

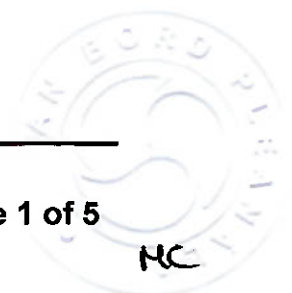
Planning and Development Acts 2000 to 2022

Planning Authority: Galway City Council

Planning Register Reference Number: 22/81

APPEAL by Jerry and Eileen D'Onofrio of 31 Kingston Road, Kingston, Galway against the decision made on the 19th day of December, 2022 by Galway City Council to grant subject to conditions a permission to Paul Cairns care of O'Neill O'Malley Architecture of Block 2/3 Technology House, Galway Technology Park, Parkmore, County Galway in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention and completion of an agricultural barn, six-bay stable building, roofed storage area and extension of walls and roof to existing machinery store along with site levelling and all ancillary site works and services, all at Kingston Road, Ragoon, Galway, as revised by the further public notices received by the planning authority on the 29th day of November, 2022 which included detailed locations of soakaways, described the uses of the agricultural buildings, and indicated that the farm is private and not commercial with no access for the general public.



Decision

GRANT permission for the above 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 provisions of the Galway City Development Plan 2023-2029, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and completed would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted that Section 11.1 of the Galway City Development Plan 2023-2029 states that extensions or improvements to premises accommodating non-conforming uses may be granted, subject to avoidance of injury to amenities. The Board shared the view of the planning authority that the development proposed to be retained and completed was acceptable in this regard. The Board agreed with the Inspector that, subject to compliance with conditions, the development proposed to be retained and completed would be compatible with the amenities of the area. However, the Board did not agree with the Inspector's assessment, as set out in section 7.14 of the Inspector's report, that the development proposed to be retained and completed does not come within the ambit of section 11.1 of the Galway City Development Plan. The Board considered that the construction of new buildings within an existing and long-established agricultural premises fell within the ambit of section 11.1 of the Galway City Development Plan.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 10th day of November, 2022, except as may otherwise be required in order to comply with the conditions set out below.

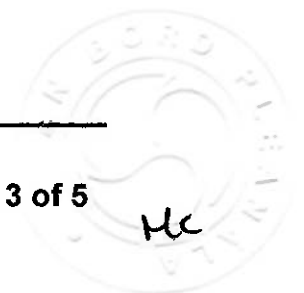
Reason: In the interest of clarity.

2. The buildings shall be used only for the agricultural uses related to those outlined in the details submitted to the planning authority, unless subject to a separate planning application.

Reason: In the interest of clarity and to ensure that the development is retained and completed in accordance with the permission, and that effective control is maintained.

3. Details of the materials, colours and textures of all the external finishes to the development shall be submitted to, and agreed in writing with, the planning authority.

Reason: In order to allow the planning authority to assess the impact of these matters on the visual amenity of the area and in the interest of orderly development.



4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

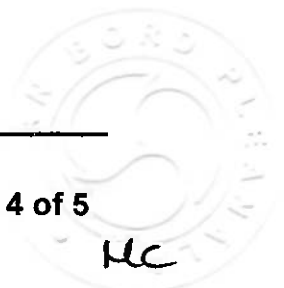
Reason: In order to safeguard the residential amenities of property in the vicinity.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services.

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

6. All foul effluent and slurry generated by the development proposed to be retained and completed in the farmyard shall be conveyed through properly constructed channels to storage facilities, the location and design of which shall be agreed with the planning authority. 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.



7. 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 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.




Mary Cregg

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

Dated this 31st day of January 2024.