

Planning and Development Acts 2000 to 2022

Planning Authority: Laois County Council

Planning Register Reference Number: 22/421

Appeal by Michael and Catherine Purcell care of Dooley Cummins Architects and Engineers of Stanhope Street, Athy, County Kildare against the decision made on the 29th day of August, 2022 by Laois County Council to grant permission to Joseph and Margaret O'Keefe care of JK Design of Tullamoy, Stradbally, County Laois for the retention of (i) agricultural shed as constructed; (ii) stables as constructed and associated site works at Ballintubbert, Stradbally, County Laois in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for retention of stables as constructed for the reasons and considerations marked (1) under and subject to compliance with the conditions set out below. REFUSE permission for retention of the agricultural shed based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the nature and extent of this element of development proposed for retention, the history of on-site agricultural activity, and the existing character and pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the stables to be retained and completed would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, 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. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard;
 - (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system, and,

- (b) all soiled waters shall be directed to a storage tank. Drainage details shall be submitted to, and agreed in writing with, the planning authority, within three months of the date of this order.

Reason: In the interest of environmental protection and public health.

3. All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

Reason: In the interest of public health.

4. Slurry generated by the development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied, shall be in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2022 (SI No 113 of 2022).

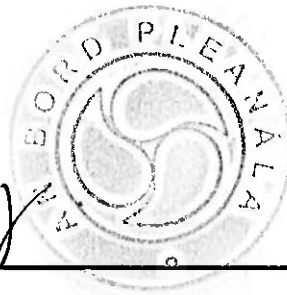
Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of water courses.

Reasons and Considerations (2)

1. Having regard to the proximity of the agricultural shed, which is proposed to be retained, to the existing dwellinghouse, the Board considered that the development proposed to be retained would adversely impact the residential amenity of the dwellinghouse.

2. Having regard to the lack of detail on file regarding dung storage, the Board could not be satisfied that the agricultural shed proposed to be retained would accord with the standards for agricultural buildings as set out in development management standard DM RL1 of the Laois County Development Plan 2021-2027.

In deciding not to accept the Inspector's recommendation to grant retention permission for the agricultural shed, the Board considered the proximity of the shed to the appellant's property, and the extent of the lands available to the developer.



Mary Cregg

Mary Cregg

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 3rd day of January 2024.