



An  
Bord  
Pleanála

## Inspector's Report ABP310190-21

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<b>Development</b>	Retention of permission for (1) Change of use from Tennis Court to garden enclosure, (2) and Polytunnel for flower growing.
<b>Location</b>	Dinglei Cough, Magheracar, Bundoran, County Donegal.
<b>Planning Authority</b>	Donegal County Council.
<b>Planning Authority Reg. Ref.</b>	2150321.
<b>Applicant</b>	Nollaig McGovern.
<b>Type of Application</b>	Retention of Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party -v- Grant.
<b>Appellant</b>	John Hogan.
<b>Observer</b>	William Hogan.
<b>Date of Site Inspection</b>	9 <sup>th</sup> September, 2021.
<b>Inspector</b>	Paul Caprani.

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## **1.0 Introduction**

ABP310190-21 relates to a third-party appeal against the decision of Donegal County Council to grant planning permission for the retention of a change of use from a tennis court to a garden enclosure and the construction of a polytunnel for flower growing and all associated works at a site adjacent to a dwellinghouse at Dinglei Cosh, a suburban area in the town of Bundoran in south Donegal. It is argued that the development for which retention of planning permission is sought constitutes a commercial business which will have a significant adverse impact on surrounding residential amenities. It is also stated that the applicants are in various breaches of the planning regulations.

## **2.0 Site Location and Description**

- 2.1. The appeal site is located in a suburban area in the south-western environs of Bundoran in south-west Donegal. The site is rectangular in shape and occupies a stated area of 0.184 hectares. The subject site is located less than a kilometre from Bundoran Main Street. Lands surrounding the subject site comprise of suburban residential development. The dwellings within the estate in the vicinity of the site are primarily single storey with some dormer bungalows located directly opposite the site. Lands to the rear of the site accommodate tourist and amenity uses including 'Bundoran Footgolf' and Pitch & Putt. A post and wire fence surrounds the site. The site was formerly used as a tennis court.
- 2.2. The site currently accommodates a polytunnel and a garden enclosure. A small building to the immediate east of the polytunnel provides an office area for Bundoran Footgolf, crazy golf and pitch and putt facilities all of which are located to the south of the site.

## **3.0 Proposed Development**

- 3.1. Planning permission is sought for the retention of an existing polytunnel on the site. The polytunnel has a length of 31.09 metres and a width of 8.6 metres. The tunnel

rises to a maximum height of 2.93 metres. Heavy duty plastic material, overlain by a green mesh covers the polytunnel. The polytunnel is surrounded by a garden enclosure where potted plants are stored.

## **4.0 Planning Authority's Decision**

### **4.1. Decision**

- 4.1.1. Donegal County Council issued notification to grant planning permission subject to six conditions.

### **4.2. Planning Authority's Assessment**

- 4.2.1. The planner's report sets out details of the site location and description and the proposed development.
- 4.2.2. It notes that a number of internal reports expressed no objection to the proposed development. No reports were received by prescribed bodies.
- 4.2.3. Details of the five submissions objecting to the proposed development are noted and the local authority's comments in relation to the same are also noted.
- 4.2.4. The planner's report notes that the former tennis court was only informally used and had over many years become rundown. It is considered that the provision of a non-retail polytunnel complies with planning policy and will enhance the visual amenities of the area. The design of the polytunnel is generic and the structure sits on lands that a lower than the adjacent roadway, this reduces the visual impact. There are no access or public health issues and no issues with regard to appropriate assessment. In terms of the development contribution, it is noted that applying the provisions of the development contribution scheme the financial contribution would amount to a mere €25.50 and it is not considered to be viable to impose a charge of this scale.
- 4.2.5. In conclusion therefore, it is considered that the proposed development would not seriously injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area. On this basis Donegal County Council issued notification to grant planning permission for the proposed development.

## 5.0 Planning History

5.1. There appears to be no planning history associated with the appeal site.

## 6.0 Grounds of Appeal

6.1. The decision was appealed by John Hogan. The grounds of appeal are outlined below.

- It is argued that during the course of the application and the construction of the polytunnel that there have been serious breaches in planning regulations that have been brought to the attention of Donegal County Council, the Ombudsman, the Minister for Planning and Local Government and the Office of the Planning Regulator.
- Various irregularities as to how the application was dealt with by Donegal County Council are set out, including redacting personal information contained on file.
- There is no engineer's report, visual impact study or EIAR submitted with the application. Furthermore, as the application is for retention of planning permission it is argued that a substitute consent application is required in this instance. In this regard reference is made to the Supreme Court ruling of July, 2021 which ruled that substitute consent is inconsistent with EU Environmental Law.
- The previous tennis court on site is more compatible with the zoning objective for the site. It is argued that it was Bundoran's only tennis court and was regularly used by tourists and children.
- The removal of the tennis court is contrary to many of the policies in respect of tourism and leisure set out in the development plan. It is not appropriate for the community to rely solely on recreational facilities provided in schools in the area. Independent recreational facilities should be provided for the town of Bundoran.
- The erection of an industrially sized polytunnel to replace a tennis court negatively impacts on the amenity of the existing dwellings at Dinglei Cough.

- It is suggested that there are some inaccuracies on the maps submitted with the application and it is noted that certain people's houses within the vicinity of the site are highlighted while others are not.
- There are inadequate parking facilities on site as there is a high demand for existing recreational facilities in the area.
- The sun glare arising from the polytunnel could give rise to significant road safety concerns. There is also a lack of road signage in the area which could exacerbate traffic safety. The development could give rise to significant road and traffic congestion and there are numerous dangerous bends in the vicinity of the site.
- The polytunnel gives rise to significant levels of light glare into the internal rooms of dwellings in the vicinity. It also gives rise to excessive heat generation.
- The proposal will give rise to a serious devaluation of property and will undermine tourism in the area.
- There is a gas storage tank in the vicinity of the site which represents a serious environmental hazard.
- It is suggested that the polytunnel is too large for domestic use only.
- The polytunnel and enclosed garden could be used as a place of public assembly and in such situations a fire cert is required. As it presently stands the proposal represents a fire hazard.
- The garden enclosure and polytunnel will have no disability access certification as required under the Building Control (Amendment) Regulations 2018.
- There are no Covid signs or hand sanitisers on display.
- The construction of a polytunnel is a ruse to construct two semi-detached dwellinghouses on site at a later date.
- Any boundary treatment implemented by way of condition will not stop the light pollution from the polytunnel.

- A number of other conditions are also questioned in the grounds of appeal in terms of their usefulness to allay the third-party concerns.
- Numerous maps, letters, doctors certs etc. are attached to the grounds of appeal.

## **7.0 Appeal Responses**

### **7.1. Donegal County Council's Response to the Grounds of Appeal**

7.1.1. It is stated that details of the application have been thoroughly assessed and a site inspection undertaken. It is considered that the retention of the polytunnel is visually attractive and can be integrated into the residential landscape. The existing tennis court was not in any form of regular use as the tennis court and the perimeter fence was becoming rundown in appearance. The area was used as a kickabout facility. It is stated that the polytunnel is not used for commercial use and this was accepted and conditioned accordingly. Many other issues raised in the appeal are outside the remit of the Planning Authority and several issues relate to statutory GDPR redaction of the information submitted.

### **7.2. Response on behalf of the Applicant**

- 7.2.1. A response was received on behalf of the applicant from James Keenan. The response is outlined below.
- 7.2.2. It is stated that the local community were delighted with the decision of the local authority to regularise the development so that the facility can flourish and that the continuation of growing flowers for the area might continue.
- 7.2.3. The applicant is involved in community work and fundraising for the community. The applicant has reviewed the appeal submitted and feels that despite the size of the submission much of the content is unsubstantiated. While the applicant submitted documentation in respect of medical conditions, the documentation does not directly state that the medical condition is caused by the development. The applicant feels that the causes of the illness could only be substantiated with specialist evidence.
- 7.2.4. The applicant would request that members of An Bord Pleanála will take into account the opinions of the majority of people in the community and the recreational value the development brings to the area and the happiness it brings to those who frequent

the development in their leisure time. It is considered that the proposal is in keeping with the proper development of the area and this is reflected in the decision of the Planning Authority. The applicant will comply with the conditions of the grant of planning permission.

## **8.0 Observation**

- 8.1. One observation was submitted by William Hogan objecting to the proposed development. The main points contained in the observation are set out below.
- 8.2. It is stated that the observer was denied his legal right to submit an objection by Donegal County Council.
- 8.3. Concerns are expressed in relation to the proximity of the polytunnel to the observer's guest home and similar concerns expressed in the grounds of appeal are also expressed in the observation in relation to excessive light pollution and excessive heat emanating from the polytunnel.
- 8.4. Concerns are expressed at the size and nature of the polytunnel is for commercial purposes and not for domestic use. It is suggested that a small greenhouse would have sufficed for domestic use.
- 8.5. Concerns are expressed that there are inadequate car parking spaces to serve the polytunnel.
- 8.6. Overwhelming evidence exists that the polytunnel is in fact a large commercial business and in this regard development levies should have been attached. It is suggested that total levies should amount to over €22,600. As the application is for retention of development no development waiver/reduction shall apply.
- 8.7. It is suggested that both the Planning Authority and An Bord Pleanála deliberately change settings on the printer in respect of the photographs submitted to ensure that the photos would be significantly distorted and blackened or excessively brightened. It is argued that the photographs have been manipulated in order to reduce the perceived impact arising from the polytunnel. Evidence of this is attached. It is also noted that a number of photographs were not scanned into the system.
- 8.8. A letter of support from Bundoran Tidy Towns is also questioned as it is stated that the polytunnel is used for retail use. Both photographic evidence and Facebook

evidence is provided indicating that plants are for sale. The Board are therefore requested to conclude that the polytunnel is used for commercial use.

- 8.9. Concerns are expressed that Donegal County Council refused to publish medical certs which shows that light from the polytunnel is affecting the observer's health.
- 8.10. It is argued that the applicant continues to breach planning regulations by selling flowers from the polytunnel.
- 8.11. It took the Council 17 weeks to issue a warning letter to the applicant after receiving a complaint.
- 8.12. Similar points set out in the grounds of appeal in relation to road and traffic safety concerns are also set out in the observation.
- 8.13. It is not accepted that the tennis court was unused, or dilapidated as suggested by Donegal County Council. Sports capital grants are available to upgrade tennis court on the subject site should it be deemed appropriate.
- 8.14. The observation concludes that the proposed development will result in a devaluation and loss of business for existing guesthouses and B&Bs directly opposite the site and it is also stated that some of the planning conditions attached are somewhat 'suspicious'. Specifically, reference is made to Condition No. 2 which requires such a large polytunnel to be used for domestic use only. It is also suggested that Condition No. 3 will not successfully address the problem of light pollution and Condition No. 5 which relates to the prohibition of digital displays is also questioned. Why would such advertisements be needed if the polytunnel is for domestic/leisure purposes?.

## **9.0 Planning Policy Context**

### **9.1. Development Plan**

- 9.1.1. Part C of the Donegal Development Plan 2018 – 2024 sets out policies and objectives in relation to specific towns. Chapter 14 specifically relates to Bundoran. The site is governed by the zoning objective "*to make provision for new and maintain existing recreational facilities*".
- 9.1.2. Section 14.7.1 sets out tourism policies specific to Bundoran. Policy BD-TO-P-4 states that proposals for year-round all weather facilities will be encouraged where

they are accessible to both tourist and resident population and are of high architectural standard with quality landscaping.

## 9.2. **Natural Heritage Designations**

The subject site is not located in or contiguous to a designated Natura 2000 site. The nearest Natura 2000 site is the Donegal Bay SPA (Site Code: 004151) which at its closest point is located c.250 metres north of the subject site. The Lough Melvin SAC (Site Code: 000428) is located c.1 kilometre west of the subject site.

## 9.3. **EIAR Screening Report**

9.3.1. Issues in relation to whether or not an environmental impact assessment report is required is dealt with in the assessment below.

## 10.0 **Planning Assessment**

I have read the entire contents of the file, visited the subject site and its surroundings and have particular regard to the issues raised in the third-party appeal and the observation contained on file. I consider that some of the issues raised in the submissions are not strictly relevant or pertinent in terms of determining the planning application before the Board. However, the main issues raised in the grounds of appeal will be assessed under the following headings below.

- Perceived Irregularities in the Assessment of the Application by Donegal County Council
- The Commercial Aspect of the Proposed Development
- Compliance with Land Use Zoning
- Impact on Residential Amenity
- Need for EIAR
- Parking and Traffic
- Conditions and Contributions
- Requirements under Other Codes
- Other Issues

## 10.1. **Perceived Irregularities in the Assessment of the Application by Donegal County Council**

10.1.1. The grounds of appeal and the observation contained on file argue that Donegal County Council erred in law in dealing with aspects of the planning application.

Relevant issues raised in the grounds of appeal include:

- Prohibiting the lodgement of observations.
- Details contained on maps.
- Redacting information submitted
- Failing to act upon warning letters issued under Section 152(3) of the Planning and Development Act.

10.1.2. From the outset the Board will note that any issues pertaining to Donegal County Council's handling of the planning application is ultimately a matter for Donegal County Council and not An Bord Pleanála. Notwithstanding this point it is proposed to briefly comment on the issues raised.

10.1.3. With regard to the issue of the lodgement of observations with Donegal County Council, it appears that the third party appellant in this instance did successfully lodge an objection with the Council which was taken into consideration by the Council in adjudicating on the application. I refer to Section 5 of the planner's report which clearly indicates that an observation was received from the appellant by the Planning Authority.

10.1.4. With regard to the observation by Mr. William Hogan, the concerns of this observer were expressed in an 87 page observation submitted to An Bord Pleanála and all these concerns which are relevant to the proper planning and sustainable development of the area will be given due consideration during the course of the assessment. On this basis I do not consider that the rights of either the third party or the observer have been infringed upon in the course of adjudicating on the current application. Both parties have been given an opportunity to express their concerns by way of a third-party appeal and observation to An Bord Pleanála which will be taken into consideration in determining the application.

10.1.5. With regard to the information contained on maps on file, I have assessed the maps submitted with the planning application and I consider that they fully accord with the

requirements of Article 23 of the Planning and Development Regulations 2001 (as amended).

10.1.6. With regard to the contention that the Planning Authority redacted information of a personal nature on the public file, Donegal County Council has in its response to the grounds of appeal indicated that it was required under the provisions of GDPR to redact the information submitted. The Board will note that the information referred to in the third party appeal has been submitted as part of the objection.

10.1.7. With regard to issues of enforcement in respect of warning letters issued etc. this is again a matter for Donegal County Council as an enforcement authority. An Bord Pleanála has no jurisdiction in respect of enforcement procedures.

## **10.2. The Commercial Aspect of the Proposed Development**

10.2.1. A major concern expressed in both the third-party submission and the observation relates to the commercial nature of the proposed development. It would appear from some of the documentation contained on file, that flowers were available for purchase at the polytunnel in the past. However, Condition No. 2 of the Planning Authority's grant of planning permission requires that the poly tunnel permitted shall be restricted to ancillary/domestic leisure use and retail use shall not be permitted by this grant of planning permission. Therefore, in authorising the proposed development the Planning Authority have attached a clear and unambiguous requirement that the polytunnel will not be used as a retail outlet and the applicant has stated in his response to the grounds of appeal that all conditions will be complied with. The grounds of appeal speculate that notwithstanding the imposition of such a condition commercial activity will continue to operate at the polytunnel. If such a scenario were to occur the development in question would be unauthorised on the basis of failure to comply with all conditions. Under such circumstances Donegal County Council, and not An Bord Pleanála, as the enforcement authority would be required to take appropriate action.

10.2.2. Finally, in relation to this matter I would request the Board to note that during my site inspection I saw no evidence of flowers or plants being available for sale at the subject site. There was no advertising indicating that any of the plants were for sale and there were no prices attached to any of the plants being grown and nurtured in

the polytunnel. This suggests that presently the polytunnel is not being used as a commercial and retail outlet.

### **10.3. Compliance with Land Use Zoning**

10.3.1. The subject site is zoned '*to make for the provision of new and maintain existing recreational facilities*'. It is apparent from the information contained in the applicant's response to the grounds of appeal and the local authority planner's report that the polytunnel presently provides for a community type garden which is used as a nursery for local businesses and Bundoran Tidy Towns to present floral arrangements throughout the town. The growing and tending of flowers and plants on the subject site in my view sits very comfortably with the land use zoning provision to provide for new and maintain existing recreational facilities. I do not accept the third party's contention therefore that the proposed development contravenes either the zoning provisions or more general policies in relation to tourism and recreation with the development plan.

### **10.4. Impact on Residential Amenity**

10.4.1. In relation to the visual impact from the proposed development I do not consider that the proposal represents an eyesore. I would agree with the Planning Authority that the polytunnel is a generic type structure, while relatively large, it is not unusual that polytunnels or greenhouses would be located adjacent to or within the curtilage of private domestic gardens in residential areas. Furthermore, the polytunnel structure is located below the existing road level which reduces the overall visual impact. There is no need in my opinion to request a visual impact assessment having regard to the modest height of the structure at less than 3 metres. Likewise, having regard to the relatively simple nature of construction I do not consider it either appropriate or necessary to request an engineering report in respect of the development.

10.4.2. Concerns are expressed that the proposal gives rise to excessive light and heat pollution. In relation to light pollution, the Board will note that no artificial lighting is provided within the structure. It appears that the third party and observer's concerns primarily relate to glare. The photographs submitted on file suggests that the plastic covering on the polytunnel can give rise to increased levels of glare during sunny periods. However, I note from my site inspection (see photographs attached) that

green netting was attached externally above the roof of the polytunnel and this in my view would significantly reduce the potential for glare from the structure.

10.4.3. With regard to excessive heat, it is suggested that heat generated within the polytunnel can give rise to excessive levels of heat in the surrounding houses. Having regard to the separation distances between the houses and the polytunnel which is between 25 and 30 metres from the adjacent dwellings, it is not accepted that heat generating within the polytunnel could result in excessive heat levels within adjoining dwellinghouses. The Board will note that the entrance to the polytunnel on the eastern side of the structure does not directly face the appellant's dwelling. To suggest that planning permission should be refused on this basis is in my view untenable.

#### **10.5. Need for EIAR**

10.5.1. Having consulted Schedule 5 of the Planning and Development Regulations Parts 1 and 2, it is not apparent that the provision of a polytunnel falls within any classes of development for which an EIAR is required. There appears to be no basis therefore on which to request an EIAR. Furthermore, I consider that the modest nature of the proposed development and its location within an urban area would not warrant or justify the requirement for an EIAR even where the nature of the development comprises of a class of development for which EIAR is required.

10.5.2. It naturally follows therefore that if there is no requirement for EIAR, the issue of substitute consent in this instance would not apply.

#### **10.6. Parking and Traffic**

10.6.1. The grounds of appeal argue that the proposed development will give rise to significant parking and traffic congestion. In response to this, I would reiterate that the polytunnel in question will not be used as a commercial retail outlet and therefore it is anticipated that the proposal in itself will not give rise to significant levels of traffic generation. Any modest traffic that may arise through a collection of plants etc. can be adequately catered for in my view with the off-street car parking provision to the front of the office area serving the pitch and putt, foot golf activities etc. Furthermore, the polytunnel is located on a quiet suburban residential estate road where no parking restrictions apply. There is therefore in my view ample scope to facilitate on-street parking should the need arise.

- 10.6.2. With regard to the quality of the road serving the development, having inspected the site I note that the roadway is well surfaced and of sufficient width to cater for traffic. It was designed to appropriate geometric standards as part of the suburban estate. Photographs contained on file indicating deterioration of the carriageway relate to a small cu-de-sac road to the immediate north of the site.
- 10.6.3. Furthermore, I do not accept that there are any dangerous bends in the vicinity of the site that could give rise to traffic safety concerns. The subject site is located within a residential estate where roads and junctions have been designed in accordance with relevant geometric design guidelines.
- 10.6.4. I have no concerns therefore in respect of traffic safety or road safety relating to the development.

#### **10.7. Conditions and Contributions**

- 10.7.1. The grounds of appeal and the observation on file suggest that some of the conditions attached to the grant of planning permission are “suspicious”. The conditions referred to are Conditions 2, 3 and 5.
- 10.7.2. In relation to Condition 2 this condition requires that the polytunnel operates on an ancillary non-commercial use. The condition in question cannot be considered unusual as it seeks to regulate the proposed development in order to protect the residential amenities of the area. It is reiterated that the applicant is happy to accept such a condition.
- 10.7.3. The incorporation of a timber fence with appropriate planting/screening along the boundary, as set out in condition no.3 is in my view entirely appropriate for the purposes of protecting the visual amenities of the area. As already referred to, the green netting on the exterior of the polytunnel will mitigate against any potential glare from the structure.
- 10.7.4. Condition No. 5 relates to external lighting/advertising and digital displays. Its purpose is to ensure that no such displays incur on site in the interest of visual amenity. While such a condition may not be considered strictly necessary having regard to the provisions of Condition No. 2, it is nevertheless there to ensure that visual amenities are protected and in my view cannot be considered either unreasonable or suspicious.

10.7.5. With regard to the financial contribution issue raised in the observation, the Board will note that any such contribution as calculated in the observation is predicated on the use of the polytunnel as a commercial venture. As the polytunnel in question is prohibited from being used as a commercial venture, I can only conclude that the provisions set out in the Development Contribution Scheme which relate to agricultural buildings/horticulture/garden centres would not apply in this instance.

#### **10.8. Requirements under Other Codes**

10.8.1. Reference is made in the grounds of appeal that the proposed development is not compliant with other codes including requirements for fire safety certificates, building regulations and Covid compliant issues. In relation to these issues, I would briefly state that any argument that the polytunnel or internal garden would be used as a place of assembly is untenable therefore, any requirements to comply with fire safety issues in this regard (be it signage etc.) is not relevant or germane to the planning issues before the Board. Likewise, any requirements in relation to Covid regulation or Building Regulations are not planning issues and therefore should be set aside by the Board or the purposes of determining the application and appeal.

#### **10.9. Other Issues**

10.9.1. The suggestion that An Bord Pleanála and Donegal County Council have deliberately distorted photographs in order to reduce the perceived impact of the polytunnel is likewise not tenable. Furthermore, in the course of writing this report and recommendation, I visited the subject site and its surroundings and attach photographs which provide a true and accurate representation of the subject site and its surroundings. The photographs submitted on file and attached to this report provide the Board with a true and accurate representation of the subject site and its surroundings. I have formed this recommendation on the basis of my site inspection as opposed to the photographs attached to the submissions.

10.9.2. Reference to any issues in respect of the gas storage tank are not in my view relevant to the Board in its adjudication of the appeal. The storage tank in question relates to the adjoining building outside the site. It appears that the bulk gas storage tank serves the adjoining office development and not the polytunnel in question.

## **11.0 Appropriate Assessment**

Having regard to the nature and extent of the development which relates to the growing and nurturing of plants and flowers together with the site's location within an urban area and the separation distance to the nearest Natura 2000 site it is reasonable in my opinion to conclude that 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.

## **12.0 Conclusions and Recommendation**

Arising from my assessment above it is considered that the proposed development accords with the land use zoning objectives pertaining to the site and will not adversely impact on residential amenities of the area. I therefore recommend that the decision of Donegal County Council be upheld in this instance and that retention of planning permission be granted for the proposed development.

## **13.0 Reasons and Considerations**

Having regard to the zoning objectives relating to the site which seeks to make provision for new and maintain existing recreational facilities it is considered that the retention of polytunnel and garden enclosure, subject to conditions set out below, would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. It is therefore considered that the proposed development is in accordance with the proper planning and sustainable development of the area.

## **14.0 Conditions**

1. The development shall be carried out 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.  
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 use of the polytunnel shall be restricted to ancillary domestic/leisure use and shall not be used for commercial retail use.

**Reason:** To define the terms of the conditions and in the interest of orderly development.

3. Details of the proposed boundary treatment including any fencing and hedging shall be agreed in writing with the planning authority prior to the commencement of development.

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

4. Surface water and drainage arrangements including the attenuation of surface water shall be agreed in writing with the planning authority prior to the commencement of development.

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

5. All waste associated with the development shall be disposed of in accordance with the requirements of the planning authority. Details of all waste associated with the development shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of orderly development.

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Paul Caprani,  
Senior Planning Inspector.

13<sup>th</sup> October, 2021.