

An
Coimisiún
Pleanála

Commission Order
ACP-322903-25

Planning and Development Act 2000, as amended

Planning Authority: Louth County Council

Planning Register Reference Number: 25/60227

Appeal by Luke Sharkey care of Andrew Johnston of Railway Cottage, Grangebellew, Drogheda, County Louth against the decision made on the 12th day of June, 2025 by Louth County Council to refuse permission.

Proposed Development: Construction of a dwellinghouse, wastewater treatment system and polishing filter percolation area, new domestic vehicular entrance and all associated site development works, all at Almondstown, Clogherhead, County Louth.

Decision

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

P.C.

Reasons and Considerations

Having regard to the policies and objectives of the Louth County Development Plan 2021-2027, including, in particular, Policy Objective HOU 47 and Section 13.9 (Housing in the Open Countryside) concerning the siting and design of rural houses in the open countryside, and taking into account the established pattern of development in the area, the nature and scale and low profile design of the proposed dwellinghouse, the siting of the proposed development within a field that benefits from substantial natural boundaries, including mature hedgerows which are to be retained and added to, and the limited hedgerow removal proposed along the front of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area and would not erode the rural character of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In arriving at its decision, the Commission noted that it had been demonstrated in the planning application documentation that the applicant would meet the rural housing need criteria and that the proposed wastewater treatment system would comply with the recommendations contained in the EPA Code of Practice Domestic Wastewater Treatment Systems, Population Equivalent ≤ 10 (2021).

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission was satisfied that, given the specific characteristics of the site, including the position of the proposed dwellinghouse slightly below the road level onto which it would front (level of 95.4 metres at the dwellinghouse and 96.0 metres at the road by reference to submitted drawing number FSDP/LS/01/24, site layout plan), and the presence of mature field boundaries and a new hedgerow proposed along the site's eastern boundary, and the limited extent of hedgerow removal along the site's front boundary (circa 10 metres as presented on the site layout plan), the receiving landscape has the capacity to absorb the dwellinghouse of the scale and design proposed. The Commission was, therefore, satisfied that the proposed development would not conflict with Policy Objective HOU 47 or Section 13.9.4 (Site Selection) of Section 13.9 (Housing in the Open Countryside) of the Louth County Development Plan 2021-2027, or cause a further erosion of the rural character of the area. Accordingly, the Commission concluded that the proposed development would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 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. Water supply and surface water 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.

4. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority with the application, and in accordance with the requirements of the document entitled "Code of Practice – Domestic Waste Water Treatment Systems (p.e. ≤ 10)" – 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 Environmental Protection Agency document.

Reason: In the interest of public health.

5. 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 wet dash render proposed as an option shall not be permitted.

Reason: In the interest of visual amenity.

6. The landscaping scheme shown on drawing number FSDP/LS/01/24, as submitted to the planning authority with the planning application, shall be carried out within the first planting season following substantial completion of external construction works. The existing mature hedgerows and natural field boundaries on the site shall be retained and supplemented, where necessary, with native species planting. 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 proposed 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 preserving the rural character of the area and protecting existing landscape features.

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

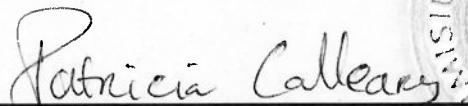
Reason: In the interest of visual and residential amenity.

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. 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.



Patricia Calleary

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 10th day of October 2025.