



An
Bord
Pleanála

Inspector's Report PL10.247676.

Development	Outline planning permission for a dwelling and permission for the construction of stables, haybarn, horse walker building and all associated works.
Location	Gowran Demesne, Gowran, Co Kilkenny.
Planning Authority	Kilkenny County Council.
Planning Authority Reg. Ref.	16/75.
Applicants	Kieran and Caroline Treacy
Type of Application	Outline permission and permission.
Planning Authority Decision	Grant of outline planning permission and planning permission with conditions.
Type of Appeal	Third Party
Appellant	Joe Connolly.
Observer(s)	None.
Date of Site Inspection	15 th February 2017.
Inspector	Derek Daly.

1.0 Site Location and Description

- 1.1. The site is located in a rural area approximately 1.2 kilometres south east of the village of Gowran in County Kilkenny. The overall site has an area of 8.73 hectares and has a relatively small section of roadside frontage onto a local road in close proximity to a junction of the local road with the R702 Gowran Goresbridge Regional Route.
- 1.2. The site is irregular in configuration with a major north to south orientation. The access to the public road is located in the northeastern corner of the site. The site is currently in agricultural use with relatively recent fenced off areas for paddocks in the northern section of the site.
- 1.3. In relation to the site the section is also bisected by a watercourse, the Gowran River, over which a bridge appears to have been recently constructed. There is a surfaced road from the site entrance running roughly parallel to the eastern boundary of the site, which veers southwesterly to the bridge and then continues southwards terminating over half way down the site. The site has a gentle fall in a southerly direction and south of the river it is relatively flat.
- 1.4. In relation to development there is a dwelling the rear of which has a boundary with the appeal site located between the access and the river. The site's internal access road is within 3 metres of common boundary of this dwelling and the appeal site.

2.0 Proposed Development

- 2.1. The proposed development as submitted to the planning authority on the 16th of February 2016 comprises of two elements.
 - 2.1.1. The first was for outline planning permission for a dwelling and domestic garage, effluent treatment system and percolation area. The development would be located in the southern area of the site i.e. south of the river in relative close proximity to the eastern boundary. It would be served by an access drive off the internal road. The percolation area would be to the south of the dwelling. The means of water supply is a private well.

- 2.1.2. The second element is for permission for a cluster of buildings incorporating a stables with a stated area of 528.96 m²; a walker building with a stated area of 605.16m² and a haybarn with a stated area of 1,500m². The buildings are of a modern design and construction comprising framed structures with nap plaster external finish and cladded roofs. The height of the buildings varies with the maximum height of 6832mm for the haybarn. The cluster of buildings is located to the southwest of the proposed dwelling. Other features associated with the cluster include an over ground slurry tank with a capacity of 375m³ to the south of the haybarn; an underground water collection tank and two winter paddock areas.
- 2.1.3. Other aspects of the development include an upgraded access to the public road and reusing existing farm driveway including a hardcore surface.
- 2.1.4. A site suitability assessment was submitted and based on the results of the assessment the site was considered suitable for a septic tank and percolation area.
- 2.2. Further information was submitted on the 22nd of June 2016 including,
- Clarification in relation to the internal access road indicating that it is not the creation of a new route but it was in existence prior to the applicants purchasing the land and they have upgraded it with additional hardcore. An OS map indicates the presence of a road and letters confirming the presence and use of the internal road.
 - The only clearance work carried out is in the area of the sand arena and all trees were preserved.
 - The entrance to the lands remains an agricultural entrance; there is no commercial activity; all horses exercised and trained are the applicants and all works carried out to date comply with the exempted development regulations under Class 10.
 - The applicant was born and raised in Gowran along with his immediate family. He continues to reside in Gowran in a house he built in 1998. The applicants are heavily involved in equine sports, train and school their own horses and compete nationally and internationally. House currently resided in is indicated on a map.

- They need additional space as they have stables but no lands at their current location.
- The operation is family run and operated and the proposed development will enable them to enhance the potential of the operation.
- There are no specific hours of operation as the operations are dependent of the requirements of the equines.
- No additional staff are proposed in what is a family run operation and traffic arising will be restricted to family movements.
- A landscaping plan is submitted.
- In relation to the location of the access route but the route is in existence and was used by the previous landowner. The wall along the boundary is a protected structure. They use cars and have a lorry which is used occasionally and also a tractor. The previous owner used agricultural vehicles on the roadway.
- The applicants are prepared to provide additional screening along the boundary and install an electric gate and the entrance to minimise impact on residential amenity.

2.3. Further information was submitted on the 21st of October 2017 which refers to:

- The applicants fundamentally disagree with the need to relocate the internal access road given the history of a presence of a road.
- There has never been an issue in relation to this road.
- The applicant is prepared to provide screening.
- The road will be limited in its use to that of the family and no commercial traffic will occur.
- The nearest point of the road to a house is 31.5 metres and no way hinders the enjoyment of the dwelling.
- Relocating the road would be highly detrimental to the use of the field and visual appearance of the area.

- The applicants outline in length the history of the Demesne and the boundary wall and relocation of the road would place a new road at a higher level and why relocate a road which predates the dwelling to the east of the common boundary.

3.0 Planning Authority Decision

3.1. Decision

The planning authority granted outline planning permission for a dwelling and planning permission for the equestrian related development subject to 17 conditions. Among the conditions the following are noted.

- Condition no. 6 relates to an occupancy clause for the dwelling.
- Condition no. 14 relates to landscaping.
- Condition no.17 limits the use of the stables to private use and not for commercial use.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 6th of April 2014 refers to:

- The provisions of the development plan including reference to the settlement policy.
- That a dwelling could be constructed on the site and would not create a visual intrusion.
- That further clarification is required in relation to the exact type of activity proposed and in relation to works already undertaken on the site.
- Further information was recommended.

3.2.2. The planning report in relation to the further information refers to:

- There appears to be the presence of an old internal roadway.

- The applicants have demonstrated compliance with the rural settlement policy.
- The landscaping plan is acceptable.
- Further clarification was sought in relation to relocating the internal road way from the common boundary with an adjoining dwelling to minimise impact on that dwelling.

3.2.3. The planning report dated the 7th of November 2016 recommends permission.

3.2.4. Other Technical Reports

The environment report dated the 23rd of March 2016 indicated no objections to the development and included recommended conditions.

4.0 Planning History

4.1. No history in relation to the site.

5.0 Policy Context

5.1. Development Plan

5.1.1. The current operative plan is the Kilkenny County Development Plan 2014-2020.

5.1.2. Chapter 3 refers to core strategy. Figure 3.1 is a map of the county indicating the overall strategy for the county and identifies different rural areas largely corresponding with the types of rural areas identified in the NSS and the guidelines on rural housing.

5.1.3. Section 3.5 to rural settlement strategy and it is indicated that “the objective of the Council’s rural housing strategy is to provide for sustainable rural communities without compromising the physical, environmental, natural or heritage resources of the county”.

5.1.4. The County is divided into three broad categories:

- 1. Areas under Urban Influence
- 2. Stronger Rural Areas

- 3. Peripheral Areas of Population decline

5.1.5. The site is located in an area defined as a 'areas under urban influence'.

5.1.6. Section 3.5.2.1 refers to Areas under Urban Influence and that is the Council's objective for areas of urban influence to facilitate the rural generated housing requirements of the local rural community. In areas under urban influence there is a requirement of an occupancy condition.

5.1.7. Section 3.5.2.3 refers to Rural Generated Housing need and in relation to areas under urban influence and in stronger rural areas it is indicated that the Council will permit, subject to other planning criteria, single houses for persons where the defined stipulations are met. These include the following.

- Persons who are employed full-time in rural-based activity such as farming, horticulture, forestry, bloodstock or other rural-based activity in the area in which they wish to build or whose employment is intrinsically linked to the rural area in which they wish to build such teachers in rural schools or other persons by the nature of their work have a functional need to reside permanently in the rural area close to their place of work.

5.1.8. Section 3.5.3 of the plan refers to Rural House Design Guidance and that a rural design guide was produced in 2008 for County Kilkenny and acts as an instrument to develop best practice in the design and siting of one-off rural housing.

5.1.9. Chapter 12 of the plan refers to requirements for developments and section 12.10 outlines guidance in relation to rural housing in relation to siting design and services.

5.2. **National Policy.**

5.2.1. Guidelines on Sustainable Rural Housing 2005.

5.2.2. The site is located in a rural area and in the context of the Guidelines section 3.2 would be in an area would be defined as a rural area under strong urban influence.

5.2.3. The guidelines refer to the need for a development plan approach and to having similar defined the rural area types as set out in the NSS within the development plan. The guidelines also indicate that planning authorities must then tailor policies that respond to the different housing requirements of both urban and rural communities and the varying characteristics of rural areas.

- 5.2.4. The Guidelines also differentiate between rural and urban-generated housing. The guidelines refer to rural generated housing; to sustaining and renewing rural communities; to accommodating people of a rural area in their area of origin and in section 2.4 to tailoring policies to local circumstances.
- 5.2.5. Section 3.2.3 refers to rural generated housing and there is reference to “persons who are an intrinsic part of the rural community” and also reference in this regard to “members of an established rural community, and persons who wish to return to reside near other family members or to care for elderly family members”. There is in addition reference to working in rural areas including full and part time farming.
- 5.2.6. The guidelines also indicate, however, that having defined rural generated housing needs, the development plan should make very clear that subject to satisfying normal considerations the planning authority will look favourably upon an applicant’s proposal for an individual house in a rural area where that applicant comes within the development plan definition of need. Chapter 4 outlines the criteria to be assessed in determining applications in rural areas.
- 5.2.7. In summary, the Guidelines provide that people who are part of the rural community should be facilitated by the planning system in all rural areas and to take a positive approach to applications from such persons in the areas referred to, in circumstances where permission might otherwise be refused.
- 5.2.8. **Environment Protection Agency.**
- 5.2.9. The EPA publications Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10) 2009 and its subsequent clarifications.
- 5.2.10. The Code of Practice outlines the importance of proper site assessment methodology, the identification of the minimum environmental protection requirements, the need for design of on-site wastewater disposal systems specific to the local conditions and the need for installation, commissioning and maintenance as per design and attendant recommendations / conditions.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant Joe Connolly c/o Peter Thomson Planning Solutions in a submission dated the 1st of December 2016 refers to:

- The heart of the appeal relates to the associated works and in particular the access road.
- The appellant is adamant there never was an existing hardcore farm driveway. Tractors may have passed to avoid damage to crops but never traffic.
- The objection relates to location of the driveway and the applicant started to develop the driveway after planning permission was lodged and most of the works occurred on the roadway in the period from the lodgement of the planning application and determination of the application by the planning authority.
- Reference is made to the River Gowran being a tributary of the River Barrow a salmonoid river susceptible to disturbance.
- The planning authority did not deem the further information submitted as significant further information which would have afforded the appellant the opportunity to comment on the information submitted.
- The appellant's conservatory is 23 metres from the road.
- The access road did not exist until 2016. The road is in a different position in the historical maps to the current road.
- The primary grounds of appeal relate to loss of privacy due to the proximity of the road. There are already large vehicles passing and this will increase with the development of the equine facility. Drivers and passengers can peer over the boundary wall into the appellant's property.
- The issue of the location of the road is important and the contention that the current road is constructed on top of an existing roadway which existed 50/60 years ago.

- Historical photographic evidence indicates that road was further away from the boundary of the appellant's property and is long since gone and there was not a road in existence when the application was lodged.
- The road on the submitted drawings is not in the location as constructed. The application does not provide for the retention of works and therefore the road cannot be granted in its present position. If granted in the position indicated on the drawing the road would have to be relocated in any event from its present location. The appellant contends that if the road were to be relocated it could be therefore relocated to a position further west which will no more onerous on the applicant addressing the appellant's concerns.
- The traffic on the road will give rise to noise and vibration at the appellant's house and the boundary wall shows signs of deterioration. Further landscaping and disturbance will have further impacts on the wall.
- There is no objection to the dwelling if the Board is satisfied the applicant has a housing need but only if the house is served by a single road relocated further to the west.
- There is insufficient space for additional planting between the boundary wall and the current location of the road as constructed and the Board is requested to condition the relocation of the access road.

6.2. **Planning Authority Response**

The planning authority in a submission dated the 10th of January 2017 indicate that they have no further comments to make.

6.3. **Observations**

None.

7.0 **Assessment**

- 7.1. The application as submitted comprises of two elements. The first was for outline planning permission for a dwelling and domestic garage, effluent treatment system and percolation area. The second element is for permission for a cluster of buildings

incorporating a stables; a walker building and a haybarn. Other features associated with the cluster include an over ground slurry tank; an underground water collection tank and two winter paddock areas.

The development also provides for an upgraded access to the public road and reusing existing farm driveway including a hardcore surface serving the dwelling and the other elements of the development. The built elements of the development are located a considerable distance southward into the site necessitating the requirement for a service road from the public road to the proposed dwelling and equine cluster.

- 7.2. In relation to the dwelling it is an outline application and there are no details of the design of the dwelling. It is proposed to have a bored well as a means of water supply and foul effluent will be treated by a septic tank and percolation area. A site suitability assessment was submitted and based on the results of the assessment the site was considered suitable for a septic tank and percolation area.
- 7.2.1. I will initially consider the need for the dwelling in a rural area. In section 4 of this report I have outlined relevant provisions in relation to the DoEHLG Guidelines on Sustainable Rural Housing and the current County Development Plan.
- 7.2.2. The DoEHLG Guidelines distinguish between urban generated and rural generated housing in rural areas. There is reference to establishing need to reside in rural areas.
- 7.2.3. The site is located in a rural area and in the context of the Guidelines paragraph 3.2 would be in an area defined as a rural area under strong urban influence, which are areas which exhibit characteristics of considerable pressure for development of housing due to proximity to such urban areas and pressures on infrastructure such as the local road network. The guidelines also refer to the need for a development plan approach and having defined the rural area types in the development plan, tailoring policies that respond to the different housing requirements of urban and rural communities and the varying characteristics of rural areas.
- 7.2.4. In relation to the current Kilkenny County Development Plan, the plan essentially follows the guidance and policies outlined in the guidelines. Section 3.5 relates to the rural settlement strategy is based on the Sustainable Rural Housing Guidelines for Planning Authorities with an overriding objective of the strategy is to provide for

sustainable rural communities without compromising the physical, environmental, natural or heritage resources of the county.

- 7.2.5. In accordance with the guidelines the county development plan divides the county into three broad categories; areas under urban influence; stronger rural areas and peripheral areas of population decline and these areas are identified in Figure 3.17.
- 7.2.6. The appeal site is located within an area defined as an area under urban pressure and in section 3.5.2.1 in relation to these areas the plan states as an objective that in these areas it will facilitate the rural generated housing requirements of the local rural community while on the other hand directing urban generated rural housing to areas zoned for new housing development in the city, towns and villages. It is also indicated that permissions granted in these areas are subject to an occupancy condition and in this regard generally adopts the approach set out in the national rural housing guidelines.
- 7.2.7. Section 3.5.2.3 of the plan specifically refers to rural generated housing need. In areas under urban influence and in stronger rural areas it is indicated that the Council will permit, subject to other planning criteria, single houses for persons where the defined stipulations are met. Criteria outlined that may be relevant to this appeal include persons who are employed full-time in rural-based activity such as farming, horticulture, forestry, bloodstock or other rural-based activity in the area in which they wish to build or whose employment is intrinsically linked to the rural area in which they wish to build or other persons by the nature of their work have a functional need to reside permanently in the rural area close to their place of work.
- 7.2.8. The overall approach as set out in the county development plan is, I consider reasonable, and largely follows the general principles of national guidance.
- 7.2.9. In assessing the current proposed development, it is therefore necessary to consider the issue of whether the development is or is not rural generated housing and also whether a genuine rural generated housing need is established.
- 7.2.10. It is noted that the applicant has a current dwelling in the area and stables beside the house. The need it would appear is based on an expansion of the equine activities in which the applicants are engaged; that land was purchased to address this and the dwelling would be located on these lands adjoining the equine activities.

- 7.2.11. There appear to be no dispute in relation to long standing ties in the area.
- 7.2.12. The development plan as already indicated does provide for persons who are employed full-time in rural-based activity such as farming, horticulture, forestry, bloodstock or other rural-based activity in the area in which they wish to build. I am satisfied that the applicants have established a need based on the criteria outlined in the development plan and national guidance and it is reasonable given the nature of the equine operation that the applicants would reside in very close proximity to the enterprise.
- 7.2.13. In relation to site specific considerations, based on the details submitted including a site suitability assessment I would have no objection in principle to a dwelling being constructed on the site identified. There would be no visual issues, ground conditions are suitable and a dwelling located on the site identified would not impact on the amenities of the area. In relation to the access I will address this matter in section 7.4 of this report.
- 7.3. In relation to the development of a cluster for equine related development, this provides for three structures including a stables with a stated area of 528.96 m²; a walker building with a stated area of 605.16m² and a haybarn with a stated area of 1,500m².
- 7.3.1. The buildings are of a modern design and construction comprising framed structures with nap plaster external finish and cladded roofs. The height of the buildings varies with the maximum height of 6832mm for the haybarn. The cluster of buildings is set apart by a considerable distance from any other development other than the proposed dwelling and is distant from the public road network.
- 7.3.2. In relation to its design, layout and overall scale I would have no objections. The development would not be visually obtrusive and would not conflict with the overall rural area setting in which it is located. The development also provides for two winter paddock areas an ancillary element of the development and I would have no objections to this aspect of the development.
- 7.3.3. In terms of management of effluent arising from the development there is provision for an over ground slurry tank with a capacity of 375m³ to the south of the haybarn. There is also an underground water collection tank. I would have no objection to this

aspect of the equine cluster of development as proposed. It is also sufficient distance removed from the watercourse crossing the site.

- 7.4. The primary issue raised in this appeal relates to the access road serving this development.
- 7.4.1. Essentially the appellant has raised the need for the internal access road being located close to the rear boundary of his site; that the current hardcore surfaced road was constructed without planning permission and it a new road; the road as constructed differs from the position of the road shown on the submitted drawings; the road is not in the position shown on historical maps of the area and moving the road westwards to the other side of the field would address concerns in relation to loss of amenity.
- 7.4.2. The applicant in submissions made in the course of the application to the planning authority in relation to the roadway indicated that it is not the creation of a new route; it was in existence prior to the applicants purchasing the land and they have upgraded it with additional hardcore. Historical OS mapping indicates the presence of a road and letters confirming the presence and use of the internal road are submitted including the previous owner. In relation to the location of the access route the route was used by the previous landowner.
- The applicants indicated they are prepared to provide additional screening along the boundary and install an electric gate and the entrance to control access and minimise impact on residential amenity. The applicants fundamentally disagree with the need to relocate the internal access road given the history of a presence of a road and consider relocating the road would be highly detrimental to the use of the field and visual appearance of the area. It is also indicated by the applicants that the relocation of the road would place a new road at a higher level and why relocate a road which predates the dwelling to the east of the common boundary.
- 7.4.3. In relation to the internal road, two conflicting views are presented in relation to the location of the route of the road and when it was constructed. The appellant has no objection to the principle of a road but that it should be sited further westwards away from the common boundary.
- 7.4.4. In relation to the presence of an internal road there is, I consider no dispute, that historically a road/track of some form was located in the approximate location of the

current road. It was located in a wooded area and part of a historic demesne. The historic landscape has altered, much of the woodland is removed and replaced with open pasture. The 2005 aerial photograph of the area would appear to indicate some form of track/roadway again in the approximate location of the current road. It is at the scale impossible to determine proximity to the common boundary of the applicant and appellant. It is reasonable to consider that such a track would be located in proximity to the boundary for efficient use of agricultural land and provide access to lands to the south.

- 7.4.5. The current road is within 2 metres of the boundary wall and I would refer to photographs accompanying this report to illustrate this. The roadway as indicated on the 1/500 scale site layout plan PLN-04B is at the nearest point 7 metres from the boundary. A proposal to provide screening as indicated by the applicant in the drawing received by the planning authority on the 22nd of June 2016 NTS, would appear require a wider band width than can be provided by the present position of the road as it provides for two lines of screening interspersed with trees. It also appears that the screening is based on the separation of the road from the boundary wall based on site layout plan PLN-04B and to provide this level of screening would require a roadway further westwards than it is currently positioned.
- 7.4.6. The appellant wishes the roadway to be moved westwards to the western boundary of the field to protect current residential amenities. I do not consider that this is absolutely necessary or appropriate as it is not unreasonable to consider that farm vehicles will in a rural field pass in close proximity to the boundary or a field boundary in a rural context. I do not consider that the level of traffic associated with the equine development will adversely impact on amenities. I would accept that it will result in additional traffic but not of a significant scale. I would accept that the nature of vehicles may be different to normal agricultural vehicles and there will be potential overlooking but the scale and level of overlooking would not be of a major scale. It would be reasonable, however, to provide additional screening on the boundary and the applicants have indicated they are prepared to provide this.
- 7.4.7. I do not, therefore, consider that the road requires to the west of the field as intimated by the appellant. I do not consider raising the boundary wall is appropriate to the rural setting and additional nature screening is the appropriate response as

indicated by the applicant. The issue, however, is that the landscaping/screening as indicated cannot be provided with the roadway as currently positioned.

7.4.8. I consider that the roadway without major and significant cost can be relocated to the route indicated on the site layout plan. This will provide a separation distance to enable the landscaping/screening indicated in the drawing received by the planning authority on the 22nd of June 2016 as not to impair the protection of the boundary wall and also will not encroach in any significant manner into the applicants' lands.

7.4.9. It would be appropriate that the landscaping/ screening proposals are conditioned to be within a timescale where they are commenced in advance of other works occurring and that initial planting is suitably protected to avoid damage from vehicles using the road in the construction and post construction phases.

8.0 Recommendation

8.1. In view of the above assessment outline permission for the dwelling house and permission for the remainder of the proposed development is recommended.

9.0 Reasons and Considerations

10.0 Having regard to the nature of the proposed development; its location within an rural area, and the provisions of the current Kilkenny County Development Plan 2014-2020, it is considered that subject to it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 16th of February, 2016, the 22nd of June 2016 and the 21st of October 2016, 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 interests of clarity

- 2 In relation to the dwelling house, the plans and particulars to be submitted by way of a separate application for permission consequent shall include the following:

- (a) a site layout plan to a scale of not less than 1:500 showing the layout of the house, driveways and sewage treatment system,

- (b) the finished ground floor level of the house by reference to existing site levels and road level at the proposed entrance,

- (c) proposals for the landscaping of the site (including planting),

- (e) details of the proposed dwelling and of the external finishes of the dwelling.

- (f) the design of the dwelling shall have regard to the guidance as set out in the County Kilkenny Rural Design Guide.

Reason: To enable the application for permission consequent to be fully assessed.

- 3 The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.

Reason: In the interest of visual amenity.

- . 4 All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

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

- .5 The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.

. **Reason:** In the interest of public health.

- .6 The water supply to serve the proposed dwelling shall have sufficient yield to serve the proposed development, and the water quality shall be suitable for human consumption. Details, demonstrating compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

. **Reason:** To ensure that adequate water is provided to serve the proposed dwelling, in the interest of public health.

- .7 (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title

from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

- .8 In relation to the construction of the stables, haybarn, horse walker building over ground slurry tank the underground water collection tank and two winter paddock areas these shall be constructed in accordance with the details submitted. Details relating to the external colour of the buildings shall be submitted to and agreed with the planning authority prior to the commencement of construction works.

Reason: In the interest of visual amenity

- .9 All foul effluent and slurry generated by the proposed development shall be conveyed through properly constructed channels to the proposed and storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse.

Reason: In the interest of public health

- .10 All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks.

Reason: In order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes

- .11 In relation to the internal road serving the development, the roadway shall in the section of the road adjoining the common boundary with the adjoining dwelling be realigned to correspond with the alignment indicated on the drawings submitted. The area between the boundary and the road shall be landscaped as indicated in the landscaping details received by the

planning authority on the 22nd of June 2016. Within three months of this order the applicant shall submit to and agree with the planning authority a timescale for the implementation of the landscaping.

. **Reason:** In the interest of visual amenity and the safeguarding of existing residential amenities.

- . 12 . Existing site boundaries shall be retained, maintained and renewed. Additional landscaping relating to the overall site shall be carried out as indicated in the landscaping details received by the planning authority on the 22nd of June 2016. Within three months of this order the applicant shall submit to and agree with the planning authority a timescale for the implementation of the landscaping.

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

- . 13. . The stables and associated buildings shall be used for private purposes only as indicated in the submitted documentation and no be used for commercial purposes.

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

- . 14 . 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.

. Derek Daly
Planning Inspector

15h March 2017