

An  
Bord  
Pleanála

**Board Direction**  
**BD-015973-24**  
**ABP-316071-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/03/2024.

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

### **Reasons and Considerations**

1. Having regard to:

- the location of the site within a rural area,
- the proposed expansion of the existing industrial/commercial site onto agricultural land, and
- Objective RE01 and Section 12.4 of the Cavan County Development Plan 2022 – 2028,

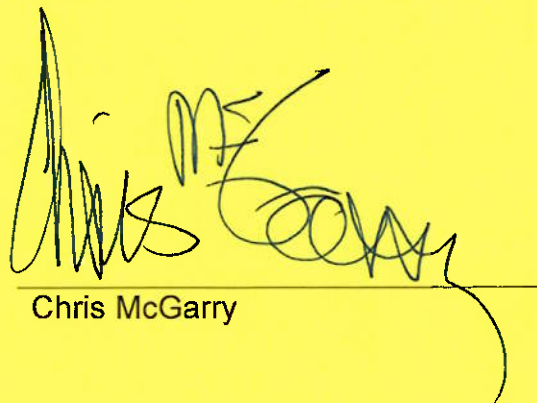
it is considered that, in the absence of any stated site-specific advantages or requirements for the applicant's non-rural based enterprise to be located on the existing site, the scale of the proposed expansion onto agricultural land within this rural area by means of the proposed building extension and accompanying enlarged parking and circulation area, the proposed development would be contrary to Objective RE01 and it would contravene the relevant provisions of the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the existing works at the application incorporating the provision of a yard surface, car parking spaces, and a retaining wall adjacent to the regional road, which do not appear to have the benefit of planning permission, and in the absence of specific referencing to these in the statutory notices accompanying the planning application and the absence of full detailed plans and particulars of these elements, submitted formally with the planning application in accordance with the relevant requirements of the Planning and Development Regulations 2001, as amended, to enable a determination of the proposed development and any elements of the development for which retention permission is sought, it is considered that any further development on the existing working site or adjoining land would be premature, in advance of a full planning assessment of these works and in advance of any possible regularisation of these works, which do not appear to have the benefit of planning permission.

**Note 1:** the Board noted the commentary of the inspector on the issue of whether or not the applicant has the benefit of consent from the owner of the lands in question. The Board considered that, ordinarily, this issue might at the least, warrant further consideration, or further information/clarification from the applicant, prior to reaching a final decision. However, having regard to the substantive reasons for refusal set out above, it was decided not to pursue this matter further in the context of the current appeal.

**Note 2:** the Board noted the commentary of the inspector, that some doubt exists as to the adequacy of the capacity of the proposed waste-water treatment system and that the applicant's proposals for the handling/treatment of surface water and water waste are in need of further development/justification. The Board considered that further information on these issues would ordinarily be warranted. However, having regard to the substantive reasons for refusal set out above, it was decided not to pursue this matter further in the context of the current appeal.

**Board Member**



Chris McGarry

**Date:** 03/04/2024