



Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 22282

Appeal by Patrick McGeeney care of Declan P. Walsh and Company of Main Road, Tullyallen Village, Drogheda, County Louth against the decision made on the 26th day of May, 2022, by Louth County Council to refuse permission for the proposed development.

Proposed Development: Retention permission is sought for outbuilding as laid out and constructed for domestic use only ancillary to dwellinghouse all at Tullydonnell, Dunleer, County Louth.

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.

Reasons and Considerations

Having regard to the nature, size and scale of the outbuilding to be retained, its setting within a rural area and the pattern of development in the vicinity, it is

considered that, subject to compliance with the conditions set out below, the outbuilding would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be prejudicial to public health, and would, otherwise, 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. The outbuilding to be retained shall be used as a private domestic garage solely for purposes incidental to the enjoyment of the dwelling, and shall not be used for commercial, trade or industrial purposes or for human habitation.

Reason: In the interest of residential amenity.

3. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Details of SuDS measures shall be submitted to and agreed in writing with the planning authority within three months from the date of this Order.

Reason: In the interest of public health.

4. 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 from 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.


Liam Bergin

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

Dated this 20 day of September 2023.