

An
Bord
Pleanála

Board Order
ABP-318983-24

Planning and Development Acts 2000 to 2022

Planning Authority: Louth County Council

Planning Register Reference Number: 2323

Appeal by Sean Morgan care of McNamee Chartered Building Surveyors Limited of Bantry House, Jocelyn Place, Dundalk, County Louth against the decision made on the 12th day of January, 2024 by Louth County Council to refuse permission for the proposed development.

Proposed Development: Retention permission for new horse stables and all associated site works that replaced original horse stables at Knocknagoran, Omeath, County Louth, as amended by the revised public notice received by the planning authority on the 8th day of December, 2023 as follows: planning permission for revised site boundaries and proposed new ancillary covered manure storage pit, soil water tank and associated site works.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the established equine use at this site, which is considered to be ancillary to the main residential dwelling, to the scale and location of the proposed development and the development proposed to be retained, the established surrounding pattern of development, and the policies of the Louth Development Plan 2021-2027, it is considered that, subject to compliance with the conditions set out below, the development to be retained and proposed, would not contravene the existing residential zoning objective for the area, would not seriously injure the amenities of adjacent residential property, would not be prejudicial to public and environmental health, and would be acceptable in terms of traffic safety and convenience. The development to be retained and proposed would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and retained in accordance with the plans and particulars lodged with the application, as amended by the further information submitted to the planning authority on the 8th day of December 2023, 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 stables shall be ancillary to the main residential unit and shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

3. The development must comply with any requirements outlined in the Good Agricultural Practice Regulations including adequate storage requirements for soiled water and manures and spreading of agricultural manures and soiled water on lands.

Reason: In the interest of public health.

4. The removal of organic waste material and its spreading on land by the applicant or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (the Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.

Reason: In the interest of environmental protection.

5. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-
 - (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways,

(b) all soiled waters shall be directed to an appropriately sized soiled water storage tank in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended, or to a slatted tank. Drainage details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and

(c) all separation distances for potable water supplies as outlined in the European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2022, as amended shall be strictly adhered to.

Reason: In the interests of environmental protection and public health.

6. Site development and building works shall be carried out only between the hours of 0700 and 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of properties in the vicinity.

7. 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.

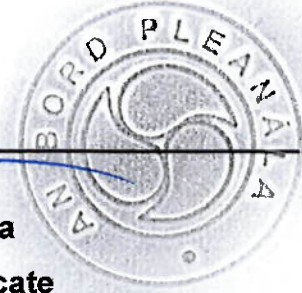


MaryRose McGovern

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 5th day of February 2025.