

An  
Bord  
Pleanála

Board Order  
ABP-317145-23

---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Carlow County Council**

**Planning Register Reference Number: 22/350**

**Appeal** by Ann Nolan of Grangeford Old, Bennekerry, County Carlow against the decision made on the 24<sup>th</sup> day of April, 2023 by Carlow County Council to grant subject to conditions a permission to Margaret Moran care of Planning and Design Services of Carlow Gateway Business Centre, Athy Road, County Carlow in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of a domestic shed, as constructed, and permission for completion of same and all associated site works, all at Grangeford Old, Bennekerry, County Carlow.

## **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 provisions of the Carlow County Development Plan 2022-2028, including the zoning objective for the site (L - Agriculture), which seeks to retain and protect agricultural uses, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not represent a traffic hazard and 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, as amended by the further plans and particulars received by the planning authority on the 6<sup>th</sup> day of January, 2023 and the 5<sup>th</sup> day of April, 2023, 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 and completed in accordance with the agreed particulars.

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



2. The shed shall not be used for human habitation, commercial use, industrial use or for any other purpose other than a purpose incidental to the enjoyment of the dwelling. Access to the shed shall be via the applicant's own property only.

**Reason:** In the interest of residential amenity.

3. The proposed east side boundary fence shall consist of concrete post and timber panels, the exact height and location of which 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 visual amenity and traffic safety.

4. Details of the materials, colours and textures of all the external finishes 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 visual amenity.

5. Surface water from the site shall not be permitted to drain onto the adjoining public road.

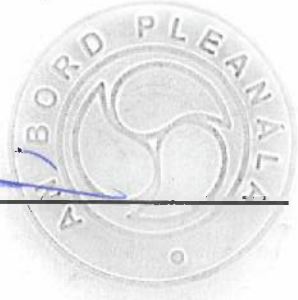

**Reason:** In the interest of traffic safety.

6. Site development and building works shall be carried out only between the hours of 0800 and 1900 Mondays to Fridays, inclusive, between 0800 and 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.

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 within three months of 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. The application of any indexation required by this condition 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.

**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 18 day of September 2023.