



Planning and Development Acts 2000 to 2016

Planning Authority: Monaghan County Council

Planning Register Reference Number: 16/338

Appeal by Gerard Hughes care of Darragh McAdam Town Planning and Urban Design of 1 Knockview Gardens, Main Street, Augher, County Tyrone against the decision made on the 12th day of December, 2016 by Monaghan County Council to refuse permission for the proposed development.

Proposed Development: Retain single storey garage for storage and use incidental to dwelling house, retain use of yard area for parking of lorries and all associated site development works at Leitrim, Silverstream, 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

Having regard to the location of the subject site within an agricultural area, and the pattern of development in the vicinity, and having regard to the nature of the uses for which retention is sought, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would not seriously injure the residential or visual amenities of the area, would not conflict with the provisions of the Monaghan County Development Plan 2013 - 2019, and would be acceptable in terms of traffic safety and convenience. The development for which retention is sought would not, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board was of opinion that the garage structure for which retention is sought would not, by reason of its location, be visually obtrusive or impact negatively on the visual amenities of the area, and, by reason of its design and finishes, would read as an agricultural structure. Furthermore, the Board considered that the use of the garage structure for storage and hobby-related purposes, and the use of the yard for the parking of truck cabs, as limited by the conditions set out in the Board Order, would not conflict with the provisions of the Development Plan, and that the development as a whole would not be likely to lead to a traffic hazard, particularly in the light of the planning history referred to by the applicant. Any issue regarding non-compliance with conditions of the previous planning permission in relation to the cutting of the hedgerow adjoining the junction of the laneway with the local road is a matter for the planning authority in its enforcement function.

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by particulars submitted on the 22nd day of November 2016, 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. The garage structure shall be used solely for the storage of a single truck cab, for hobby-related purposes, and other domestic related vehicles and domestic-related storage, and shall not be used for any commercial purpose of any kind, nor for the repair or maintenance of any vehicles other than the single truck cab.

Reason: In the interest of clarity and to limit the use of the structure for the purposes for which planning permission was sought, in the interests of protecting the residential amenities of adjoining properties.

3. The yard area shall be used solely for the parking and storage of not more than five truck cabs owned and used by members of the applicant's family, and shall not be used for the parking, storage or maintenance of any other truck cabs, nor for the storage of any goods of materials. No truck trailers shall be stored, parked or maintained in this yard at any time. The yard shall not be used for the parking of any other truck cabs or trucks other than those owned and used by members of the applicant's family.

Reason: In the interest of clarity and to limit the use of the yard for the purposes for which planning permission was sought, in the interests of protecting the residential amenities of adjoining properties.

4. The landscaping indicated on drawing number 01-1074-02, as submitted on the 12th day of August 2016, shall be carried out and completed within nine months of the date of this order. The hedgerows and trees shall be permanently maintained following planting, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.

Reason: In the interest of visual amenity.

5. No advertisements, advertisement structures or signage of any kind shall be erected on the garage structure, nor within the curtilage of the site, nor at any point along the laneway, without a separate grant of planning permission.

Reason: In the interest of visual amenity.

6. Drainage arrangements, including the disposal of surface water from the yard, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

7. 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.

