



An  
Bord  
Pleanála

**Board Order**  
**ABP-314037-22**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: 22/515**

**Appeal** by James Murphy care of John Callaghan of 10 The Cloisters, Kells, County Meath against the decision made on the 10<sup>th</sup> day of June, 2022 by Meath County Council to grant subject to conditions permission consequent on grant of outline permission to Emily Davis care of More Architecture Limited of Castle Street, Mullingar, County Westmeath in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Permission consequent on grant of outline permission (planning register reference number AA 191397) for the construction of a storey and a half style dwelling, septic tank, percolation area, connection to public water and all associated site works including domestic garage at Old Garlow Cross, Lismullen, Navan, 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.**

## **Reasons and Considerations**

Having regard to the terms and conditions attached to the grant of outline planning permission associated with the subject site, planning register reference number AA191397, the provisions of the current Development Plan for the area, and the nature of the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the general, residential or visual amenities of the area, would not pose an unacceptable risk of environmental pollution and 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 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. The development on site shall be carried out and completed in accordance with the terms and conditions attached to the outline planning permission granted under planning register reference number AA191397.

**Reason:** In the interest of clarity and proper planning and sustainable development.

3. (a). The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, 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.

4. Details of the materials, colours, and textures of all the external finishes to the proposed house and garage 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. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Eireann.

**Reason:** In the interest of public health.

6.
  - (a) The roof of the dwelling shall not be used as a balcony or roof terrace and shall be as per drawing number PPO5 submitted to the planning authority on the 19<sup>th</sup> day of April, 2022.
  - (b) The garage shall not be used for human habitation, commercial use, industrial use or for any other purpose other than a purpose incidental to the enjoyment of the dwelling.

**Reason:** In the interest of residential amenity and proper planning and sustainable development.

7. (a) Existing hedgerows and trees along site boundaries shall be retained, preserved, and maintained, except where removal of same is required for the provision of the entrance and adequate sightlines.
- (b) The site shall be landscaped in accordance with the "Proposed Landscaping Plan" drawing No. PP05 submitted to the planning authority on the 19<sup>th</sup> day of April, 2022.
- (c) Planting shall commence no later than the first planting season following commencement of development on site. 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.

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

8. 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



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Liam Bergin

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

Dated this 18<sup>th</sup> day of October 2023.

