2015) shall not be sold, let or otherwise transferred or conveyed separate from the overall lands as outlined in red.

Reason: In the interest of orderly development, having regard to the submission made by the applicant as part of the appeal, and because the retention of the cottage cannot be justified as a separate site, having regard to its inadequate size, and the fact that it will not be serviced by any separate wastewater treatment system.

4. The 2 no. metal shed structures on site shall be solely used for purposes incidental to the enjoyment of the adjoining dwellings and for no other reason. No business, trade or commercial activity shall take place from the proposed development without a prior and separate grant of planning permission.

Reason: In the interest of orderly development.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

Note: The Board considered, in the circumstances of this case, that a refusal for the retention of the cottage – as had been decided by the Planning Authority and recommended by the Inspector - was not justified in the light of the applicant's appeal submission and his response to the Board's Section 132 Notice, including the modifications to the development therein outlined. In making its decision, the Board was, however, concerned that the modification of waste water arrangements on the overall lands would have to be carried out in a timely fashion, and therefore specified a period of six months in condition 2. The Board was also satisfied that the retention of the cottage could only be justified providing that the site of the cottage and the adjoining bungalow remained in the one single ownership, and therefore imposed condition 3.

Please issue a copy of this Direction with the Board Order.

Board Member: _____ Date: 29th February 2016
Philip Jones