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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Louth County Council**

**Planning Register Reference Number: 17674**

**Appeal** by David and Patricia Murphy care of P. Herr and Associates of Block 4, Third Floor, Quayside Business Park, Mill Street, Dundalk, County Louth against the decision made on the 11<sup>th</sup> day of May, 2018 by Louth County Council to grant subject to conditions permission to Tom Rogers care of Colm G. Holmes and Associates Limited of 'Bearná', Jenkinstown, Dundalk, County Louth in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The retention of four number metal containers used for domestic storage and animal feed for stables to rear of existing dwellinghouse and all associated site works at Tateetra, Newtownbalregan, Dundalk, County Louth as amended by the revised newspaper notice received by the planning authority on the 19th day of April, 2018.

**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 agricultural use of the development proposed for retention, its scale and form and location adjoining existing rural development and removed from the public road, it is considered that the development proposed for retention, subject to compliance with the conditions set out below, would be consistent with the policies of the Louth County Development Plan 2015 to 2021 for land falling within development control zone 4, greenbelt, and would be acceptable in terms of traffic safety. 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 in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 19th day of April 2018 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. Within 6 months of the date of this Order, the following works shall be carried out:
- (i) A post and rail fence shall be erected and maintained between the development proposed for retention and the adjoining commercial property, as indicated on Site Plan, Drawing Number TR2-001 Revision A, submitted to the planning authority on the 19th day of April, 2018. There shall be no vehicular access between the two properties.
  - (ii) The containers shall be reoriented by 180 degrees, so that the doors face southwards towards the dwelling and not towards the factory unit.

**Reason:** In the interest of orderly development.

3. The containers shall be used for agricultural storage only.

**Reason:** In the interest of orderly development, and to ensure that the development is used for the stated purpose and is accessed safely from the curtilage of the residential property.

4. 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 3 months 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.

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

**Dated this            day of            2018.**