

AN BORD PLEANÁLALOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1990County DublinPlanning Register Reference Number: 91A/1282

APPEAL by Martin Farrell care of P.C. O'Grady and Associates of 67 Grosvenor Road, Rathgar, Dublin against the decision made on the 30th day of September, 1991 by the Council of the County of Dublin to refuse permission for development comprising the retention of a shed and the carrying on of agricultural related business, repairing farmers' trailers, horse boxes, caravans and tractors at 1 Tootenhill Cottages, Rathcoole, County Dublin:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1990, permission is hereby refused for the said development for the reasons set out in the Schedule hereto.

SCHEDULE

1. The proposed development would contravene materially a development objective indicated in the current Dublin County Development Plan which zones the area to protect and provide for the development of agriculture. This objective is considered to be reasonable. The proposed development would, thereby, be contrary to the proper planning and development of the area.
2. The proposed development would seriously injure the amenities of property in the vicinity.
3. The proposed development would endanger public safety by reason of traffic hazard due to increased turning movements onto the national primary route (N7).

Danoy A. Murphy

Member of An Bord Pleanála duly
authorised to authenticate the
seal of the Board.

Dated this 12th day of February, 1992.




AN BORD PLEANÁLA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1990

County Dublin

Planning Register Reference Number: 91A/1282

Order Made:	L.D.
Date:	10th FEB. 92
 ASST. COUNTY MANAGER	
to whom the appropriate powers have been delegated by order of the Dublin City and County Manager.	
Dated	10th day of FEBRUARY 19 92

DECISIONS

APPEALS CHECK LIST

ENF.

REG. REF. NO. 91A/1282

1	ENTERED IN OBJECTORS REGISTER	✓
2	ENTERED IN BLUE FOLDER	✓
3	ENTERED IN APPEALS REGISTER	✓
4	ENTERED IN PLANAPS: I.E.:	—
	Appeal Decision: R.P.	✓
	Appeal Date: 12/2/89	✓
5	COPY OF DECISION FOR WEEKLY LIST (LAURA/MARY)	✓
6	DECISION CIRCULATED TO LISTED PERSONS	✓
6	TO BONDS & CONTRIBUTIONS FOR FINANCIAL ASSESSMENT	No
7	TO L. DOYLE FOR NOTING	✓

CHANGE STATUS IN PLANAPS:

- REFUSAL:.....55
- GRANT:.....62
- WITHDRAWN:.....54
- CONDITIONS:.....53

An Bord Pleanála,
Floor 3,
Blocks 6 & 7,
Irish Life Centre,
Lower Abbey St.,
Dublin 1.

Our Ref: RF/SMcM

Your Ref.:

22 January 1992

Re: Requests for History Documents.

Dear Sir/Madam,

I refer to your recent correspondence in which you request history documents relating to current appeals.

In this regard, I wish to inform you that the following files are unavaible at present:

Your Ref:	Our Ref:	File Requested:
PL6/5/87436	91B/0803	86B/1321
PL6/5/87133	91A/1282	TB/1063
PL6/5/87114	91A/1256	85B/0185

Yours faithfully,

for Principal Officer.

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Retention of shed and the carrying on of agricultural related business, repairing farmers trailers, horse boxes, caravans and tractors at No. 1 Tootenhill Cottages, Rathcoole, for Martin Farrell.

P.C. O'Grady Associates,
Architects,
Cecilia House,
4 Cecilia Street,
Dublin 2.

Reg. Ref. - 91A/1282
Appl. Rec'd: 2/8/91
Floor Area:
Site Area:
Zoning:

Report of the Dublin Planning Officer, dated 27 September 1991

This is an application for PERMISSION for retention of shed, and the carrying on of agricultural related business, repairing farmers trailers, horse boxes, caravans and tractors, at No. 1 Tootenhill Cottages, Rathcoole.

The site is located in an area zoned 'B' - "to provide for the future development of agriculture".

This site is the side garden of an existing cottage. This small group of cottages takes access directly onto the Naas Road. The side and rere of No. 1 is visible from the road, while there is an open view from the access road into the side and rere of No. 1.

History

The history to this site is as follows:

TB.1063 - Permission granted ^{8/10/1980} for garage/store, for non-commercial/industrial use. The floor area of the store was 1350sq. ft.

XA.1572 - Permission refused for boat sales, display yard and repair shop. Refusal upheld on appeal. ^{3/11/81}

89B/621 - Permission granted by the County Council for retention of a 1800sq. ft. (approx.) shed on the site, for domestic use only. However, permission subsequently REFUSED by An Bord Pleanála following an appeal by neighbouring residents of Tootenhill.

89A/1916- Permission granted for retention of boundary walls.

90B/702 - Permission refused for 5 year retention of shed.

Contd/.....

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Retention of shed and the carrying on of agricultural related business, repairing farmers trailers, horse boxes, caravans and tractors at No. 1 Tootenhill Cottages, Rathcoole, for Martin Farrell.

There has been enforcement action on this site since 1979/80, see Enf. File 2744. At the High Court on 4th December, 1990, applicants Solicitors lodged an undertaking to remove all scrap and caravans from the site by 14th December, 1990, and to lodge a planning application for the retention of a shed. That undertaking was not complied with, and a Committal Order was granted.

This current application is the result of that most recent action. It should also be noted that the machinery/scrap and vehicles have been removed, and only personal belongings remain.

With regard to the attitude of Roads Department on this matter, there is no written report on file, but I have been advised verbally by that Department that the proposal would be likely to endanger public safety by reason of traffic hazard. This viewpoint has not changed since earlier applications, e.g. XA.1572.

There are a number of objections to this proposal from adjoining residents.

Given the history of this site, it is recommended that permission be refused.

I recommend that a decision to Refuse Permission be made under the Local Government (Planning and Development) Acts, 1963-1990, for the following (3) reason:-

1. The proposed development ~~is likely to~~^{would} endanger public safety by reason of traffic hazard due to increased turning movements onto the heavily trafficked National Primary Route N7.
2. The site of the proposed development is located in an area zoned, in the County Development Plan, "to provide for the future development of agriculture". The proposed development would contravene materially this objective and would be contrary to the proper planning and development of the area.
3. The proposed development would seriously injure the amenities of adjoining residential properties in this small cul-de-saced housing estate.

Contd/.....

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Retention of shed and the carrying on of agricultural related business, repairing farmers trailers, horse boxes, caravans and tractors at No. 1 Tootenhill Cottages, Rathcoole, for Martin Farrell.

[Handwritten mark]

GH
(GB/CM)

Endorsed:- *[Signature]* for Principal Officer
[Signature] Richard Cronin SEP.
For Dublin Planning Officer
27.9.91

Order:- Pursuant to Section 26(1) to the Local Government (Planning and Development) Acts, 1963-1990 a decision to REFUSE PERMISSION for the above proposal is hereby made by the Council for the (3) reasons set out above and PERMISSION is REFUSED accordingly.

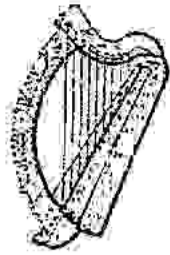
Dated: 30th September, 1991. *[Signature]*

to whom the appropriate powers have been delegated by Order of the Dublin City and County Manager, dated 27th September 1992.

SB. NO. 116.
Seal and threagra chun
(Reply to)

AN RÚNAÍ
(The Secretary)

faoin uimhir seo -
(Quoting)



AN ROINN COSANTA
(Department of Defence)

TEACH NA PÁIRCE
(Park House)

BAILE ÁTHA CLIATH, 7
(Dublin, 7)

PK

2/50719

Teileafón 01: ~~XXXX~~ 771881 Ext. 2485

24 August, 1991.

Dear Sir,

Re: Planning Applications which might affect the use
of Casement Aerodrome, Baldonnel, Co. Dublin.

I am directed by the Minister for Defence to refer to applications:

91A/1262 - M. Keogh, Crooksling, Brittas.

91A/1255 - S. & D. Kelly, Ballymakelly, Newcastle.

91A/1282 - M. Farrell, Tootenhill Cottages, Rathcoole.

91A/1288 - M. Wall, Fortunestown Lane, Saggart.

91A/1310 - W. O'Reilly, Main Street, Newcastle.

No objection is seen to the proposed developments provided they do not exceed 11M in height above ground level.

Yours sincerely,

JOHN P. MORAN
EXECUTIVE OFFICER

The Secretary,
Dublin County Council,
Planning Department,
Irish Life Mall,
Lower Abbey Street,
Dublin 1.

AN BORD PLEANALA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1983

County DublinPlanning Register Reference Number: X.A. 1572

APPEAL by M. Farrell, care of T. Colbert, of 216, Forest Hills, Rathcoole, County Dublin, against the decision made on the 15th day of October, 1982, by the Council of the County of Dublin to refuse permission for development consisting of the use of land as a boat sales and display yard and the erection of a boat repair shop on a site at Tootenhill, Rathcoole, County Dublin:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1983, permission is hereby refused for the said development for the reasons set out in the Schedule hereto.

SCHEDULE

1. The site of the proposed development is located in an area zoned, in the County Development Plan, "to provide for the future development of agriculture". The proposed development would contravene materially this objective and would be contrary to the proper planning and development of the area.
2. The proposed development would seriously injure the amenities of adjoining residential properties in this small cul-de-sac housing estate.
3. ~~The proposed development would endanger public safety by reason of a traffic hazard due to increased turning movements onto the N7, National Primary Route and distraction to drivers from the display yard.~~

A. Molloy
 Member of An Bord Pleanála duly
 authorised to authenticate the
 seal of the Board.

Dated this 3rd day of November 1983.



Blac 2, Ionad Bheatha na hEireann,
Block 2, Irish Life Centre,
Sraid na Mainistreach Iacht,
Lower Abbey Street,
Baile Atha Cliath 1.
Dublin 1.
Telephone. (01)724755
Fax. (01)724896

Register Reference : 91A/1282

Date : 12th December 1991

Dear Sir/Madam,

Development : Retention of shed and the carrying on of agricultural related business, repairing farmers' trailers, horse boxes, caravans and tractors

LOCATION : No. 1 Tootenhill Cottages, Rathcoole

Applicant : Martin Farrell

App. Type : PERMISSION

I wish to inform you that an appeal has been lodged with An Bord Pleanala against the Council's decision to REFUSE PERMISSION.

All further correspondence in relation to this appeal should be addressed to The Secretary, An Bord Pleanala, Blocks 6 & 7 Irish Life Centre, Lower Abbey Street, Dublin 1. (Tel. 728011).

Please note that submissions or observations made to An Bord Pleanala by or on behalf of a person (other than the applicant) with regard to an appeal made by another person must be accompanied by a fee of £15.

Yours faithfully,

.....L.D.....

for PRINCIPAL OFFICER

Mr. S. O' Cearnaigh,
6 Tooten Hill,
Rathcoole,
Co. Dublin.



Bloc 2, Ionad Bheatha na hFireann,
Block 2, Irish Life Centre,
Sraid na Mainistreach Iachta,
Lower Abbey Street,
Baile Atha Cliath 1,
Dublin 1.
Telephone. (01)724755
Fax. (01)724896

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Please note that submissions or observations made to An Bord Pleanala by or on behalf of a person (other than the applicant) with regard to an appeal made by another person must be accompanied by a fee of £15.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'L. J. O'Connell', written over a dotted line.

FOR PRINCIPAL OFFICER

c. collins,
5 Tootenhill,
Rathcoole,
Co. Dublin.



Bloc 2, Ionad Bheatha na hEireann,
Block 2, Irish Life Centre,
Sraid na Mainistreach Iacht,
Lower Abbey Street,
Baile Atha Cliath 1.
Dublin 1.
Telephone. (01)724755
Fax. (01)724896

Register Reference : 91A/1282

Date : 2nd October 1991

Dear Sir/Madam,

Development : Retention of shed and the carrying on of agricultural related business, repairing farmers' trailers, horse boxes, caravans and tractors

LOCATION : No. 1 Tootenhill Cottages, Rathcoole

Applicant : Martin Farrell

App. Type : PERMISSION

I wish to inform you that by order dated 30.09.91 it was decided to REFUSE PERMISSION for the above proposal.

This decision, together with the conditions/reasons attached thereto, is recorded in the Planning Register kept at this office in accordance with section 8 of the Local Government (Planning and Development) Act 1963. This register may be inspected during office hours [9.00a.m. - 12.30p.m. 2.15p.m. - 4.30p.m.] and interested party may obtain a certified copy of an entry therein on payment of a fee of £5 in respect of each entry.

It should be noted that the proposer may appeal to An Bord Pleanala against the decision or any conditions attached to the Council's decision within one month beginning on the day of receipt by him of the Council's decision. Any other person may appeal to An Bord Pleanala within three weeks beginning on the date of decision. Interested parties are advised to consult the Planning Authority or An Bord Pleanala to ascertain if an appeal has been lodged by the applicant.

All appeals against decisions of the Planning Authority and all correspondence in relation to new and existing appeals should be addressed to The Secretary, An Bord Pleanala, Blocks 6 & 7 Irish Life Centre, Lower Abbey Street, Dublin 1. (Tel. 728011). Any appeal made to An Bord Pleanala will be invalid unless the correct fee is received by An Bord Pleanala within the statutory appeal period. The fee in respect of an appeal by an applicant for permission relating to commercial development is £100; any other appeal is £50.

Submissions or observations made to An Bord Pleanala by or on behalf of a person (other than the applicant) as regards an appeal made by another person must be accompanied by a fee of £15.

C. Collins,
5 Tootenhill,
Rathcoole,
Co. Dublin.



Bloc 2, Ionad Bheatha na hEireann,
Block 2, Irish Life Centre,
Sraid na Mainistreach Iacht,
Lower Abbey Street,
Baile Atha Cliath 1.
Dublin 1.
Telephone. (01)724755
Fax. (01)724896

Register Reference : 91A/1282

Date : 2nd October 1991

Yours faithfully,

.....
L.D.

for PRINCIPAL OFFICER



Bloc 2, Ionad Bheatha na hEireann,
Block 2, Irish Life Centre,
Sraid na Mainistreach Iacht,
Lower Abbey Street,
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Telephone. (01)724755
Fax. (01)724896

Register Reference : 91A/1282

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Submissions or observations made to An Bord Pleanála by or on behalf of a person (other than the applicant) as regards an appeal made by another person must be accompanied by a fee of £15.

Mr. S. O' Cearnaigh,
6 Tooten Hill,
Rathcoole,
Co. Dublin.

91A/1282

799

Mountain View

RE: 91A 1282

DUBLIN COUNTY COUNCIL
PLANNING DEPT.
RECEIVED
20 AUG 1991

Footershill
Rathcoole
Co. D

13/8/91

Dear Sir/Mr/Madam

In reply to the planning application of Mr Farrell of 2 Footershill for retention of shed & Repair yard as a business concern, I was written in strong objection to same.

On behalf of myself & family of residence of Footershill we would like to see this long standing matter once & for all put to one side. We feel very strongly that after ^{years} of court hearings & a final decision by the Bord pleavala to refuse such applications that here we find ourselves once again having to lodge an objection. I felt after the final decision was made that this monstrosity would finally be removed. How can it be again that Mr Farrell is allowed to reapply?

It is our understanding that within 2 weeks of 4th December Mr Farrell had the opportunity to reapply but if not then this shed should be removed. Why this was allowed after all these times that the residence of Footershill lodged objection after objection to satisfy the courts suits are comprehensions.

All along Mr Farrell says this was a Domestic Shed and was not for commercial use, now it appears he admits it is for Industrial use. Apart from the eyesore with 2 chimneys which we claimed could only be commercial use, we had terrible problems with our Electricity Supply. We have college students here who during exam times studying at 8/9 P.M plus not one had to endure the lights dancing of the ceiling whilst trying to read. It got so bad after numerous complaints the E.S.B.

2

eventually came out & we believe put Mr Farrell
on commercial rates, and increased the voltage supply.
This arose no doubt through the machinery Mr
Farrell was using and at crazy hours of
night while all along he claimed otherwise
& said it was only for domestic use.

This a small cul de sac with 7 residential
houses we do not want an industrial yard
here & we never had nor the crowds it
may attract. It appears to be I've often
another, changing planning applications to persist
on various routes to retain this shed.
Never mind Mr Farrell's disregard for Council
in putting it up without permission in the
first place.

The householders of 5 Tottenhill challenge Mr Charles Molloy
of 2337 St Bridget's Terrace, Malinmore East
Dublin regard to his statement that previously
whilst living at No 1 Tottenhill this premises
was used as an Industrial yard. Our
recollection is an overgrown garden ^{not yard} with one
caravan for a short period of time whereby
it was only used whilst some members of
family awaited housing. The pigs would be
considered for domestic use & this could hardly
justify a commercial premises. If Mr Molloy's
statement is legitimate we would ask the Council
to seek proof of same & we suggest that V.A.T.
or Tax returns for the said years be
submitted to clarify or prove same. Otherwise
outside other residence this is a load of
rubbish & should not be considered by the
Councils. If this has a bearing on the case for
whatever reason were not to spare why, but in
this case if it is we strongly request that
this information & statement be clarified. Years
ago Mr Farrell approached almost all residence and

tried to force our hands to sign a piece of paper to be effed if Caravans been previously sold or held at his house. We said then no we would not tell him, that there was only 1 caravan which some of the Molloy family lived in currently housing. Why we ask does Mr Ferrall now produce a non residents statement at this time with words to other effects.

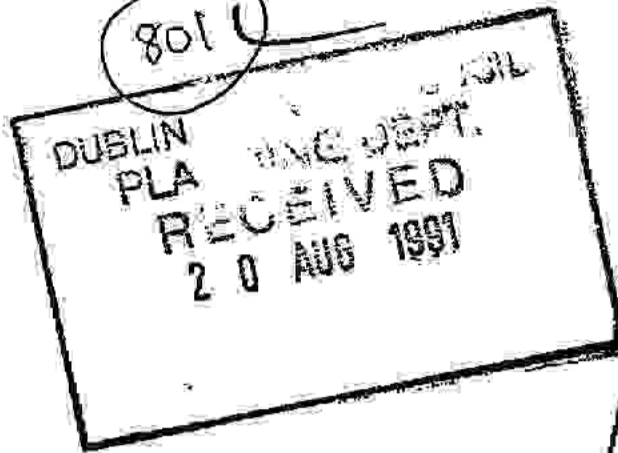
Finally, if this letter seems a somewhat offensive to the Council, ^{as just} we are so tired of Mr Ferralls constant persistence in his changing his planning applications through wording from Domestic all along & now Industrial. The Councils already ruled out the yard for Commercial use as final with a last option to reapply for reversion of a Domestic shed only. In this last application the yard is up again for Industrial use & reversion of an Industrial Shed.

We hope that this final application will be refused outright & the decision for the shed to be demolished as previous ruled by the Bard Steanata. This shed must finally be taking down
We await your kind reply

Yours Sincerely
Carole Collins

91A/1282

8010



6, Tooten Hill
Rathcoole,
Co. Dublin.

Ph. 580504.

11 August 1991.

Handwritten initials and date: 22/8

OBJECT

Planning Dept.,
Dublin County Council,
Block 2, Irish Life Centre,
Lower Abbey Street,
Dublin 1.

Re: Application 91A/1282 by Martin Farrell of 1, Tooten Hill, Rathcoole, Co. Dublin for retention of shed and the carrying on of agricultural related business etc.

A Chara,

We, the undersigned, wish to lodge our objection to the recent application by Martin Farrell of 1, Tooten Hill, Rathcoole, Co. Dublin for 'retention of shed and the carrying on of agricultural related business' etc.

As regards the shed, An Bord Pleanala has already ruled on this matter in a decision of the 21st. of February 1990 (PL 6/5/80039). An Bord Pleanala refused permission because, among other things, the retention of a structure of so large a scale and floor space would seriously injure the residential amenities of property in the vicinity by reason of its excessive size and unsuitable design.

As regards the garage-type business which Mr. Farrell wished to retain or seek permission for, the Council's own Record of Executive Business and Management Orders (Order no. P/2794/89) contains a note from the Roads Dept. about this site, stating that they are anxious that no commercial activity be permitted in this shed. Permission for a boat sales yard and repair shop on this site was similarly refused by An Bord Pleanala in 1983 (Ref. PL 6/5/658, Reg. Ref. XA 1572, dated 3/11/1983). Put simply, this is a residential area and must have its residential amenities protected.

We object to this application in the strongest possible terms.

Sincerely,

Seán Ó Cearnaigh

Mary Kearney (Mrs)

Ciarán Ó Cearnaigh

Maurice Collins Margaret Collins

Mollie Murphy Deborah Collins

Carol Collins

Patricia Collins Kathleen Collins

Gerald O'Connor

(All the above are residents of Tootenhill, Rathcoole, Co. Dublin).



6, Tooten Hill
Rathcoole,
Co. Dublin.

17.8.1991

The Principal Officer,
Planning Dept.,
Dublin Co. Council

OBJE

A Chara,

Further to the objection by ourselves and others to the application by Mr. Martin Farrell of 1 Tooten Hill, Rathcoole, Co. Dublin for retention of a shed and of a repair business (application no 91 A 1282), I have had an opportunity to inspect the documentation lodged in support of the said application.

We take serious issue with a number of items therein.

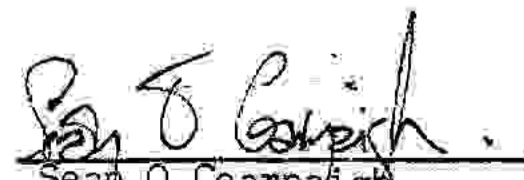
1. I call into question Mr. Farrell's honesty in the way he has not disclosed his real intentions to the Planning Dept. in the past and present. In his application for retention of the shed (application 89 B 621) he stated that the intended use was to be solely domestic. In December 1990 Mr. Farrell gave an undertaking to the High Court that he would not 'commence or carry out any commercial activity without a prior grant of a planning permission for such use.' Yet in the present application it is stated that Mr. Farrell seeks permission to retain (among other things) 'his existing business of repairing farmers trailers, horse boxes, caravans, tractors, and other things...' This is disgusting duplicity.
2. In support of Mr. Farrell's application respecting usage, copies of an affidavit by a Mr. Charles Molloy are included. Issue must be taken with the contents of this document:

Points three and four (respecting pig-keeping) are not ad rem. Keeping of pigs, if such took place, would be on a small scale and was considered a domestic activity in the period in question. Mention of pig-keeping in an application for permission to run a garage workshop is a red herring.

Points five and six are flatly denied by Mrs. Kearney, Mrs. Murphy and Mrs. Collins, the three longest established residents in Tooten Hill who have lived here since these houses were built. They have all agreed to sign an appendix to this letter stating their position. They are all respectable, middle-aged ladies whose word is their bond. The import of points five and six is that Mr. Molloy says he ran a commercial garage between 1945 and 1967. This is untrue.

I must also point out that Mr. Farrell has defied the terms of the undertaking he made to the High Court in December 1990 and the terms of the subsequent committal order issued on foot of that. He undertook to apply for permission to retain the shed 'for solely domestic purposes' as I recall. Yet this application has a blatant commercial aspect attached to it.

Le meas mór,


Sean O'Ceirneach

We, the undersigned, wish to state that we have lived in Tooten Hill since it was built and that we have never known of a commercial garage or any other commercial activity such as is claimed to have taken place in the period in question, (1945-1967), at 1 Tooten Hill Rathcoole.

If necessary you can contact us for verification.

Mary Kearney (Mrs)
Mrs. Mary Kearney, 6, Tooten Hill, Rathcoole, Co. Dublin.

Mollie Murphy (Mrs)
Mrs. Mollie Murphy, 2, Tooten Hill, Rathcoole, Co. Dublin.

Margaret Collins (Mrs)
Mrs. Margaret Collins, 5, Tooten Hill, Rathcoole, Co. Dublin.

17 August 1991.

PLANNING APPLICATION FEES

Reg. Ref. *91A/1282* Cert. No. *26237*
 PROPOSAL *Retention of S6a for Business Purposes*
 LOCATION *1 Tooton Hill Cottages Runcorn*
 APPLICANT *Martin Faenell*

CLASS	DWELLINGS/AREA LENGTH/STRUCT.	RATE	AMT. OF FEE REC.	AMOUNT LODGED	BALANCE DUE	BALANCE PAID
1	Dwellings	@£32				
2	Domestic	@£16				
3	Agriculture	@50p per m2 in excess of 300m2. Min. £40				
4	<i>175.0m</i> Metres <i>180</i> ✓	@£1.75 per m2 or £40	<i>306.25</i>	<i>332</i>	<i>25.75</i>	<i>18.75 Paid</i>
5	x .1 hect.	@£25 per .1 hect. or £250				
6	x .1 hect. ✓ <i>0.13 HA</i>	@£25 per .1 hect. or £40	<i>£50</i>	<i>£44.50</i>	<i>N.B. £5.50 not sought</i>	
7	x .1 hect.	@£25 per .1 hect. or £100				
8		@£100				
9	x metres	@£10 per m2 or £40				
10	x 1,000m	@£25 per £1000m or £40				
11	x .1 hect.	@£5 per .1 hect. or £40				

18.75 9/8/91
N47471

Column 1 Certified: Signed: *[Signature]* Grade: *DFE* Date: *7/8/91*
 Column 1 Endorsed: Signed: Grade: Date:
 Columns 2,3,4,5,6 & 7 Certified: Signed: *[Signature]* Grade: *S* Date: *6/8/91*
 Columns 2,3,4,5,6 & 7 Endorsed: Signed: Grade: Date:

LOCATION GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1953 TO 1982

ASSESSMENT OF FINANCIAL CONTRIBUTION

EG. REF.: *91A/1282*

CITY. REG.:

SERVICES INVOLVED: WATER/SEWER/SURFACE WATER

REA. OF SITE: *0.33 Acres.*

TOTAL AREA OF PRESENT PROPOSAL: ~~1938 FT²~~ *1884 FT²*

MEASURED BY:

*J.Y.
7/8/91*

CHECKED BY:

METHOD OF ASSESSMENT:

TOTAL ASSESSMENT

AMOUNT'S ORDERED FOR BY
DATE

ENTERED IN CONTRIBUTIONS REGISTER:

DEVELOPMENT CONTROL ASSISTANT GRADE

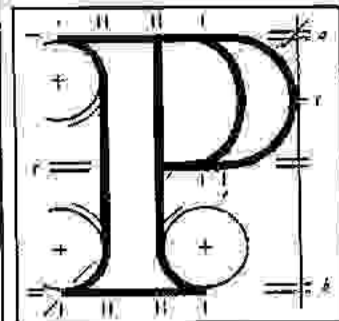
Our Ref: PL 6/5/87133
P.A. Ref: 91A/1282

*Copies to
Enforcement*

223

Dublin County Council,
Planning Department,
Block 2,
Irish Life Centre.

An Bord Pleanála



Floor 3 Blocks 6 & 7
Irish Life Centre
Lower Abbey Street
Dublin 1
tel (01) 728011

Date: 12 FEB 1992

Appeal re: Retention of a shed and the carrying out of agricultural related business, repairing farmers' trailers, horse boxes, caravans and tractors at 1 Tootenhill Cottages, Rathcoole, County Dublin.

Dear Sir,

An order has been made by An Bord Pleanála determining the above-mentioned appeal under the Local Government (Planning and Development) Acts, 1963 to 1990. A copy of the order is enclosed.

Yours faithfully,


Miriam Baxter.

Encl.

BP 352

13 FEB 92

DEVELOPMENT
18 FEB 1992
CONTROL

AN BORD PLEANÁLA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1990

County Dublin

Planning Register Reference Number: 91A/1282

APPEAL by Martin Farrell care of P.C. O'Grady and Associates of 67 Grosvenor Road, Rathgar, Dublin against the decision made on the 30th day of September, 1991 by the Council of the County of Dublin to refuse permission for development comprising the retention of a shed and the carrying on of agricultural related business, repairing farmers' trailers, horse boxes, caravans and tractors at 1 Tootenhill Cottages, Rathcoole, County Dublin:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1990, permission is hereby refused for the said development for the reasons set out in the Schedule hereto.

SCHEDULE

1. The proposed development would contravene materially a development objective indicated in the current Dublin County Development Plan which zones the area to protect and provide for the development of agriculture. This objective is considered to be reasonable. The proposed development would, thereby, be contrary to the proper planning and development of the area.
2. The proposed development would seriously injure the amenities of property in the vicinity.
3. The proposed development would endanger public safety by reason of traffic hazard due to increased turning movements onto the national primary route (N7).

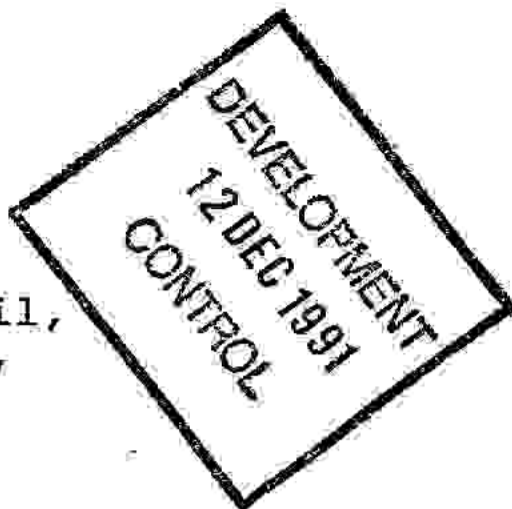


Member of An Bord Pleanála duly
authorised to authenticate the
seal of the Board.

Dated this 12th day of February, 1992.



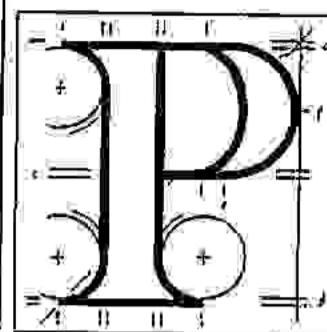
Gór Ref: PL 6/5/87133
P.A. Reg. Ref: 91A/1282



The Secretary,
Dublin County Council,
Planning Department,
Block 2,
Irish Life Centre.

6 DEC 91 11:12

PK
An Bord Pleanála



Floor 3 Blocks 6 & 7
Irish Life Centre
Lower Abbey Street
Dublin 1
tel (01) 728011

Date: 4th December 1991.

Appeal re: Retention of shed and carrying on of agricultural related business, repairing farmers trailers, horseboxes, caravans and tractors at 1 Tootenhill Cottages, Rathcoole, County Dublin.

Dear Sir/Madam,

Enclosed for your information is a copy of correspondence received in relation to the above-mentioned appeal. While it is not necessary for you to furnish any comments on the correspondence, you may do so if you wish. Any such comments should be forwarded within fourteen days from the date of this letter to ensure that they will be taken into consideration in the determination of the appeal.

Please quote the above appeal reference number in any further correspondence.

Yours sincerely,

Suzanne Lacey
Suzanne Lacey

BP 553A

By Hand MH
2/12/91
Piscash
B 25953

6, Tooten Hill,
Rathcoole,
Co. Dublin.
Ph. 580504

I.xii.1991

An Bord Pleanála,
Floor 3, Blocks 6 & 7,,
Irish Life Centre,
Lower Abbey Street,
Dublin 1.

RE: PL 6/5/87I33 (appeal by Mr. Martin Farrell against a decision by Dublin County Council to refuse retention of shed, carrying on of business)

A Chara,

We submit an observation regarding the abovementioned appeal. We wish to express our profound objection to the appeal and ask An Bord to uphold the decision of Dublin County Council in this matter in its refusal to allow retention (91 A 1282).

An Bord should be made aware that it has already adjudicated in this case on a previous occasion when on 21/2/1990 it refused permission to retain this huge shed on a third party appeal from local residents. Since then Dublin County Council has striven through the courts to force Mr. Farrell to accept the implications of An Bord's ruling. Mr. Farrell has used the application and appeal procedures as a means of wasting time and delaying due processes; Dublin County Council refused another application of his for retention of the shed in July (90 B 702). In the High Court in December 1990, Mr. Farrell gave an undertaking (among other things) to refrain from running any business at the site and to dismantle his shed if refused permission on a final application. The final application was to have been made in December; Mr. Farrell made it in August of the following year. In the application Mr. Farrell seeks permission to retain the business he promised the High Court he would cease operating and to retain the shed that he promised the High Court he would have dismantled. This bizarre time-wasting and contempt cannot be allowed to continue.

An Bord must refuse Mr. Farrell's appeal as:

1. An Bord has already ruled against retention of this shed (on 21/2/1990), stating (among other things) that "... the retention of a structure of so large a scale and floor space would seriously injure the residential amenities of property in the vicinity by reason of its excessive size and unsuitable design."
2. The Planning Dept. of Dublin County Council has given three excellent reasons why no business must be conducted at this site; such business would contravene the zoning and development plan, would constitute a traffic hazard onto the adjacent N7 primary national route, and would seriously interfere with the amenities of other residents in the area.

Sincerely,

Seán Ó Cearnaigh Maurice Collins Mary Kearney
Maurice Collins 5 Tooten Hill Paul Collins
Dorothy Collins M. J. Collins

(Local residents)

COMHAIRLE CHONTAE ATHA CLIATH

Tel. 724755
Ext. 268/269

Planning Department,
Irish Life Centre,
Lr. Abbey Street,
Dublin 1.

Your Ref.: PL6/5/ 87133

Our Ref.: 91A/1282

An Bord Pleanála,
Blocks 6 and 7,
Irish Life Centre,
Lr. Abbey Street,
Dublin 1.

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1983

Proposal: Retention of shed & carrying on of agricultural
retail business, viz. iron farmers trailers, horseboxes,
newspapers & tractors.

Applicant: Martin Farrell

Dear Sir,

With reference to your letter dated 7/11/91 I enclose
herewith:-

- (1) & (2) A copy of the application which indicated the applicant's
interest in the land or structure.
- (3) A copy of the public notice given, i.e.
Evening Herald 2/8/91
- (4) The plan(s) received from the applicant on 2/8/91
- (6) & (7) A certified copy of Manager's Order P/4585/91,
DATED, 30/7/91 together with technical reports in
connection with the application.
- (8) Histories to follow.

Yours faithfully,

P. Farrell
for Principal Officer.
Encls.

Our Ref: PL 6/5/87133
Your Ref: 91A/1282

The Secretary,
Dublin County Council,
Planning Department,
Block 2,
Irish Life Centre.

Date: 7th November 1991.

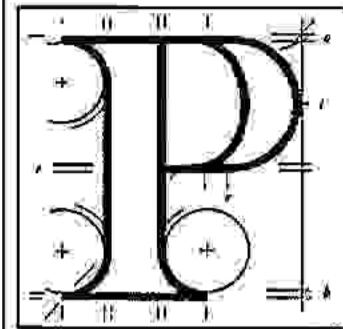
Planning authority decision re: Retention of shed and carrying on of agricultural related business, repairing farmers trailers, horseboxes, caravans and tractors at 1 Tootenhill Cottages, Rathcoole, County Dublin.

Dear Sir/Madam,

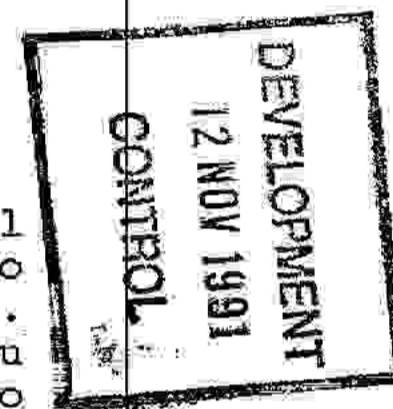
Enclosed is a copy of an appeal under the Local Government (Planning and Development) Acts, 1963 to 1990, in relation to the above-mentioned decision. So that consideration of the appeal may proceed, you are requested to forward to the Board within two weeks:

- (1) The application made to the planning authority.
- (2) Particulars of the applicant's interest in the land or structure, as supplied to the planning authority.
- (3) A copy of the public notice, whether published in a newspaper or on the site.
- (4) Any drawings, maps, particulars, information, evidence or written study received or obtained from the applicant, including the ordnance survey number.
- (5) Copies of requests (if any) to the applicant for further information relating to the application under appeal and copies of reply and documents (if any) submitted in response to such requests.
- (6) A certified copy of the relevant Manager's Order.
- (7) Copies of any technical or other reports relevant to the decision on the application.
- (8) Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development close by.

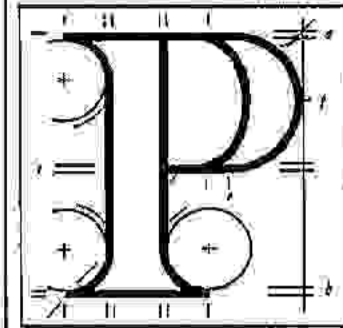
203.
An Bord Pleanála



Floor 3 Blocks 6 & 7
Irish Life Centre
Lower Abbey Street
Dublin 1
tel (01) 728011



An Bord Pleanála



Floor 3 Blocks 6 & 7
Irish Life Centre
Lower Abbey Street
Dublin 1
Tel (01) 728011

Please note that the other party/parties to the appeal are being notified that copies of the planning authority documents relevant to the decision which gave rise to the above-mentioned appeal will be available for inspection at your offices after the expiration of a period of fourteen days from the date of this letter. It would be appreciated if parties could be facilitated in this regard.

Copies of the representations or observations made to the planning authority in relation to the application should not be sent to the Board. It is assumed that the planning authority has notified observers of the decision made and of the right of appeal.

The planning authority may make to the Board, in writing, such observations on the appeal as it thinks fit. Where practicable, any such observations should be submitted with the documents listed above but the furnishing of the documents should not be held up until observations are available. In any event, to ensure that they will be taken into account in the determination of the appeal, any such observations should be furnished within one month of the date of this letter.

Please quote the above appeal reference number in any further correspondence.

Yours faithfully,

Suzanne Lacey

Encl.

BP 005

P.C.
O'GRADY
ASSOCIATES

ARCHITECTS
&
PLANNING
CONSULTANTS

67.
GROSVENOR ROAD,
RATHGAR,
DUBLIN 6.

TEL:
976777
979620

VAT NO:
9E71410E

The Secretary,
An Bord Pleanála,
Irish Life Centre,
Lower Abbey St.,
Dublin 1.

15th October, 1991.

Re: Martin Farrell-Retention of Shed and the carrying on of agricultural related business, repairing farmers trailers horse boxes, caravans and tractors at No. 1, Tootenhill Cottages, Rathcoole.

AN BORD PLEANALA
Received 18/10/91
€ 50 Cash by hand
B 25298

Dear Sir,

My Client, Martin Farrell owns No. 1 Tootenhill Cottages, Rathcoole, Co. Dublin and carries on the business of repairing farmers trailers, horse boxes, caravans and tractors and other agricultural related business.

Mr Martin Farrell purchased the premises from a Mrs Molloy in 1975 and continues to carry on the same business as his predecessor-in-title in proof of which I enclose a copy of an Affidavit sworn by Charles Molloy who lived at the premises with his mother where he carried on the same type of business which is now being carried on by my Client Martin Farrell.

On the instructions of Mr. Eamon Sheil, Mr Farrell's Solicitor I applied on or about the 2nd August to Dublin County Council for permission to carry on the business and I enclose a copy of my letter of Application addressed to the Principal Officer of the Planning Department of Dublin County Council and a copy of the Notification of a Decision to Refuse Permission dated the 30th September, 1991.

Mr. Martin Farrell is aggrieved by the Decision of Dublin County Council to refuse Permission and appeals against it herewith on several grounds.

One of Mr. Farrell's Grounds of Appeal is that he is carrying on the same type of business which has been carried on since 1945 or 1946.

During Mr. Farrell's ownership Dublin County Council sought Permission from Mr. Farrell to cross his lands with a small sewerage scheme to enable the houses in Tootinhill Cottages to be connected to the main foul drainage scheme.

Further Grounds of Appeal or the enlargement of the above Grounds of Appeal will be sent to you by me and possibly by Mr. Eamon Sheil, Mr. Farrell's Solicitor as soon as possible.

J.C. O'GRADY
Dip Env Econ. M.LArch.S.

P.C. O'GRADY
F.F.A.S. M.LArch.S.
Consultant

ACK
TO -
24.10.91

Over.

P.C.
O'GRADY
ASSOCIATES

An Bord Pleanála.

Re: Martin Farrell, 1 Tootenhill Cottages Rathcoole.

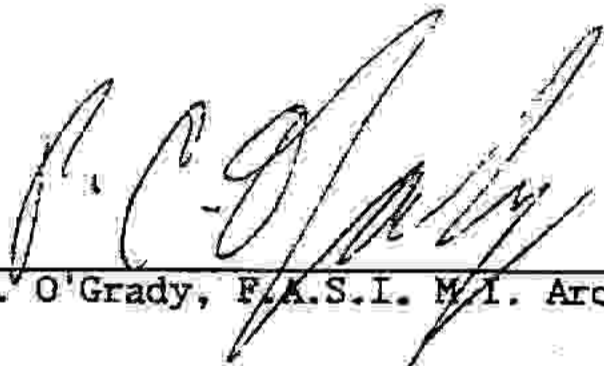
15th October, 1991.

You will note that my office address has been changed from 4 Cecilia Street, Dublin 2. to 67 Grosvenor Road, Rathgar, Dublin 6. and the finalising of this Appeal is affected by the fact that our office files and records are still coming to our new address from our old address.

I have arranged for a consultation with Mr. Farrell and his Solicitor Mr. Eamon O. Sheil for next week after which the Appeal will be finalised.

I enclose my Client's cheque (or cash) in the sum of £50.00 which I understand is the amount of the Appeal Fee, applicable in this case.

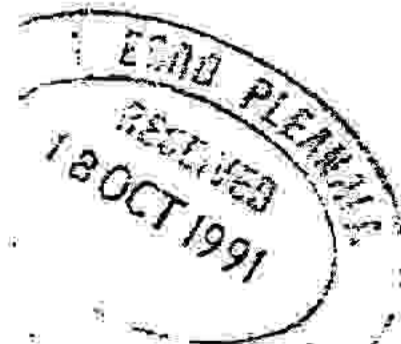
Yours sincerely,



P.C. O'Grady, F.A.S.I. M.I. Arch. S.

In addition to the enclosure mentioned above I enclose a copy of part of an Ordnance Survey Sheet showing the location of Mr. Farrell's site on which are also shown the sites of Nos. 2, 3, 4, 5 and 6 Tootinhill Cottages.

Further documentation and drawings will follow with a letter from me or Mr. Sheil Solicitor.



DUBLIN COUNTY COUNCIL

Tel. 724755 (ext. 262/264)

PLANNING DEPARTMENT,
BLOCK 2,
IRISH LIFE CENTRE,
LR. ABBEY STREET,
DUBLIN 1.

NOTIFICATION OF A DECISION TO REFUSE:

~~CONTAINING PERMISSION~~: PERMISSION: ~~APPROVAL~~

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963-1983

To..... P. C. O'Grady Associates,
Architects, *Cecilia Hoeg*,
4 Cecilia Street,
Dublin 2.
- Register Reference No. 91A/1282
- Planning Control No.
- Application Received 02.08.1991
- Additional Information Received
Applicant..... Martin Farrell.....

In pursuance of its functions under the above-mentioned Acts, the Dublin County Council, being the Planning Authority for the County Health District of Dublin, did by order, P/ 4585/91 dated 30.09.1991 decided to refuse:

~~CONTAINING PERMISSION~~ PERMISSION ~~APPROVAL~~

For..... Retention of shed and the carrying on of agricultural related
business, repairing farmers trailers, horse boxes, caravans and
tractors at No. 1 Tootenhill Cottages, Rathcoole.
for the following reasons:

1. The proposed development would endanger public safety by reason of traffic hazard due to increased turning movements onto the heavily trafficked National Primary Route N7.
2. The site of the proposed development is located in an area zoned, in the County Development Plan, "to provide for the future development of agriculture". The proposed development would contravene materially this objective and would be contrary to the proper planning and development of the area.
3. The proposed development would seriously injure the amenities of adjoining residential properties in this small cul-de-sac housing estate.

Signed on behalf of the Dublin County Council

J. de Bantwor
for PRINCIPAL OFFICER

30th September, 1991.

Date

IMPORTANT:

NOTE: (1) An appeal against the decision may be made to An Bord Pleanala. The applicant may appeal within one month from the date of receipt by him of this notification. The appeal shall be in writing and shall state the subject matter of the appeal and grounds of appeal and should be addressed to An Bord Pleanala, Irish Life Centre, Lower Abbey Street, Dublin 1. An appeal lodged by an applicant or his agent with An Bord Pleanala will be invalid unless accompanied by a fee of £36. (Thirty-six pounds). (2) A party to an appeal making a request to An Bord Pleanala for an oral hearing of an appeal must, in addition to (1) above, pay to An Bord Pleanala a fee of £36. (Thirty-six pounds). (3) A person who is not a party to an appeal must pay a fee of £10 (Ten pounds) to An Bord Pleanala in relation to an appeal. When an appeal has been duly made and has not been withdrawn, An Bord Pleanala will determine the application for permission as if it had been made to them in the first instance.

COMHAIRLE CHONTAE ÁTHA CLIATH

RECEIPT CODE

PAID BY — DUBLIN COUNTY COUNCIL
46/49 UPPER O'CONNELL STREET,
DUBLIN 1.

30/00

CASH
CHEQUE
M.O.
B.L.
I.T.

N 47471

£ 18.75

Received this 9 day of August 1991

from P & J L O Grady

the sum of Eighteen Pounds

Seventy five Pence, being 30/00

fee in respect of County collection

91A/1282

R. O'Grady Cashier

S. CAREY
Principal Officer

Building Control Department,
Liffey House,
Tara Street,
Dublin 1.
Telephone: 773066



Bloc 2, Ionad Bheatha na hEireann,
Block 2, Irish Life Centre,
Sraid na Mainistreach Iacht,
Lower Abbey Street,
Baile Atha Cliath 1.
Dublin 1.
Telephone. (01)724755
Fax. (01)724896

Register Reference : 91A/1282

Date : 2nd August 1991

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1990

Dear Sir/Madam,

DEVELOPMENT : Retention of shed and the carrying on of agricultural related business, repairing farmers' trailers, horse boxes, caravans and tractors

LOCATION : No. 1 Tootenhill Cottages, Rathcoole

APPLICANT : Martin Farrell

APP. TYPE : PERMISSION

With reference to the above, I acknowledge receipt of your application received on 2nd August 1991.

Yours faithfully,

.....
for PRINCIPAL OFFICER

P. C. O'Grady Assocs.,
Cecilia House,
4 Cecilia Street,
Dublin 2.

P.C.
O'GRADY
SOCIATES

ARCHITECTS
&
PLANNING
CONSULTANTS

CECILIA HOUSE
4 CECILIA STREET
DUBLIN 2.

TEL:
6793690
775907

VAT NO:
9F71410E

P
2.8.0
91A/1282

2nd August, 1991.



The Principal Officer,
Planning Department,
Dublin County Council,
Lr. Abbey St.,
Dublin 1.

Re: No. 1. Tootenhill Cottages, Rathcoole, Co. Dublin.

Dear Sir,

My Client, Mr. Martin Farrell, seeks permission for the retention of a shed at the rear of his house at No. 1 Tootenhill Cottages, Rathcoole and also seeks Permission under the Local Government, Planning & Development Acts to carry on his existing business of repairing farmer's trailers, horse boxes, caravans, tractors and other things related to any agricultural business in his yard and shed at above.

I enclose herewith four copies of a drawing showing the details of the shed and incorporating a site map which was prepared in 1988 by Mr. T. Colbert, an Architectural Technician, incorporating a layout of Mr. Farrell's premises.

I also enclose four copies of a Location Map taken from the Ordnance Survey Map Dublin (Newcastle) Sheet 21 IX

In support of Mr. Farrell's application I enclose four copies of an Affidavit sworn by a Mr. Charles Molloy before a Mr. Roderick J. O'Connor, a Commissioner for Oaths.

If the documents are in order I would be obliged if you would issue a Notification of a Decision to Grant Permission under the Local Government (Planning & Development) Acts.

Yours sincerely,

OS. 21-9.

P.C. O'Grady, F.A.S.I. M.I. Arch. S.

J.C. O'GRADY
Dip Env Econ. M.I. Arch. S.

P.C. O'GRADY
F.F.A.S. M.I. Arch. S.
Consultant.

I tender herewith in cash the sum of £ ~~332~~ 1.75. being the floor area of shed + area of field. Planning Application Fee agreed with a member of your Staff today, and I also enclose page 33 of today's issue of the Evening Herald in which the statutory notice is published.

Evening Herald
2/2/91

CO. DUBLIN -- Permission sought for retention of shed and the carrying on of agricultural related business, repairing farmers' trailers, horse boxes, caravans and tractors at No. 1 Tootenhill Cottages, Rathcoole. - Martin Farrell.

COMHAIRLE CHONTAE ATHA CLIATH

RECEIPT CODE

PAID BY — DUBLIN COUNTY COUNCIL

CASH 46/49 UPPER O'CONNELL STREET
DUBLIN 1.

I state of this receipt is not an
acknowledgement that the fee
incurred is the prescribed application
fee. N-47423

Received this *2nd* day of *August* 19 *91*

from *Mr. J. J. O'Connell*

the sum of *Three hundred* Pounds

Pence being *Nil*

Lawrence
H.
Ken Cashier *CAREY* *Class*
Parquet Officer

PLANNING APPLICATION BY MARTIN FARRELL
IN RESPECT OF YARD OR GARDEN AT
1 TOOTENHILL COTTAGES, RATHCOOLE,
COUNTY DUBLIN.

A F F I D A V I T.

I, CHARLES MOLLOY, of 2337, Saint Bridget's Terrace, Ballymore Junior
in the County of Kildare aged 18 years and upwards
MAKE OATH and say as follows:-

1. I refer to an application made by Martin Farrell of 1 Tootenhill Cottages, Rathcoole, in the County of Dublin for certain Planning Permission in respect of use and user of the above yard or garden.
2. I say that I am aware of the location of the said premises 1 Tootenhill Cottages and that I went to live there in or about the years 1935/1936 with my father and mother.
3. My father, also Charles Molloy, got permission from Dublin County Council at the time to build pig sties. That was around the year 1940. He did this and fattened pigs in these pig sties in the yard at the rear of No. 1 Tootenhill Cottages aforesaid.
4. My father dealt with pigs and sold same on the Dublin Cattle Market from the said sties or yard.
5. I say that in 1945 and 1946 I commenced repairing and trading in second hand motor-cars and motor-cycles at the said 1 Tootenhill Cottages aforesaid using the yard or garden at the rear in conjunction with my father.
6. I say that I have distinct recollection that at the time most of the motor cars being repaired or handled by me were Ford Populars or Prefects and the motor cycles were of various makes such as BSA's, Red Indian Nortons, 500cc B.S.A. (Army Type) and other makes. I also carried out repairs at that time to horse drawn caravans and other vehicles for itinerent families. I also repaired small donkey carts and pony traps and continued so to do up to about 1966/1967.
7. In or about the year 1975, my father then being dead, my mother sold 1 Tootenhill Cottages aforesaid to the said Martin Farrell. I swear that for a period of twenty years and upwards I traded at 1 Tootenhill Cottages above in addition to working as an employed person on several farms in the area including the farm of Peamount Sanatorium.
8. I make this Affidavit of my own knowledge and the facts are true all of which to the best of my knowledge and belief.

SWORN this 21st day of June 1991
at 34, UPPER ORMOND QUAY
in the County of the City of Dublin
before me a Commissioner for Oaths
and I know the Deponent,

Roderick J. O'Connor
COMMISSIONER FOR OATHS

Charles Molloy

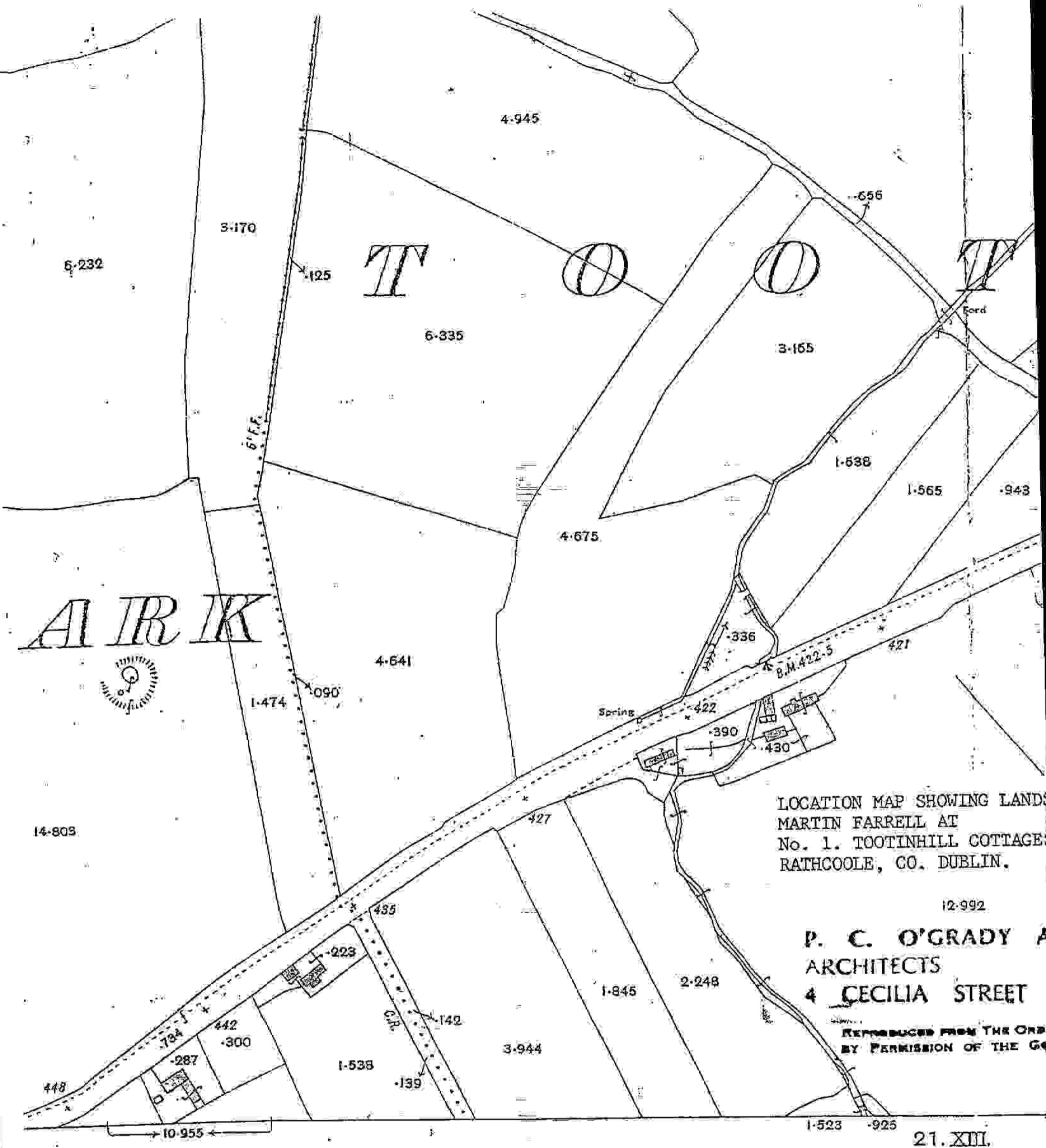


Dated this day of

1991.

AFFIDAVIT OF CHARLES MOLLOY.

E. O. SHEIL & COMPANY,
SOLICITORS,
36 CHARLES STREET WEST,
DUBLIN 7.



LOCATION MAP SHOWING LANDS OF
 MARTIN FARRELL AT
 No. 1, TOOTINHILL COTTAGE,
 RATHCOOLE, CO. DUBLIN.

12-992
P. C. O'GRADY ARCHITECTS
 4 CECILIA STREET

REPRODUCED FROM THE ORIGINAL
 BY PERMISSION OF THE GOVERNMENT

21. XIII.

Compiled and Printed by the Ordnance Survey Department
 Director at the Ordnance Survey Office, Phoenix Park

Altitudes are referred to Irish Ordnance Survey Datum, which is a Low Water of Spring Tides observed in Dublin Bay on 8th April 1828
 Altitudes indicated thus (B.M. 54-7) refer to Bench Marks on Buildings, Walls, etc., those marked thus

Copyright Reserved.

as, thus..... 4-370
 area.....
 Characteristics: 1:2,500 scale.

