

An
Bord
Pleanála

Board Order
ABP-319383-24

Planning and Development Acts 2000 to 2022

Planning Authority: Sligo County Council

Planning Register Reference Number: P.24/60003

Appeal by Garrett Carter care of J.P. Feeney of Red Gap One, Barnaderg, Grange, County Sligo against the decision made on the 4th day of March, 2024 by Sligo County Council to refuse permission for development comprising (1) retention of increase in domestic site area by 0.018 hectares (from 0.240 hectares to 0.258 hectares in total) along with ancillary site works, retention of one domestic shed as constructed with a gross area of 105.45 square metres along with ancillary works located to south-east of existing dwelling, and retention of connection to existing onsite wastewater treatment system serving existing dwelling from aforementioned domestic shed. (2) Permission for the proposed restoration and connecting extension to two existing outbuildings to east of existing dwelling, to provide additional accommodation dedicated to existing dwelling, proposed connection to existing onsite wastewater treatment system serving existing dwelling from proposed outbuilding accommodation, and all associated site works and landscaping at Lisheenacooravan, Knocknahur, County Sligo in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for retention of increase in domestic site area by 0.018 hectares (from 0.240 hectares to 0.258 hectares in total) along with ancillary site works, retention of one domestic shed as constructed with a gross area of 105.45 square metres along with ancillary works located to south-east of existing dwelling, and retention of connection to existing onsite wastewater treatment system serving existing dwelling from aforementioned domestic shed in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for the proposed restoration and connecting extension to two existing outbuildings to east of existing dwelling, to provide additional accommodation dedicated to existing dwelling, proposed connection to existing onsite wastewater treatment system serving existing dwelling from proposed outbuilding accommodation based on the reasons and considerations marked (2) under

Reasons and Considerations (1)

Having regard to the nature and scale of the development for which retention permission is sought, to the relevant provisions of the current Sligo County Development Plan and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the retention of the increase in the domestic site area, the retention of the domestic shed, and associated works including retention of the connection to the existing onsite wastewater treatment system, would not seriously injure the amenities of the site or of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of pedestrian and traffic safety and would otherwise constitute an acceptable form of development at this location.

In deciding not to accept the Inspector's recommendation to the Board to grant retention permission and permission for the overall development, the Board had regard to the totality of the documentation on file, including the report of the planning authority which stated that 'it is considered the principal family home currently facilitates the applicants housing need and is therefore not in compliance with the designated policy as per the County Development Plan'. On the facts as set out in the application and appeal documentation, the Board shared this opinion of the planning authority. Specifically, the Board noted the commentary of the applicants agent that, 'the applicant and his family currently number 5 people. The applicant's existing house has 4 bedrooms'. The applicants agent then noted that, '... the addition of partners and grandchildren would make current living arrangements more difficult'. The Board determined that the information on file relates to a desire for more space that may arise potentially from future changes, as opposed to a reasonable account of demonstrated need to provide an independent living unit for a family member and in this context did not share the opinion of the Inspector that the information provided on need seemed reasonable to him. In the absence of clear demonstrated need, it is considered that the proposed development would therefore not accord with any relevant provisions of the Sligo County Development Plan 2017-2023, or the Sligo County Development Plan 2024-2030. Furthermore, the Board determined that the substance of this issue has been fully ventilated in the application and appeal process and that the views of the applicant have been fully engaged with in reaching its decision.

Conditions

1. This element of the development shall be retained in accordance with the plans and particulars lodged with the application.

Reason: In the interest of clarity.

2. The domestic shed shall be used for purposes incidental to the enjoyment of the existing dwelling and shall not be used for human habitation.

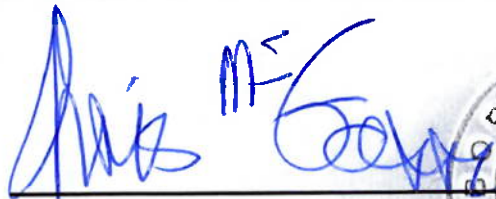
Reason: In the interest of proper planning and sustainable development.

3. 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.

Reasons and Considerations (2)

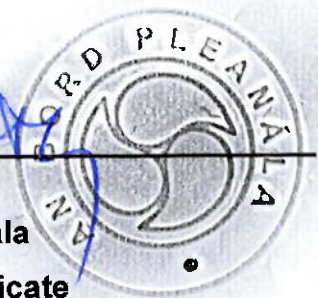
Having regard to the nature, scale and extent of the change of use, including additional floorspace within the connecting extension, to the specific detail set out in the application documentation as to the rationale for the proposed change of use, specifically the content and substance of the application and appeal documentation which fully ventilates the issue of argued need, to the assessment of this argued need by the planning authority wherein the report of the planning officer states that, 'it is considered the principal family home currently facilitates the applicants' housing need....' and to the relevant provisions of the Sligo County Development Plan 2024-2030, including policy 33.2.17 relating to independent living unit for a family member, and which requires that there is a demonstrated need to provide an independent living unit for a family member, it is considered that the proposed development would be inconsistent with the provisions of the statutory development plan and would constitute a significant additional amount of residential accommodation on site related to a desire for such accommodation, as opposed to a clearly demonstrated need. In the absence of clear demonstrated need, it is considered that the proposed development would therefore not accord with any relevant provisions of the Sligo County Development Plan. The proposed development, by itself and by the precedent it would set, would, therefore, be contrary to the proper planning and sustainable development of the area.



Chris McGarry

Member of An Bord Pleanála

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



Dated this  day of  2024.