

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Monaghan County

**Planning Register Reference Number: 15/160**

An Bord Pleanála Reference Number: PL 18.246181

**APPEAL** by Kaspars and Margaret Zusters care of Stephen Ward of Jocelyn House, Jocelyn Street, Dundalk, County Louth against the decision made on the 26<sup>th</sup> day of January, 2016 by Monaghan County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Retention of as constructed single storey domestic shed and front entrance wall, piers and gates and all associated site development works at Sra Townland, Ballybay, County Monaghan.

## DECISION

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

It is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be retained in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 22<sup>nd</sup> day of December, 2015, 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 and the development shall be retained in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed access arrangements together with a new gate and concrete post and timber rail boundary fence shall be constructed in accordance with the drawings submitted to the planning authority on the 22<sup>nd</sup> day of December, 2015.

**Reason:** In the interest of traffic safety.

3. The existing telegraph pole to the immediate east of the entrance shall be removed and relocated behind the new fence. Details of the relocation shall be agreed with the relevant public utility company prior to commencement of development.

**Reason:** In the interest of traffic safety.

4. The existing single storey domestic shed in the south-western corner of the site shall be used for purposes ancillary to the domestic dwelling and shall not be used for any commercial activity including commercial storage.

**Reason:** In the interest of the residential amenities of the area.

5. The site shall be landscaped in accordance with the details submitted to the planning authority on the 22<sup>nd</sup> day of December, 2015 using only indigenous deciduous trees and hedging species. The scheme shall include the following:

- (a) The establishment of a hedgerow to the rear of the proposed new concrete post and timber rail fence to the immediate east of the proposed entrance.
- (b) The planting of new hedgerows together with trees at 15 metre intervals around the remaining boundaries of the site.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

6. The 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 within three months of the date of this order 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.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2016.**