



An
Bord
Pleanála

Board Order ABP-319320-24

Planning and Development Acts 2000 to 2022

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 23/60606

Appeal by Shane Browner care of Seán Walsh of Grange, Mooncoin, County Kilkenny against the decision made on the 22nd day of February, 2024 by Kilkenny County Council to refuse permission.

Proposed Development: Retention of the existing shed and to indefinitely retain the change of use of the shed as a vehicle repair garage and all associated works, all at Corluddy, Mooncoin, County Kilkenny.

Decision

GRANT permission for the above development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to Section 7.3 (Remote Working and Home - Based Economic Activity in Rural Areas) of the Kilkenny City and County Development Plan 2021-2027, and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and the change of use would not seriously injure the visual amenities of the area or the residential amenity 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. The hours of operation shall be restricted to between 0800 to 1800 hours Mondays to Fridays, inclusive, and between 0900 to 1800 hours on Saturdays. The premises shall be closed on Sundays and on public holidays.

Reason: In the interest of adjoining residential amenity.

3. This permission is for a period of three years only. At the end of this period the use shall cease, unless a further period/period of indefinite duration for its continued use is granted.

Reason: In order to further monitor potential impacts in relation to noise on residential amenity.

4. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at any point along the boundary of the site shall not exceed:
- (i) A rating of Leq,1h value of 55 dB(A) during the period 0800 hours to 2200 hours from Monday to Saturday inclusive.
 - (ii) An Leq, 15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics – Description and Measurement of Environmental Noise.

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

5. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001 (as amended), shall be displayed or erected on the building exterior or within the curtilage of the site without a prior grant of planning permission.

Reason: In the interest of visual amenity.

6. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. All waste generated from the workshop shall be removed from the site and disposed of by holders of an appropriate waste permit.

Reason: In the interest of the proper planning and sustainable development of the area.

8. 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. 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.



Joe Boland

Member of An Bord Pleanála

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

Dated this 9TH day of October 2024.