An Coimisiún Pleanála

Commission Direction
CD-001488
PL-501834-CN-26

The submissions on this file and the Inspector's report were considered at a meeting held on 04 November 2026.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, subject to the amendments shown in manuscript below:

Reasons and Considerations

Having regard to the provisions of the Cavan County Development Plan 2022-2028, the pattern and character of development in the area and the design, scale and servicing proposals associated with the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character of existing development or the visual amenity of the area, would not detract from the residential amenities of properties in the vicinity of the site, would be acceptable in terms of traffic safety and convenience, and would not be prejudicial to public health or the protection of water quality. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out 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. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

(c) This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. The proposed garage shall not be used for human habitation or any commercial purpose other than a purpose incidental to the enjoyment of the dwelling house.

Reason: In the interest of orderly development and the amenities of the area.

4. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements, in writing where necessary, of the planning authority for such works and services.

Reason: In the interest of public health.

6. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

7. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, traffic, noise and dust management measures, and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

8. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interest of visual and residential amenity.

9. The vehicular access, including visibility splays and roadside drainage, shall comply fully with the requirements of the planning authority for such works and services. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety and to prevent flooding and pollution.

10. The ESB and Uisce Eireann services running through the site shall be protected during construction in consultation with the relevant utility providers.

Reason: In the interest of orderly development.

11. 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 Coimisiún 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.

Note: The Commission decided to omit condition no.2 as recommended in the inspectors report, as the Commission considered that the relocation of the foot print of the building 1.1 m forward of the building line to the north west would not result in any material difference in terms of overshadowing on the gable window on the appellants dwelling and the location of the building as originally proposed was the most appropriate location in terms of maintaining the building line in the context of adjacent dwellings.

Planning Commissioner:

Paul Caprani

Date: **4th day of November 2026**