

An  
Bord  
Pleanála

## Board Order ABP-321885-25

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: 24/60437**

**Application for Leave to Appeal** against the decision of the planning authority by Laurence McGivney of Whitewood, Nobber, County Meath having an interest in land adjoining the land in respect of which Meath County Council decided on the 7<sup>th</sup> day of February, 2025 to grant subject to conditions a permission to Liz Clarke and John Kerr care of Paul Taite of Virginia Shopping Centre, Virginia, County Cavan in accordance with the plans and particulars submitted to the said Council.

**Proposed Development:** Construction of a single storey dwellinghouse, detached domestic garage, install wastewater treatment system and percolation area, form new entrance from public road, together with all associated site works, all at Whitewood, Kilmainhamwood, County Meath, as revised by the further public notices received by the planning authority on the 15<sup>th</sup> day of January, 2025.

### Decision

**REFUSE** leave to appeal under section 37 (6) of the Planning and Development Act 2000, as amended, based on the reasons and considerations set out below.

## Reasons and Considerations

Having regard to the submissions and documents received in connection with the application for leave to appeal and the conditions set out in the planning authority's decision, it is considered that:

- (i) while it has been shown that the development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission by reason of condition number 1, imposed by the planning authority to which the grant is subject,
- (ii) it has not been shown that the imposition of this condition will materially affect the applicant's enjoyment of the land adjoining the land in respect of which it has been decided to grant permission or reduce the value of the land.

Specifically, in relation to the submission of the applicant for leave to appeal, the Board noted that the proposed development would not materially affect the enjoyment of his land adjoining the land in respect of which it had been decided to grant permission (i.e., the residence of the applicant for leave to appeal). From the content of the submission of the applicant for leave to appeal, it appears that the substantive arguments presented therein relate to the application site itself. This is not relevant for the purposes of considering an application for leave to appeal in accordance with Section 37(6) of the Planning and Development Act 2000, as amended.



The Board also noted that the matters set out in the submission of the applicant for leave to appeal, regarding valid consent to the making of the application and/or dispute over ownership of the application site, are not relevant to the specific legal exercise under Section 37(6) and that the provisions of Section 34(13) of the Planning and Development Act 2000, as amended, which states that a person shall not be entitled solely by reason of a permission under this section to carry out any development, would be more relevant to such matters.



**Chris McGarry**

**Member of An Bord Pleanála**

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

Dated this  day of  2025.