



Planning and Development Acts 2000 to 2019

Planning Authority: Kildare County Council

Planning Register Reference Number: 19/261

Appeal by Anne Marie Casey care of Derek Whyte of Great Connell, Newbridge, County Kildare against the decision made on the 26th day of November, 2019 by Kildare County Council to refuse permission for the proposed development.

Proposed Development: The construction of shed for storage of agricultural machinery and domestic storage with attached stable block consisting of two stables and a tack room and all associated site works at Curryhills, Prosperous, County Kildare.

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 information submitted in support of the appeal, to the provisions of the Kildare County Development Plan 2017-2023, to the pattern of development in the area and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development, would not give rise to traffic hazard, would not seriously injure the residential or visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 1st day of November, 2019 and by the details submitted to An Bord Pleanála on the 20th day of December, 2019, 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed shed shall be restricted to the storage of the agricultural machinery and domestic storage described in the details submitted to An Bord Pleanála on the 20th day of December, 2019, unless otherwise authorised by a prior grant of planning permission. No commercial activity is permitted.

Reason: To clarify the permission granted and to protect the amenities of property in the vicinity.

3. A full landscaping plan for the site shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. A clear site layout plan shall be submitted to the planning authority which clearly delineates the hard-standing areas of the overall site and the open space/soft landscaped area. All trees and hedgerows within and on the boundaries of the site shall be retained and shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species.

Reason: In the interest of visual amenity.

4. All foul effluent and slurry generated by the proposed development shall be conveyed through properly constructed channels to the proposed storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road. Details of the capacity of the dungstead and the effluent holding tank shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of any development on site.

Reason: In the interest of public health.

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

Dated this day of 2020.