

Planning and Development Acts 2000 to 2021

Planning Authority: Roscommon County Council

Planning Register Reference Number: PD/22/8

Appeal by Join Our Boys Trust of Park House, Roscommon Town, County Roscommon against the decision made on the 25th day of August, 2022 by Roscommon County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Creation of a new vehicular and pedestrian entrance and carry out all ancillary site works at Ardsallagh More Townland, Roscommon, County Roscommon.

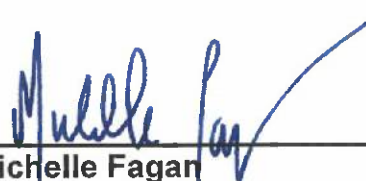
Decision

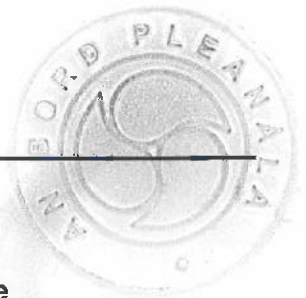
Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 2 and the reason therefor.

Reasons and Considerations

Having regard to the location of the proposed new entrance, and the residential use of the property, it is considered that the imposition of a section 47 agreement would be inappropriate given that the land is within the boundary of the site, and that the restriction on the position of the access gate to remain closed unless in active use, would be unnecessary for the purposes of orderly development and residential amenity, and would be an unwarranted imposition on the occupants of the residential property.

In not agreeing with the Inspector's recommendation to amend the condition to restrict the position of the gate in the proposed new vehicular and pedestrian entrance to closed unless in active use, the Board considered that the existing right of way which provides access to an agricultural field to the rear of the subject property, and is gated from Ardsallagh More, and which on the opening of the proposed access at Ard Aoibhinn would no longer be in daily use by the family, and did not concur with the view that this proposed new entrance would provide unfettered access by the residents of Ardsallagh More through the property of the occupants of the subject site, that would lead to a material intensification of use of the new access by third parties.


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



Dated this 14th day of December 2022