

An
Bord
Pleanála

Board Order ABP-317190-23

Planning and Development Acts 2000 to 2022

Planning Authority: Offaly County Council

Planning Register Reference Number: 23/122

Appeal by Niall Smith of Sranure, Clonygowan, County Offaly against the decision made on the 16th day of May, 2023 by Offaly County Council to grant subject to conditions a permission to Gary Mullins care of Ruari Whelan Consulting Engineers of Canal Road, Portarlinton, County Laois in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of an agricultural building and ancillary roadways to the rear of existing dwelling at Sranure, Cloneygowan, County Offaly.

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 policies and provisions contained in the Offaly County Development Plan 2021-2027, including policy REDP-10 which seeks to favourably consider proposals for on-farm based diversification which include specialist farming practices, including equine facilities, together with the modest scale and nature of the development proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the residential amenities of the area by way of excessive noise light pollution or odour and would be acceptable in terms of visual amenities. The development proposed to be retained 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. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. The developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority within three months of the date of this order.

Reason: To prevent flooding and in the interest of sustainable drainage.

3. During the operational phase of the development proposed to be retained, the noise level shall not exceed:

- (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and
- (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times (corrected for a tonal or impulsive component) as measured at any point along the boundary of the site.

Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this order.

Reason: To protect the residential amenities of property in the vicinity of the site.

4. Existing lighting within the yard area shall be cowled to ensure that no artificial lighting spills onto adjoining sites.

Reason: To protect the residential amenities of property in the vicinity.

5. The shed for which this grant of planning permission relates shall be used exclusively for equine and other agricultural activity only and shall not be used for commercial purposes other than general agriculture and equine specific activities.

Reason: In the interest of orderly development.

6. The dung heap on site shall be relocated to a point north of the shed the subject of this permission. The relocation of the dung heap shall be the subject of a written agreement with the planning authority.

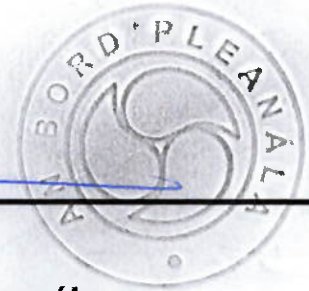
Reason: To protect the residential amenities of property in the vicinity.



Paul Caprani

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 25th day of September, 2024.