



Planning and Development Acts 2000 to 2018

Planning Authority: Laois County Council

Planning Register Reference Number: 18/714

Appeal by Ballenline Limited care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare against the decision made on the 22nd day of January, 2019 by Laois County Council to grant subject to conditions a permission to Catherine McCann care of Ruairi Whelan of Treascon, Portarlinton, County Laois in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of an unauthorised mobile home and all associated site works, at Ballymorris, Portarlinton, County Laois.

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.

Reasons and Considerations

Having regard to the nature and scale of the development proposed to be retained and to the character and pattern of development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the amenities of property in the vicinity of the site, would be acceptable in terms of traffic safety and convenience, 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 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 within three months from the date of this order and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission shall be for a period of three years from the date of this order, unless prior to the expiry of such period, planning permission for the retention of the development for a further period shall have been granted by the planning authority or by An Bord Pleanála on appeal.

Reason: In order to facilitate the monitoring of the impact of the proposed development and to allow for the further assessment of the impact of the development on the amenities of the area in light of the circumstances prevailing at the end of this three-year period.

3. The development shall be retained solely for use as study and storage room accommodation ancillary to the use of the dwelling on site. It shall not be used as a place of temporary or permanent residence nor shall it be used for the provision of overnight accommodation. It shall not be used for the carrying out of any business, trade or other commercial activity and shall not be sold on or sublet separate to the dwelling without a prior grant of planning permission having been obtained.

Reason: In the interest of clarity and to prevent over-intensification of use of the site.

4. The development proposed to be retained shall not be connected to the existing on-site septic tank drainage system.

Reason: In the interest of public health and to prevent unauthorised use of the development.

5. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure a proper standard of development in the interest of the proper planning and sustainable development of the area.

6. The original agricultural entrance to the site from the private laneway running to the south of the site shall be re-instated and the entrance and southern boundary shall be completed and landscaped in accordance with a scheme of supplementary boundary planting and landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order. The agreed scheme shall include a timeframe for its implementation and arrangements for re-planting in the event that initial planting fails.

Reason: In order to prevent over-intensification of use of the access from the private laneway running along the southern boundary of the site and in the interest of visual amenity.

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 3 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.

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.

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

Dated this day of 2019.