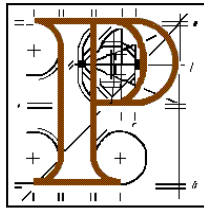


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

**Kerry County Council**

**Planning Register Reference Number: 17/240**

An Bord Pleanála Reference Number: ABP-300630-18

**APPEAL** by Dan and Carmel Hourigan care of James Wall Solicitors of Torc House, Dublin Road, Clane, County Kildare against the decision made on the 7<sup>th</sup> day of December, 2017 by Kerry County Council to grant subject to conditions a permission to Florence McCarthy care of Reeks Consulting Engineers of Rock Road, Killarney, County Kerry in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Retention of existing horse harnessing and grooming shed and retention and completion of existing stables/domestic shed and retention of boundary wall as constructed at rear of property at Loreto Road, Castlelough, Killarney, County Kerry. A further public notice was received by the planning authority on the 10<sup>th</sup> day of November, 2017.

## **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 planning history of the site, the pattern of development in the area and the historical presence of the jarvey business operating from the site, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought and the proposed development would be in accordance with 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, as amended by the further plans and particulars submitted on the 17<sup>th</sup> day of October, 2017 and 10<sup>th</sup> day of November, 2017, 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 recommencement of development and the development shall be retained and completed in accordance with the agreed particulars.

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

2. The following shall apply in relation to the use of the development:
- (a) A maximum of two number horses shall be kept on the site at any one time and only one jarvey carriage shall operate from the site.
  - (b) Save for the use of a car and standard horse box, there shall be no use of or parking of large vehicles within the site in association with the jarvey business.
  - (c) The eastern part of the stables/domestic shed labelled 'Existing Domestic Shed' shall be used for storage purposes in association with the use of the dwellinghouse and shall not be used for commercial or agricultural storage.

**Reason:** In the interest of clarity and to regulate the level of development.

3. The separation between the 'Existing Non Domestic Shed' and the 'Existing Domestic Shed' shall be divided with a solid concrete block wall, which shall be installed within three months of the date of this Order and which shall not contain a connecting door.

**Reason:** To enable regulation of the development in the interest of the proper planning and sustainable development of the area.

4. The following shall apply in relation to the operation of the development:
- (a) All uncontaminated roof waters from the horse harnessing and grooming shed and from the stables/domestic shed shall be piped to the on-site surface water drainage system in accordance with the details received by the planning authority on the 17<sup>th</sup> day of October, 2017.
  - (b) No surface water from the site shall be permitted to flow onto adjoining properties.
  - (c) All soiled waters from the horse harnessing and grooming shed and from the stables/domestic shed shall be connected to the underground soiled water storage tank, which shall be maintained fully water tight and shall not be permitted to overflow.
  - (d) All manure shall be removed regularly and not permitted to accumulate on site.

**Reason:** In the interest of clarity and to protect the residential amenities of the area.

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

**Dated this            day of            2018.**