



An  
Bord  
Pleanála

**Board Direction**  
**BD-000036-18**  
**ABP-300097-17**

The submissions on this file and the Inspector's report were considered at a Board meeting held on February 20<sup>th</sup> 2018.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

### **Reasons and Considerations**

1. It is considered that the proposed construction of six houses on the appeal site would contravene materially condition number three attached to the permission for development granted under planning register reference number 94/1258, (An Bord Pleanála reference number PL17.096766), which required that, prior to the occupation of the first dwellinghouse, the subject site (and adjoining lands) was to be provided as open space and finished to the satisfaction of the planning authority. The granting of planning permission for the proposed six houses would result in a permanent loss of lands for 'open space' and a consequential permanent loss of recreational amenity for the wider Tudor Grove and Tudor Heights development which the open space was intended to serve. It is considered that permitting the development would reduce the recreational amenities for the area to an unacceptable level and would also set an undesirable precedent in terms of non-compliance with key planning conditions. The proposed development would therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development comprising six houses on a site which was indicated for use as 'open space' in planning permission register reference number 94/1258 (An Bord Pleanála reference number PL17.096766) would be contrary to the provisions of the Meath County Development Plan 2013 – 2019, as set out in Policy SOC POL 39, which seeks 'to resist the loss of existing public open space, unless alternative recreational facilities are provided in a suitable location' and in Policy SOC POL 42 which seeks 'to maintain free from development lands that are subject of a deed of dedication or identified in a planning permission as open space to ensure the availability of community and recreational facilities for the residents of the area'. These policies are considered to be reasonable. The proposed development would result in the loss of this area of open space, and would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

**Note:** The Board noted the observation made by the Inspector that condition 3 of planning permission 94/1258 may be difficult to enforce, but did not concur with this view and noted, in this context, the provisions of Section 45 of the Planning and Development Act 2000, as amended.

*[Please issue a copy of this Direction with the Board Order to the parties]*

**Board Member**

**Date:** 20<sup>th</sup> February 2018

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Philip Jones