



An  
Bord  
Pleanála

**Board Order  
PL 03.248981**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Clare County Council**

**Planning Register Reference Number: P17/81**

**Appeal** by Eoin Nash and Rupert Bagnall of Newpark, Rossmanagher, Sixmilebridge, County Clare against the decision made on the 7<sup>th</sup> day of July, 2017 by Clare County Council to grant subject to conditions a permission to David O'Donnell care of Fergal Coughlan of Tullyvaghan, Spanichill, Ennis, County Clare in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of (1) workshop, (2) portacabin and (3) modifications to front vehicular access gate and associated site works at Rossmanagher, Similebridge, County Clare.

### **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 provisions of section 6.7.13 Rural Enterprise and of Council policy Rural Enterprises Objective CDP6.20 in the Clare County Development Plan 2017-2023, the location of the site and pattern of development in the area, the nature and limited scale of the development and the separation distance to residential property, 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, including the amenities of residential property and would be consistent with the provisions of the statutory County Development Plan. 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, carried out 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 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 use of the workshop and associated portacabin shall be limited to the applicant's business only, as described in documentation submitted with the application and as further information.
- (b) The development shall not be used for retail activity for visiting members of the public.
- (c) No further change of use of the workshop or intensification of the permitted use, shall take place without prior consent of the planning authority.

**Reason:** In the interest of protecting the amenities, including residential and environmental amenities, of the area.

3. The development to be retained shall not be separated, by sale, lease or otherwise from the existing dwellinghouse on the landholding.

**Reason:** In the interest of proper planning and sustainable development, and in the interests of public health given the reliance on the existing dwellinghouse for services.

4. (a) All surface water generated within the boundaries of the site shall be collected and disposed of within the curtilage of the site to appropriately sized and designed soakpits.
- (b) All soiled surface water runoff shall be directed through hydrocarbon interceptors prior to discharge to soakpits.
- (c) Full details and drawings of the surface water drainage shall be submitted to the planning authority for its written agreement and shall be implemented within three months of the date of this decision.

**Reason:** To prevent environmental pollution.

5. All goods, including raw materials, manufactured goods, packaging and crates shall be stored within the enclosed buildings.

**Reason:** To prevent environmental pollution.

6. No signage, advertising structures/advertisements, shall be erected within the site, or on adjoining lands under the control of the applicant.

**Reason:** To protect the visual amenities of the area.

7. The operation shall be limited to between 0800 hours and 1800 hours Monday to Saturday, inclusive (excluding public holidays).

**Reason:** In the interest of residential amenity.

8. The developer shall pay to the planning authority a financial contribution of €3,769 (three thousand, seven hundred and sixty-nine euro) 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. The application of any indexation required by this condition 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.

