Board Order

ABP-307890-20

Planning and Development Acts 2000 to 2020

Planning Authority: Cavan County Council

Planning Register Reference Number: 20/205

Appeal by R. Lee of 21 Grove Park, Rathmines, Dublin against the decision made on the 15th day of July, 2020 by Cavan County Council to grant subject to conditions a permission to Yvonne and Michael Turton care of Smith Associates of "Fairview House", Deanery Street, Belturbet, County Cavan in accordance with plans and particulars lodged with the said Council:

Proposed Development: Change of use from a holiday home to permanent residence, all at 7 Corraback, Belturbet, County Cavan.

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.

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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 location of the development, and the precedent established for the proposed change of use sought under this application, it is considered that, subject to compliance with the conditions set out below, the proposed change of use of the dwelling from holiday home to permanent residence would not seriously injure the amenities of the area, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health and the environment. The proposed change of use would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that, having regard to the additional information supplied in relation to the adequacy of the existing proprietary wastewater treatment system serving the site and the screening for appropriate assessment, as well as taking into account relevant precedent decisions made by the planning authority in the immediate vicinity, the proposed change of use to a permanent residence would not have a detrimental impact on the area, on amenities or on the adjacent designated site. The Board further considered that the matter before the Board for

determination in relation to the proposed change of use to a permanent residence was appropriate and that the issue of housing need did not arise in this instance, and the issues could be determined within the scope of the existing planning application.

Conditions

1. The development shall be carried out and completed 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 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. (a)   The proposed dwelling shall be occupied as the place of residence of the applicant for a period of seven years, unless consent is granted by the planning authority for its occupation by other person who belong to the same category of housing need as the applicant.

    (b)   Within two months, the applicant shall submit to the Planning Authority, a written statement of the confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

(c)   This condition shall not affect the sale of the dwelling by a mortgagee in possession or by any person deriving title from such a sale.

Reason: In the interest of proper planning and sustainable development.

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

Dated this   day of   2021.