

An
Coimisiún
Pleanála

**Commission Order
ABP-322612-25**

Planning and Development Act 2000, as amended

Planning Authority: Meath County Council

Planning Register Reference Number: 24/60813

Appeal by John Patrick Prunty care of Ceardean Architects of D8 Studios, 9 Dolphin's Barn, Dublin against the decision made on the 28th day of April, 2025 by Meath County Council to refuse permission.

Proposed Development: Construction of a new dwellinghouse, domestic garage, vehicular entrance, effluent treatment system with percolation area and all associated ancillary site works, all at Arodstown, Summerhill, County Meath.

Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the location of the site on lands which are zoned for 'RA – Rural Area' and in Area 1 – Rural Area under Strong Urban Influence, where housing is restricted to persons demonstrating a site-specific rural generated housing need for development at this location in accordance with the Local Needs Qualifying Criteria set out in Section 9.4 (Persons who are an Intrinsic Part of the Rural Community) and Section 9.5 (All Areas) of the Meath County Development Plan 2021-2027, it is considered that the applicant has demonstrated compliance with the housing need criteria, as set out in the development plan, and that the proposed development would, therefore, be compliant with Policy RD POL 1 and Policy RD POL 2 of the development plan. It is considered that, by reason of its modest scale, and with regards to its design, single storey height, layout and siting, the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential or visual amenities of the area, would not be prejudicial to public health, and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission agreed with the Inspector's and the Planning Authority's positive assessment of the scale, design and layout of the proposed development. The Commission agreed with the Inspector that the applicant could be considered under Section 9.4 as local to the area having regard to the nature and extent of the supporting documentation demonstrating that the applicant has spent a period in excess of five years in the Arodstown rural area, has familial connections there and continues to own and operate an aquatic sports centre business adjacent to the site. Having previously possessed a dwelling in the area, under Section 9.4, the applicant is also required to demonstrate that their original dwelling was sold due to unavoidable financial circumstances. In deciding not to accept the Inspector's recommendation to refuse permission, on the basis that this information relating to the sale of the previous house in Arodstown is incomplete, the Commission considered the totality of documentary evidence on file, including inter alia, proof of address for their current residence and proof that they do not own the residence in which they currently reside, identification of the property and proof of address for the applicant's previous dwelling in Arodstown, in which they resided for a period in excess of five years, and evidence, including financial statements, accounts and folio maps to show they sold this property due to unavoidable financial circumstances. On the basis of the documents submitted, the Commission was satisfied that the applicant has demonstrated compliance with housing need criteria as set out in Section 9.4 (Persons who are an Intrinsic Part of the Rural Community) and Section 9.5 (All Areas) of the Meath County Development Plan 2021-2027 and that the proposed development is, therefore, compliant with Policy RD POL 1 and Policy RD POL 2. The Commission also agreed with the Inspector that Policy RD POL 3, which was cited in the planning authority's reason for refusal, is not contravened in the subject proposal as the proposed development is not urban generated and does not constitute ribbon development at this location.

Conditions

1. The proposed 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 2nd day of April, 2025, 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 proposed 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, as amended, 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) The entrance gates to the proposed house shall be set back not less than four metres and not more than six metres from the edge of the public road. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed one metre in height.
- (b) The existing front boundary hedgerow shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.
- (c) The proposed front boundary wall and piers at the entrance gate shall consist of natural local stone, the exact height and location of which 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.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The roof colour shall be blue-black, black, dark brown or dark grey in colour only.

Reason: In the interest of visual amenity and to ensure an appropriate standard of development.

5. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included in the site characterisation report submitted with the planning application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works are constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

6. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or to adjoining properties.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety, residential amenity and to prevent flooding.

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing:
- (i) Existing trees and hedgerows specifying which are proposed for retention as features of the site landscaping.
 - (ii) The measures to be put in place for the protection of these landscape features during the construction period.
 - (iii) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.

(iv) Hard landscaping works, specifying surfacing materials and finished levels.

(b) All planting shall be adequately protected from damage until established. 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 the interest of residential and visual amenity.

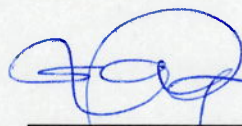
8. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual and residential amenity.

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 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 Coimisiún 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.



Emer Maughan

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 19th day of September 2025.