

---

**Planning and Development Acts 2000 to 2020**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: 21/50321**

**Appeal** by John Hogan of Marina View Guest House, Marina View, Dinglei Cough, West End, Bundoran, County Donegal against the decision made on the 15<sup>th</sup> day of April, 2021 by Donegal County Council to grant subject to conditions a permission to Nollaig McGovern care of James Keenan of Rock Road, Ardfarna, Bundoran, County Donegal in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Retention of (1) change of use from tennis court to garden enclosure and (2) erection of polytunnel for flower growing and all associated site works at Dinglei Cough, Magheracar, Bundoran, County Donegal.

**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.

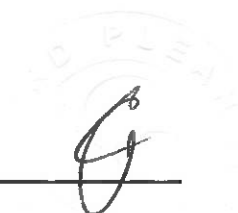
## Reasons and Considerations

Having regard to the zoning objective relating to the site which seeks to make provision for new and maintain existing recreational facilities it is considered that, subject to compliance with the conditions set out below, the retention of the polytunnel and garden enclosure would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and convenience. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained 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 retained and completed in accordance with the agreed particulars.

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

A circular official stamp of An Bord Pleanála is visible in the bottom right corner, partially overlapping the signature. The stamp contains the text 'AN BORD PLEANÁLA' around the perimeter. A handwritten signature, appearing to be 'G', is written over the stamp.

2. The polytunnel shall not be used for commercial/retail use.

**Reason:** To define the terms of the conditions and in the interest of orderly development.

3. Details of the proposed boundary treatment including any fencing and hedging shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenities.

4. Surface water and drainage arrangements including the attenuation of surface water shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of public health.

A handwritten signature in black ink is written over a faint, circular official stamp. The stamp contains the text 'AN BORD PLEANÁLA' around the perimeter. The signature is a stylized, cursive 'J' or similar character.

5. All waste associated with the development shall be disposed of in accordance with the requirements of the planning authority. Details of all waste associated with the development shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of orderly development.



---

**John Connolly**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this 4<sup>th</sup> day of NOVEMBER 2021