

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Galway County

Planning Register Reference Number: 15/1605

An Bord Pleanála Reference Number: PL 07.246357

APPEAL by Richard Roche care of Donal McCormack Design of Ballinrobe, County Mayo against the decision made on the 25th day of February, 2016 by Galway County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: (A) Retention of a domestic shed to the side of the existing dwellinghouse, and (B) permission for removal of lifetime enurement clause attached to previously approved planning permissions (planning register reference numbers 99/3053 and 02/2111) together with all associated services at Dooroy Townland, Clonbur, County Galway.

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

Having regard to: -

- (a) the provisions of the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005 in which it is stated that seven years would be an appropriate period for a planning condition restricting the occupancy of rural houses (Ref. Appendix 1),
- (b) the provisions of the current Galway County Development Plan, in particular objectives RHO 3, and RHO 13 which require Section 47 agreements to apply for a period of seven years,
- (c) the planning history of the subject house under planning register reference numbers 99/3053 and 02/2111 where condition number 1 restricted the occupancy of the house in perpetuity to the applicant, or to certain other persons by written agreement with the planning authority, and
- (d) the time period of approximately fourteen years that has elapsed since the construction and occupation of the house,

it is considered that, subject to compliance with the conditions set out below, it would not be appropriate to further restrict the occupancy of the dwelling, the proposed removal of the enurement clause and the proposed retention of the shed would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience, would not set a precedent for similar such development, and would not be contrary to the proper planning and sustainable development of the area.

CONDITIONS

- 1 The development shall be retained and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following condition.

Reason: In the interest of clarity.

2. The shed shall not be used for human habitation and shall only be used for domestic storage or for uses incidental to the dwellinghouse.

Reason: In the interest of clarity.

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

Dated this day of 2016.