

An
Bord
Pleanála

Board Order
ABP-317269-23

Planning and Development Acts 2000 to 2022

Planning Authority: Carlow County Council

Planning Register Reference Number: 22386

Appeal by Eileen and Darran Hayes of Spahill, Borris, County Carlow against the decision made on the 10th day of May, 2023 by Carlow County Council to grant, subject to conditions, a permission to Sandra Doherty care of Byrne and McCabe Design of Upper Main Street, Graiguenamanagh, County Kilkenny in accordance with plans and particulars lodged with the said Council:

Proposed Development: The erection of portal frame shed for the use as a covered exercise area for equine purposes and all associated site works Spahill, Borris, County Carlow. The proposed development was revised by further public notices received by the planning authority on the 17th day of April 2023, and now includes retention permission for; (1) sand arena; (2) change of use of part of the garage to a stable; and (3) storage shed and all associated site works.

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 nature and scale of the proposed portal frame shed, and subject to compliance with the conditions set out below, it is considered that the development proposed to be retained and the proposed development would not seriously injure the visual or residential amenity of the area and would otherwise accord with the provisions of the Carlow County Development Plan 2022-2028, especially policy EQ.P1 and EQ.P2 in relation to equine development. The proposed development and the development proposed to be retained would be, therefore, in accordance with the proper planning and sustainable development of the area

Conditions

1. The development shall be retained, carried out 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 17th 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The external finish of all cladding, after weathering, shall be dark green/grey, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity of the rural area.

3. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

4. The development shall be used for equine purposes only and shall not be used for any commercial purposes other than is incidental to equestrian uses.

Reason: To regulate the development in the interest of orderly development and the visual amenity of the area.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0900 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 amenities of property in the vicinity.

6. Landscaping at the site shall be carried out in accordance with the details shown on the Landscaping Plan submitted to the planning authority on the 17th day of April 2023. The planting shall be carried out in the first planning season following the completion of the development. When planted, the trees/hedgerows shall be adequately protected from damage by animals and wind. Any failures within five years shall be replaced and the trees allowed to grow to maturity.

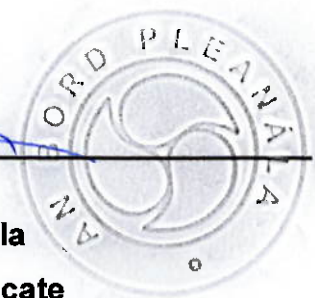
Reason: In the interest of the rural character and visual amenity of the area.

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 prior to commencement of development 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. 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.


Liam Bergin

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



Dated this 17th day of *Jul* 2024.