



Planning and Development Acts 2000 to 2019

Planning Authority: Meath County Council

Planning Register Reference Number: AA/191457

Appeal by Denise Merriman and Michael Byrne of Eddoxtown, Rathfeigh, Tara, County Meath against the decision made on the 12th day of December, 2019 by Meath County Council to grant subject to conditions a permission to Etienne Pinot care of Wain Morehead Architects Limited of NSC Campus, Mahon, Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: Amendments to previously granted permission, planning register reference number NA/110438 consisting of: a revised site layout and new house type, incorporating a garage, changes proposed include new location for: well for potable water, wastewater treatment system and percolation areas, along with enhanced site landscaping, all ancillary infrastructure and associated site development works. The permitted site entrance is not being amended. All at Borrowaddy Road, Rathfeigh, County Meath.

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.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the applicant's demonstrated local need relative to his significant involvement in agriculture, that is, sheep farming in the location, to the nature and design of the proposed development, to the general character and pattern of development in the area and to National Policy Objective 19 of Project Ireland 2040 National Planning Framework and the provisions of the Meath County Development Plan 2013-2019, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. 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 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. (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. 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.

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. (a) Details of the materials, colours and textures of all the external finishes to the proposed dwelling and garage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The proposed garage shall be constructed in external finishes to match the proposed dwellinghouse.

Reason: In the interest of visual amenity.

4. (a) Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed garage shall be restricted to domestic garage and storage with lofted storage space (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.
- (b) The domestic garage/storage space shall not be sold, let or otherwise transferred or conveyed, save as part of the existing dwelling.

Reason: To protect the amenities of property in the vicinity.

5. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with the landscaping scheme as shown on drawing number 10733-106, submitted to the planning authority on the 4th day of November, 2019. This scheme shall include the following:

- (a) the establishment and augmentation of hedgerows along the boundaries of the site, and
- (b) existing boundary screening to be retained and the planting of trees and hedgerows within the site to include screening of the garage, drive and the sheep shed.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Species such as cypress, escallonia, griselinia, leylandii, rhododendron and laurel shall not be used.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

6. The vehicular access shall be constructed as permitted under planning register reference number NA/110438 and in accordance with the requirements of the planning authority for such works.

Reason: In the interests of clarity and traffic safety.

7. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.

Reason: In the interest of public health.

8. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the Environmental Protection Agency document.

Reason: In the interest of public health.

- 9. The developer shall be responsible for the full cost of repair in respect of any damage caused to any adjoining public roadway arising from the construction work and shall make good any such damage forthwith to the satisfaction of the planning authority.

Reason: In the interest of traffic safety.

10. 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 within three months of the date of this Order 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.

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

Dated this day of 2020.