

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Meath County

**Planning Register Reference Number: KA/160034**

An Bord Pleanála Reference Number: PL 17.246384

**APPEAL** by Anne Smith care of Frank Burke of Baldara, Trim Road, Navan, County Meath against the decision made on the 9<sup>th</sup> day of March, 2016 by Meath County Council to grant subject to conditions permission to Richard Smith care of Pat Dunne of Oakley Park, Kells, County Meath in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Retention of the demolition of two outbuildings previously on the site and the construction of a domestic garage/store incorporating fuel storage and lawnmowers area, heating boiler stove area and home craft room with an art office area and ancillary site works and permission to use the crafts room and art office area for the carrying out of home crafts to include picture framing and art work, and for the inscribing of medals and trophies, all at Foxfield, Rathmore, Athboy, County Meath.

## 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 the nature, scale and design of the previous and existing buildings, the limited scale of activity proposed, the pattern of development in the area, and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and carried out would not seriously injure the amenities of the area or of property in the vicinity, would not seriously compromise the safety or carrying capacity of a national road, would not be prejudicial to public health, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be retained and carried out in accordance with the plans and particulars lodged with the application, 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 retained and carried out in accordance with the agreed particulars.

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

2. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the structure proposed to be retained shall be restricted to the uses set out in the public notices and on drawing number RS.01/16.

**Reason:** In the interest of limiting commercial use in an unzoned rural area.

3. The use of the 'craft room' and 'office & art area', as indicated on drawing number RS.01/16, shall be subsidiary to the domestic use of the site, for one employee only, who is resident in the house.

**Reason:** To avoid the intensification of use of a private access onto a National road, in order to comply with the provisions of the "Spatial Planning and National Roads – Guidelines for Planning Authorities" issued by the Department of the Environment, Community and Local Government (2012).

4. The structure proposed to be retained shall not be sold or let independently of the main house, and when no longer required for use as 'craft room' and 'office and art area', those uses shall revert to a garage/shed/store use ancillary to the domestic use of the house.

**Reason:** The proposed uses, which are not tied to local rural resources, are acceptable only in relation to the occupant of the house, and would otherwise be more appropriately directed to a suitably zoned area.

5. The use of the 'garage area' and 'domestic store area' indicated on Drawing number RS.01/16 shall be strictly limited to uses ancillary to the domestic use of the house, and shall not be used for human habitation or trade or commercial uses.

**Reason:** In the interest of residential 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 prior to the 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.

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

**Dated this                      day of                      2016.**