



Planning and Development Acts 2000 to 2019

Planning Authority: Wexford County Council

Planning Register Reference Number: 20191166

Appeal by Séamus Redmond of Clonnasheeoge, Ballymurn, Enniscorthy, County Wexford against the decision made on the 4th day of October, 2019 by Wexford County Council to grant subject to conditions a permission to Shannon White of Seaview Cottage, Knottown, Ardavan, County Wexford in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of log cabin and concrete base for use as a domestic store/studio and retention of timber post and panel fence and associated works at Seaview Cottage, Knottown Lane, Ardavan, County Wexford.

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 site's location and the policy and objectives as set out in the Wexford Town and Environs Development Plan 2009 (extended to 2019) in respect of residential development, the nature, scale and design of the development for which retention is sought, to the pattern of existing and permitted development in the area, 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 and would be acceptable in terms of pedestrian and traffic safety. The subject development 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the log cabin shall be restricted to use for domestic storage, incidental to the main dwelling on site, and private studio (not open to the public) unless otherwise authorised by a prior grant of planning permission, and shall not be used for human habitation.
- (b) Within six months of the date of this Order, all kitchen appliances, fixtures and fittings, and WC facilities within the log cabin shall be removed, and existing connections from these to the septic tank system shall be disconnected. Evidence of such works, including photographs, shall be submitted to the planning authority upon completion.

- (c) Within three months of the date of this Order, the existing roadside fence shall be reduced in height so that it is no more than 1.2 metres above the internal (site) level. Evidence of such works, including photographs, shall be submitted to the planning authority upon completion. Any hedging on the exterior (roadside) side of the fence shall be maintained at the same height as the fence, when reduced.

Reason: In the interests of clarity, and of pedestrian and traffic safety.

3. The permission for the retention of the log cabin shall be for a period of five years from the date of this Order. The log cabin, including the base, shall then be removed unless, prior to the end of the period, planning permission shall have been granted for its retention for a further period.

Reason: To enable the planning authority to review the use and maintenance of the log cabin over the stated time period, having regard to the circumstances then prevailing, and in the interest of orderly development.

4. The log cabin shall not be let, sold or otherwise transferred or conveyed, except as part of the overall site that contains the existing dwelling, as outlined in red on submitted drawings.

Reason: In the interest of clarity and to delimit the extent of ownership of the development hereby permitted and prevent the severing of the log cabin from the remainder of the holding.

5. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Surface water from the site shall not discharge onto adjoining property, but shall be disposed of on site.

Reason: In the interests of public health and residential amenity.

6. 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.

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.

Philip Jones

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.