



**An
Bord
Pleanála**

Inspector's Report

ABP-303924-19

Development	Detached single storey cabin/structure for residential use.
Location	19 Boice Manor, Tinure, Dunleer, Co. Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	181021
Applicant(s)	Patrick and Fiona Molony
Type of Application	Retention Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Patrick and Fiona Molony
Observer(s)	Senator Ged Nash
Date of Site Inspection	18 th of June 2019
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The application site is located within the residential area at No.19 Boice Manor, Tinure Village, Dunleer, Co. Louth. There is a large 2 storey detached house on site (c.0.09ha), on a corner plot within the cul de sac development. There is a galvanised metal shed and the unauthorised timber structure in the side and rear garden area. The later contains a bedroom and adjoining room used as habitable accommodation. It is separate to the dwelling house. It is finished in timber cladding and white render and has a mono-pitch roof.
- 1.2. The structure is not visible from the road in Boice Manor as the rear garden is at a lower level than the road and there is a high block wall along the eastern site boundary. It is visible from the first floor windows of the rear of the property to the north.

2.0 Proposed Development

- 2.1. This proposal is for the Retention of an Existing Detached Single Storey Cabin/Structure for Residential Use.

3.0 Planning Authority Decision

3.1. Decision

On the 14th of February 2019 Louth County Council refused permission for retention of the development for the following reasons:

1. No evidence has been submitted to justify the need for the residential cabin/structure, therefore, if permitted, it would materially contravene Policies SS49 & SS50 of the Louth CDP 2015-2021, and would set an undesirable precedent in the area, contrary to the proper planning and sustainable development of the area.
2. The residential cabin/structure has a g.f.a of just 19.11sq.m, and therefore does not comply with the residential standards as set out in Table 4.5 of the Louth CDP 2015-2021 in relation to space provision and room sizes for a 1 bed/2 person house (1 storey), which has a target g.f.a of 44sq.m. Therefore,

if permitted, it would materially contravene Policy RES 25 of the Louth CDP 2015-2021.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner had regard to the locational context of the site, planning history and policy and to the submissions made and note there were no reports submitted. Their assessment included the following:

- They have regard to planning policy and consider that no justification has been submitted to clarify why this 'cabin/structure' is required.
- They consider that the retention of this structure would materially contravene Policies SS49 & SS50 of the Louth CDP 2015-2021 and would be contrary to the proper planning and sustainable development of the area.
- They note that the residential cabin/structure is less than the floor area as recommended in Table 4.5 of the Louth CDP.
- The development does not adversely impact on adjoining properties.
- There are no implications for Surface Water Drainage or Roads and Parking.
- The OPW flood risk assessment maps (PFRAM) do not identify this site as being at risk from flooding.
- There is no impact from the development on any Natura 2000 site.

3.3. Other Technical Reports

As noted in the Planner's Report there are no Technical Reports on file.

3.4. Prescribed Bodies

As noted in the Planner's Report there are no reports from Prescribed Bodies on file.

3.5. Third Party Observations

A Submission has been received from proximate local residents and their concerns include the following:

- Undesirable precedent for putting cabins in rear garden areas.
- Strain on existing waste and drainage systems.
- Parking and safety issues.

4.0 Planning History

The Planner's Report provides a planning history of the estate and the properties therein. There is no specific planning history relative to the subject site.

There is a relevant Enforcement Case:

18 U185 – Alleged unauthorised cabin/within the curtilage of a dwelling house (described as an open case).

5.0 Policy Context

5.1. Louth County Development Plan 2015-2021

Social Inclusion

This is the pertinent plan. Section 1.5 relates to Social Inclusion. This notes that the Council endeavours to ensure that its policies and objectives are fully inclusive and includes: *Encourage the provision of suitable and appropriate accommodation for all, in keeping with Louth's age friendly ethos.*

Policy RES 7 seeks to: *Continue to cater for the needs of persons with special requirements including persons with disabilities and the elderly, including the concept of independent living and the development of 'lifecycle housing' i.e. housing that is adaptable for people's needs as they change over their lifetime.*

Settlement Hierarchy

Table 2.2 provides a Settlement Hierarchy Based on County Role. Tinure is Level 4 in the Settlement Hierarchy and is included in Villages where the role is to: *Serve*

smaller rural catchment, provide local services with some smaller scale rural enterprises in a number of such villages.

Accommodation for Dependent Relatives

Section 2.19.10 refers to this issue and the following are the relevant policies:

SS49 - To facilitate the provision of accommodation for older people and dependant relatives by way of a new extension to the existing dwelling, subject to all of the following;

- The development shall provide a modest scale of accommodation only and shall not exceed a gross floor area of 50 square metres,*
- It shall be attached to the existing dwelling,*
- It shall be linked internally with the existing dwelling,*
- It shall not have a separate access provided to the front elevation of the dwelling,*
- The accommodation shall remain in the same ownership as that of the existing dwelling on site.*

SS 50 seeks: To facilitate the provision of accommodation for older people and dependant relatives by way of conversion of existing garage or other outbuilding within the curtilage of the existing dwelling, subject to all of the following;

- The development shall provide a modest scale of accommodation only and shall not exceed a gross floor areas of 50 square metres,*
- Where an extension to an existing garage or outbuilding is required in order to provide a satisfactory level of accommodation, the existing and proposed additional floor area shall not exceed a gross floor area of 50 square metres,*
- The accommodation shall remain in the same ownership as that of the existing dwelling on site.*

Room Sizes

Table 4.5 *Space Provision and Room Sizes for Typical Dwelling* also relates.

Table 4.6 provides the Minimum widths for the main living/dining rooms.

Table 4.7 provides the Minimum Bedroom Widths.

Table 4.8 provides the Minimum Floor Areas for Main Apartment Balconies.

Policy RES 25: *To require that all proposed residential developments including apartments comply with the internal space provisions as set out in Tables 4.5 to 4.8 (inclusive).*

5.2. Sustainable Residential Development in Urban Areas 2009

These are concerned to encourage high quality sustainable residential development, urban form and design. Chapter 7 deals with the home and its setting and is concerned with a number of issues such as daylight/sunlight, privacy and security, private and communal open space etc.

Regard is had to the accompanying DOEHLG 'Urban Design Manual-A best practice guide 2009' and to the 12 criteria to promote quality sustainable urban design discussed in this document. Regard is also had to the application of these criteria, which are divided into three sections: Neighbourhood, Housing Site and Home.

5.3. Louth Age Friendly County – Strategy Document

This is a non-statutory and advisory document whose aim is to make Louth an 'Age Friendly County', with all agencies working together to promote and maintain the best possible health and well-being of older people and to make the County itself a great place to grow old in. It is provided that Louth will be the first age friendly county in Ireland and will lead the way for others to follow and that this is a flagship project. It is to have a new focus on older people and to be a plan developed with older people, and not for them. It also includes that Louth County Council will develop a *County Housing Plan for Older People*, setting out the level and mix of housing required over a ten year period.

This document is referred to by the First Party and a copy is included in the Appendix to this Report.

5.4. EIA Screening

Having regard to the nature of the proposed development and taking into account the existing residential development on this site, the serviced nature of the site, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Tony Ewbanks of EHP Services has submitted a First Party Appeal on behalf of the Applicants. This has regard to the locational context of the site and to planning policy and guidelines. The grounds of appeal include the following:

- The Appellants purchased the structure with the view to providing an appropriate space to carry out their son's therapy regime.
- However, the Appellants father's medical situation took precedence over their plans and the decision was to fit out the structure to accommodate him, (doctor's letter in Appendix 1).
- The structure was installed in August 2018 and they provide details of subsequent enforcement action and this retention application.
- They provide details of the design and layout of the subject building.
- They provide an assessment of planning policy context.
- The Planner's Assessment was carried out without reference to other relevant strategic frameworks documents and planning policies. The Appellant would argue that such planning policies and objectives are material to the proper planning and comprehensive assessment of the proposed development and consider their decision is flawed in this respect.

- They refer to the Louth Age Friendly Strategy which outlines a strategy to improve the lives of the County's older population and note core principles of this strategy.
- They refer to policy and objectives in the Louth CDP relevant to catering for the special needs of persons and to encourage the concept of independent living i.e housing that is adaptable for people's needs as they change over a lifetime.
- The County Plan is deficient in providing a suitable policy framework for adequately assessing the modern phenomenon of the wooden cabin or ancillary structures such as the subject building.
- They have regard to and quote Section 7.14 of the DoEHLG -*Development Management Guidelines for Planning Authorities (2007)* and Section 34(10) of the Planning and Development Act 2000 (as amended) relative to the need for reasonableness of applying the provisions of the plan in a particular case.
- Neither the planning assessment nor the refusal reasons state specifically how the proposed development would set an undesirable precedent or constitute an inappropriate or improper form of development.

The First Reason for Refusal

- They provide evidence/details to justify (including doctor's letter on medical grounds – Appendix 1) the need for the residential use of the cabin/structure by the Appellant's father.
- They note that the structure is entirely subservient to the use of the main dwelling.
- They include a letter of support from Imelda Munster TD (see Appendix 1)
- The current situation allows for the family care for the dependant relative within the curtilage of their own home. An extension proved to be prohibitively expensive and the garage is structurally unsuited for conversion.
- They received inaccurate assurances from the manufacturer that the structure was exempted development.

- They refer to Policies SS49 & SS50 and Section 2.19.10 of the Louth CDP. They consider that the use of these policies relative to the current proposal was not justified.
- They draw the Board's attention to precedent cases relative to 'log cabins' and these are considered further in the Assessment below.

The Second Reason for Refusal

- They note that Section 4.9.6 of the Louth CDP establishes that Table 4.5 – *Space Provision and Room Sizes for Typical Dwellings* is not derived from current up to date standards and they quote the more recent Guidelines.
- They also suggest that the provisions of Table 4.5 do not apply to the subject structure, which is not a dwelling. It does not provide a separate self-contained residential unit but lacking in such facilities, it is ancillary to the use of the main dwelling.
- It provides a well laid out, proportioned and accessible living space. As such the Council were in error to assess the subject structure against the provisions of Table 4.5 and refuse it against Policy RES 25 (Appendix 3 refers).
- Given the genuine need the Appellants would satisfy any attached conditions including a temporary permission to allow for their elderly relative to remain in their care.

Third Party Objections

- They note and refute the observations made in the submission from local residents.
- Concerns about a strain on the existing waste and drainage system were not shared by the Council's Infrastructure Team who expressed no objection to the proposal.
- One new toilet will not have a demonstratable impact upon existing water consumption.

- The existing foul sewerage network has more than sufficient capacity to accommodate the additional hydraulic and organic loading associated with the structure.
- The use of the structure does not result in any on street parking as contended.

Conclusion

- The First Party concludes there is a genuine and legitimate need for the structure to accommodate the Appellant's dependant relative and note that it will be incidental to the use of the main dwelling.
- It will not adversely affect the amenities of neighbouring properties and is the only viable and appropriate form of development in the circumstances.
- The Appellants would accept conditions restricting its use and/ or occupation irrevocably tying it as an incidental structure to the main dwelling. This includes the granting of a temporary permission for five years after which the situation may be reassessed and at the same time fully comply with the letter and spirit of planning laws and regulations.
- They consider that there are sufficient and robust justification and planning controls available for the Board to consider this development entirely appropriate to and compatible with the proper planning and sustainable development of the area. They ask the Board to overturn the Council's decision and to grant permission.

6.2. Planning Authority Response

The Planning Section in Louth County Council had regard to the grounds of appeal and advised that they had no further comment to make on this appeal.

6.3. Observations

An Observation has been received from Senator Ged Nash which includes the following:

- This relatively small and unobtrusive structure was originally obtained by the appellants to support the treatment needs of their son.
- Since then the applicant's father has had need for urgent accommodation, where he could live independently with the support of his family.
- The Council's reasons for refusal have not been sufficiently substantiated.
- Insufficient account has been taken of all of the pertinent local and national guidance available, including the landmark and pioneering Louth Age Friendly policy when considering the full merits of this application.
- Insufficient account has been taken of the family circumstances that may apply to individual cases.
- The applicants have referred to two particular cases (point 6.9) which the Board are obliged to have regard to when considering this appeal.
- The Board needs to consider all of the facts and all of the adopted policies currently in force in respect to this policy area when considering this appeal.
- This is not an opportunistic initiative but a genuine effort to accommodate a loved one with established and ongoing needs.
- The Appellant would be satisfied to comply with any conditions the Board may wish to attach and at the same time fully comply with the letter and spirit of planning laws and regulations.

7.0 Assessment

7.1. Principle of Development and Planning Policy

- 7.1.1. This application is for retention of an existing detached single storey cabin/structure for residential use in the rear garden of no. 19 Boice Manor. This is on residentially zoned land within the village of Tinure, a Level 4 Village Settlement within the Settlement hierarchy of the Louth County Development Plan 2015-2021. While sensitively designed extensions to the main dwelling house are generally supported in the Plan the issue is whether the retention of this cabin/structure separate from the main dwelling house, for habitable use for a dependant relative, is considered to be

in the interests of the proper planning and sustainable development. Also, it must be noted that the issue with a retention application is whether permission would have been granted if this were a proposed development rather than to regularise a development that has already been carried out and is currently unauthorised.

- 7.1.2. It is of note that the First Party are concerned about the justification for the Council's reasons for refusal. They refer to Section 7.14 of the Development Management Guidelines for Planning Authorities 2007 i.e. *Reasons for Refusal of planning permission* and to Section 34(10) of the Planning and Development Act 2000 (as amended) which requires that a decision (and the notification of the decision) shall state the main reasons and considerations on which the decision is based. This includes: *Reasons for refusal should therefore be clear and unambiguous, as informative and helpful as possible, should be self-contained statements, and should be related specifically to the particular development proposal.* They consider that this is not the case with the Council's reasons for refusal of this application.
- 7.1.3. Section 7.15 of the said Guidelines refer to *Reasons arising from development plans or local area plans.* This includes: *Where such a reason is given it must be clearly shown that specific policies/objectives of the plan would be breached in a significant way.* The First Party concerns relative to the justification and the appropriateness of these Development Plan policies as per in the Council's refusal are noted.
- 7.1.4. Section 2.19.10 of the Plan refers to Accommodation for Dependent Relatives. The Council's first reason for refusal provides in summary, that no evidence has been submitted to justify the need for the residential cabin/structure. They consider that if permitted it would materially contravene Policies SS49 and SS50 of the Louth CDP and would set an undesirable precedent for the area. Policy SS49 refers and supports well designed extensions of a modest scale to the existing house to facilitate the provision of accommodation for older people and dependant relatives. This includes that it shall be attached to the existing dwelling and linked internally to the existing dwelling, neither of which is the case with the subject cabin/structure which while within the curtilage of the site is sited c.15m away from the main dwelling. Therefore, as this is not an extension to the main dwellinghouse, I would not consider Policy SS49 is applicable in this case.

- 7.1.5. Regard is had to Policy SS50, which refers to the conversion of an existing garage or other outbuilding within the curtilage of the dwelling to facilitate the provision of accommodation for older people. Criteria include that in this case the development within the curtilage of the existing dwelling shall provide a modest scale of accommodation only and shall not exceed a g.f.a of 50sq.m. It must be noted that the cabin/structure while modest in scale, does not involve the conversion or extension of an existing garage or outhouse, rather it is a new purpose built structure. The other criteria to fill under this category is whether it provides a satisfactory level of accommodation or whether it would be considered substandard. That is dealt with further relative to the Council's second reason for refusal and in the Design and Layout Section below.
- 7.1.6. The First Party provides a justification for the residential use of the structure and consider that in many ways the subject structure meets the criteria set forth in Policies SS49 and SS50 (Appendix 3 of their submission). They note that the subject structure is of modest scale and high quality design and that it does not impact adversely on the character and amenities of the area. They provide that given the genuine and legitimate need for the structure the Appellant's are willing to accept any reasonable condition including a temporary permission limiting its use for residential/domestic uses ancillary and incidental to the enjoyment of the main house only.
- 7.1.7. There is no objection in principle to the extension of an existing dwelling or the provision of appropriate accommodation for dependant relatives, subject to compliance with the relevant Louth CDP policies. Regard is had further to the issues put forward and to whether the proposed retention development would be in the interests of the proper planning and sustainable development of the area in this Assessment below.

7.2. **Design and Layout**

- 7.2.1. The Site Location Map shows the location of the cabin/structure in the rear garden area and the distance (c.15m) from the rear of the main dwelling. This is a large detached 5 bedroom two storey property. The siting is more proximate to the north eastern boundary of the site. It is c.17m from the rear of no.22 Boice Manor to the north. It is noted that there is a single storey garage at the rear of this property which

is closer to the site. There is a 1.8m fence along the northern (rear) site boundary. The cabin/structure and rear garden area of the subject property is at a lower level than the road. There is a 2m block wall along the eastern site boundary and there is no view from the public road of the site. The Site Layout Plan also shows that the proposal is connected to the public sewer.

- 7.2.2. The First Party Grounds of Appeal note that the structure described by the manufacturer as a garden pod or garden room, measures 3.43m wide x 7.4m long x 2.75m high with a gross internal floor area of 22sq.m. (25sq.m external footprint). It has been installed upon a hard landscaped and permeable surface and is accessible via a ramp which provides access to a living room, bathroom (toilet and shower) and bedroom (with fitted wardrobe). These facilities are shown on the floor plans submitted.

The Council's second reason for refusal is concerned that the residential cabin/structure has a g.f.a of 19.11sq.m (the floor area noted on the drawings submitted) and does not comply with the residential standards set out in Table 4.5 of the CDP. This provides that the target area for a 1bed/2P House is 44sq.m, the minimum main living is: 11sq.m, the aggregate floor area of living/dining/kitchen area is: 23sq.m, the aggregate bedroom area is: 11.4sq.m and storage is: 3sq.m. In this case the scale of the cabin/structure is much smaller than these minimum floor areas. The bedroom size as shown on the plans is c.7.5sq.m. and the main living area is c.8.6sq.m. There is no kitchen area. Therefore, the habitable accommodation provided is substandard.

- 7.2.3. As per Section 4.9.6 of the CDP the recommended minimal internal space requirements outlined in Table 4.5 are based on the Department of the Environment, Community and Local Government (DECLG) documents: 'Quality Housing for Sustainable Communities' (2007) and 'Sustainable Urban Housing: Design Standards for New Apartments' (2007). They provide that where an anomaly exists between the two sets of guidelines the higher space standard has been utilised. It is noted that the 'Sustainable Urban Housing: Design Standards for New Apartments' (2018) Guidelines for Planning Authorities relates to apartments.

- 7.2.4. Regard is had to the elevations submitted. Details include that the structure is constructed from a light gauge steel frame encased in an airtight membrane,

external cedar wood cladding and coloured render, metal fascia and soffits, double glazed aluminium windows and doors and expanded polystyrene (EPS) and earthwood insulation providing a structure with a very high insulation, U value and BER ratings. The structure's modular construction and assembly allows its internal layout to be easily fitted out to each customer's individual requirements and specifications. It is built off site and delivered in turn key condition.

7.3. Regard to Usage

- 7.3.1. The First Party Grounds of Appeal provide a detailed explanation of the current usage. They note that it is not an independent and separate living unit, it does not have its own separate access or amenity space and still remains subservient to and wholly reliant upon the main dwelling for some basic facilities. They note that the structure's internal layout suits the occupant's needs. It provides a well laid out proportioned and accessible living space. With the exception, of a small counter top in the living room for tea/coffee making the structure has not been fitted out with any kitchen facilities. The occupant (the Appellant's elderly father) is entirely dependant upon the main house for meal preparation. The structure does not have a dedicated entrance and can only be accessed through the main dwelling or via the side garden entrance. They provide that the structure remains incidental and wholly dependent of the main dwelling for basic facilities (food preparation, laundry etc) and shall remain in the same ownership as the main dwelling.
- 7.3.2. The First Party note that there is a genuine need for the use of the structure. They are willing to accept conditions limiting the use for residential/domestic uses ancillary and incidental to the enjoyment of the main dwelling house. It is not their intension to rent or sell the structure as a separate residential unit or tourism accommodation. Also, to a condition relative to a temporary permission for a 5 year period to allow them to reassess the situation. They consider that such conditions and limitations would provide all necessary reassurances over the structure and its usage.

7.4. Impact on the Character and Amenities of the Area

- 7.4.1. It is not considered that the proposed retention of the cabin/structure in view of its locational context will adversely impact on the visual amenities of the area. However,

the perceived comings and goings and the merits of providing habitable residential accommodation in the rear garden area separate to the main dwelling is not considered to be desirable. There is also the issue as to whether this would be considered to be a desirable precedent. It could lead to other such cabin/structures in rear garden areas, installation of mobile homes for family usage etc.

- 7.4.2. The First Party provides that the Appellants purchased the structure with a the view to providing an appropriate space for their son's therapy needs. I would have no objection to the use of this structure for purposes incidental to the use of the dwellinghouse, e.g. for such therapy needs, as a sensory room, study/playroom, garden room or for storage. However, in view of its location separate from the main dwelling house and the substandard residential accommodation provided I would not support its use for habitable accommodation. In this case an extension to the main dwellinghouse to facilitate such needs would be preferable.

7.5. Precedent Cases

- 7.5.1. The First Party draw the Board's attention to 2no. precedent cases i.e Refs. PL06D.226452 and PL08.238921. They provide that a review of these cases reveals a similarity of circumstances to the current appeal whereby the 'log cabins' were being used for residential purposes. They submit that the reasonable and legitimate parallels may be drawn between these cases and the current appeal to provide sufficient precedence for the favourable consideration of the subject structure. Also, that the Appellants would strongly disagree with any presumption that if permitted the proposal would see *an influx of cabins in our estate* or beyond.
- 7.5.2. Ref. PL06D.226452 concerns a 'Gable fronted extension, dormer to front and dormer extension to the rear, widening of vehicular entrance, retain log cabin' at 19 Ardagh Avenue, Blackrock, County Dublin. While the Council refused permission for this development, permission for the retention of the log cabin was subsequently granted in a split decision by the Board. It is noted that the Inspector's Report included: *The log cabin to the rear has two rooms, one set out as a dining/sitting room and gym equipment in the second. There is also a wc and sink. A veranda to the front with timber railings has not been shown on the plans. The planning authority considers that the structure is an extension to the main dwelling and therefore comes within the ambit of a family flat.* They also noted that: *the 'log' cabin appears to be used in a*

fashion incidental to the enjoyment of the main house. ... it could not reasonably be regarded as a flat or separate dwelling unit. It is therefore, acceptable subject to its continued use as ancillary to the main house. Conditions included a restriction on the use of the log cabin for non-residential or commercial use and for purposes ancillary to the dwellinghouse.

7.5.3. Ref. PL08.238921 – Retention of single storey log cabin type dwelling and permission for the installation of an effluent treatment system, soil polishing filter and associated site services at Srahannagaur, Sneem, County Kerry. Permission was refused for this by the Council and subsequently granted by the Board. This presented a different scenario in that this was being considered as a main dwelling in the rural area, rather than a small cabin/structure in the rear garden of the main dwelling. In this case it is noted that the Board conclusion included that due to: *the modest scale and location of the development, the established residential use of the site, it is considered that the development proposed to be retained, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area and would not be prejudicial to public health. The proposed development would not, therefore, be contrary to the proper planning and sustainable development of the area.*

7.5.4. Also of note, although not referred to by the Appellant is Ref. PL29S.245402 where Retention permission was granted by the Council for a detached single storey out building to the rear, for use incidental to the enjoyment of the house at 24 St. Enda's Road, Terenure, Dublin 6. This was shown as a single storey building in the rear garden area, c.42sq.m in floor area and the floor plans showed it contained a hobby room and study/office and wc/shower room i.e 3no. separate rooms in all. The Board refused retention permission. Their reason for refusal included: *it is considered that the development proposed to be retained would by virtue of its footprint and location, which subdivides the principal private open area serving the dwelling house on site into two substandard spaces, would seriously injure the residential amenities of No. 24 St. Enda's Road and would set an undesirable precedent for development in the area. The development proposed for retention would, therefore, be contrary to the proper planning and sustainable development of the area.*

7.5.5. Having regard to the issue of precedent it is noted that each case is considered on its merits and an undesirable precedent is not one to be followed.

7.6. Development Contributions

- 7.6.1. Regard is had to the Louth County Council Development Contributions Scheme 2016-2021. Article 6.0 refers to Exemptions and Reductions. Article 6.1 states: *Exemptions shall not apply to permissions for retention.* In this event if the Board decide to permit they may also include a Development Contributions condition.

7.7. Screening for Appropriate Assessment

- 7.7.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment and the separation distance from of the appeal site from any European sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. In view of the above assessment retention permission for the cabin/structure is recommended subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the nature and scale of the subject development and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would, therefore, not be contrary to the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained and completed 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.

Reason: In the interest of clarity.

2. The cabin/structure shall not be used for residential or commercial purposes and its use shall remain at all times ancillary to the dwellinghouse.

Reason: In the interest of residential amenity.

3. Water supply and 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.

4. 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.

Angela Brereton
Planning Inspector

25th of June 2019