

An  
Bord  
Pleanála

**Board Direction**  
**BD-015748-24**  
**ABP-317553-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/02/2024.

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

### **Reasons and Considerations**

Having regard to the location of the site, the pattern of existing and permitted development in the vicinity, the planning history of the site, the provisions of the Carlow County Development Plan 2022-2028 and National Guidance as indicated in the Sustainable Rural Housing Guidelines 2005 and National Planning Framework 2040 it is considered that the proposed development would be in accordance with the policies of the Carlow County Development Plan including policies RHP1, NHP1, BHP1 and AHP1. It is also considered that, subject to compliance with the following conditions, the proposed development would not adversely impact the character of the area or be seriously injurious to the visual or residential amenities of the area. 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 on the 23rd January 2023 and 24th May

2023 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. 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 [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.

3. External finishes to the proposed development shall be in accordance with the details received by the planning authority on the on the 23rd January 2023 and 24th May 2023.

Reason: In the interest of visual amenity.

4. 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.

Reason: In the interest of visual amenity.

5 The developer shall enter into a water connection agreement with Uisce Éireann.

Reason: In the interest of public health.

6. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

(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 public health and traffic safety.

7 (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.

(b) No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

(c) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.

(e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

2. Details to comply with the requirements of this condition shall be submitted in a permission consequent to this grant of outline planning permission.

Reason: In the interest of public health.

8. The proposed entrance to the site shall be located at the point on the roadside frontage indicated in the details submitted to the planning authority on the 23rd January 2023 and 24th May 2023. Any removal of the roadside boundary to facilitate the provision of sightline shall be reconstructed behind the sightline visibility line and the reconstructed boundary and shall consist of native species hedgerows details of which are to be submitted to and agreed with the planning authority prior to the commencement of any development works on the site.

Reason: In the interest of traffic safety and visual amenity

9. The site shall be landscaped, using only indigenous deciduous trees and hedging species in accordance with the details submitted to the planning authority on the 23rd January 2023 and amended on the 24th May 2023. A timescale for implementation of the scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity

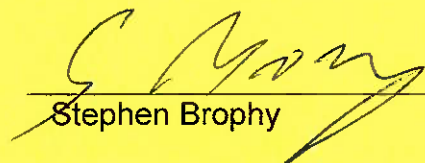
12. The use of the domestic garage shall be for private domestic use only solely incidental to the enjoyment of the dwellinghouse and not used for any commercial or trade purposed or for human habitation.

Reason: In the interests of clarity.

13. The applicant/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 Bord 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.

**Board Member**

  
\_\_\_\_\_  
Stephen Brophy

**Date:** 06/03/2024