



An
Bord
Pleanála

Board Order
ABP-312856-22

Planning and Development Acts 2000 to 2022

Planning Authority: Longford County Council

Planning Register Reference Number: 21/258

Appeal by Rory O’Ferrall of Loughran House, Kenagh, County Longford and by Others against the decision made on the 31st day of January, 2022 by Longford County Council to grant subject to conditions a permission to Francis and Sharon Kelly care of Sweeney Architects of Block A, Gem Park, Athlone Road, Longford in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of part single-storey, part two-storey dwelling house with detached garage, wastewater treatment system, boundary fence/wall and new entrance gates and associated site development works at Torboy, Moydow, County Longford. The proposed development was revised by further public notices received by the planning authority on the 7th day of January, 2022.

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.

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Reasons and Considerations

The proposed development of a dwelling for a member of the local community accords with the provisions of Longford County Development Plan 2021-2027. The road fronting the site is sufficient to provide access to a domestic property, and the site is suitable for the disposal and treatment of effluent. The proposed house design would not detract from the visual or residential amenities of the area being in keeping with the rural design guidelines, and the proposal would not unduly impact on the residential amenities of nearby residential properties. It is considered, therefore, that the proposed development, subject to compliance with the conditions set out below, would otherwise 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, as amended by the further plans and particulars received by the planning authority on the 7th day of January 2022, 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.

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. Prior to commencement of development, the developer shall submit to and agreed in writing with the planning authority a revised front elevation drawing, removing the terrace/balcony and its replacement by a window, to match the ground floor window below,

Reason: In the interest of visual amenity.



4. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreements with Uisce Éireann, formerly Irish Water.

Reason: In the interest of public health.

5. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

6. (a) The proposed effluent treatment and disposal system 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 – Domestic Waste Water Treatment Systems (p.e. ≤ 10)" – The Environmental Protection Agency, 2021. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) 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 in accordance with the standards set out in the EPA's 2021 document.

Reason: In the interest of public health.

7. The detailed treatment of the splayed entrance, entrance gates, road boundary set-back, roadside area, replacement hedge and any additional landscaping 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 visual amenity.

8. Prior to commencement of development, the developer shall consult with the ESB in relation to the overhead system which traverses the site.

Reason: In the interest of health and safety.

EPR

9. 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.



Eamonn Patrick Kelly

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

Dated this *5th* day of *July* 2023