



An  
Bord  
Pleanála

Board Order  
ABP-309930-21

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 20/00525**

**Appeal** by Shane and Melissa Kingston of Kilonan East, Dunmanway, County Cork against the decision made on the 16<sup>th</sup> day of March, 2021 by Cork County Council to grant subject to conditions a permission to John Helen care of Declan O'Shea of Market Square, Dunmanway, County Cork in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Retention of car repair shed for personal use at Kilonane East, Dunmanway, County Cork.

## **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 nature and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The retention of the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development for which retention is sought shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 18<sup>th</sup> day of February 2021, 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 and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The use of the shed shall be related to use for domestic and farm-related storage purposes and the repair of farm machinery and for limited car repair in accordance with condition number 3 below.

**Reason:** To ensure that the use of the building provides for activities appropriate to a rural area.

3. The following shall apply in relation to any car repair activity:
  - (a) the use shall be for personal use and shall not be commercial or for profit, and
  - (b) no car paint spraying shall take place.

**Reason:** To provide for a limited non-commercial recreational activity carried out by a family member.

4. Within three months of the date of this Order, the applicant shall submit to, and agree in writing with the planning authority, a plan for the separation and suitable storage and disposal of all wastes.

**Reason:** To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and the prevention of pollution.

5. The noise shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at any point along the boundary of the site between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

*Dr. Maria Fitzgerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

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

Dated this *29<sup>th</sup>* day of *July* 2021.

