



An
Bord
Pleanála

Board Order
ABP-318823-24

Planning and Development Acts 2000 to 2022

Planning Authority: Longford County Council

Planning Register Reference Number: 2360165

Appeal by James Mulhern of Crockawn, Ballymacormack, County Longford against the decision made on the 13th day of December, 2023 by Longford County Council to grant, subject to conditions, a permission to Michael Maguire care of Cunningham Design and Planning Limited of Block C, N4 Axis Centre, Longford, County Longford in accordance with plans and particulars lodged with the said Council:

Proposed Development: Retention and completion of existing near completed dwelling house in its current location which is similar in design to what was previously granted full planning permission under planning reference number PL20/238, relocation of previously permitted garage, all of which will be serviced by entrance, boundary fence/wall, wastewater treatment system with percolation area and all ancillary works which was previously granted full planning permission under planning permission reference number PL20/238, at Trillickatemple, Longford, County Longford.

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 planning history of the application site and to the Longford County Development Plan 2021-2027, it is considered that the acceptability in principle of constructing a dwelling on the site has been established and that the proposed changes to the design and layout of the development, subject to compliance with the conditions set out below, would not involve ribbon development, result in significant overdevelopment or endanger public health. The development proposed to be retained and completed would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, completed and carried out 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 28th day of November 2023, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) For a period of seven years from the date of this permission, the dwelling shall not be occupied as a place of permanent residence by anyone other than persons in respect of whom the planning authority has certified in writing that, in its opinion, they have an essential local housing need as defined in the development plan.
- (b) Within two months of the date of this permission, 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 by any person deriving title from such a sale.

Reason: To ensure that development in this rural area is restricted to meeting essential local need in the interests of the proper planning and sustainable development of the area.

3. Within two months of the date of this permission, the fencing and planting shown on the site layout plan hereby approved shall be completed and a hedgerow composed only of native species shall be planted along the site frontage behind the existing wall, sufficient to provide screening from the road. Any trees or hedging which die, are removed or become seriously damaged or diseased, within five years from the date of this permission shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

4. Prior to occupation, the applicant shall submit to and agree in writing with the planning authority a five-year maintenance contract for the installed wastewater treatment plant.

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.

Reason: In the interest of public health and surface water management.

6. The developer shall enter into a water and/or wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

7. 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 from the date of this Order 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 the Board 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.



Tom Rabbette

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this  **day of**  **2024.**