



An
Coimisiún
Pleanála

Commission Order
ACP-323085-25

Planning and Development Act 2000, as amended

Planning Authority: Leitrim County Council

Planning Register Reference Number: P.25/60102

Appeal by Mark Deavin and Clodagh Kearns care of SJ Carroll and Company Architects of Glencullen, Kilternan, Dublin against the decision made on the 24th day of June, 2025 by Leitrim County Council to grant subject to conditions a permission to Gene Haran care of Hugh Haran of Cloone, Kinlough, County Leitrim in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of the erection of a bungalow type dwelling house (150 square metres) and domestic garage (51 square metres), proposed connection to public sewer, and all associated site works at Cloone, Kinlough, County Leitrim.

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 provisions of the Leitrim County Development Plan 2023-2029, to the National Planning Framework, First Revision, and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be prejudicial to public health, would not give rise to flooding outside of the site, would be acceptable in terms of traffic safety and would not have a significant impact on ecology or on European sites in the vicinity. The proposed development would, therefore, 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. 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 in the interest of the proper planning and sustainable development of the area.

3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority. The details shall demonstrably have regard to, and factor in, any cumulative considerations for the proposed soakaway of the proposed development of the adjacent unit.

Reason: To prevent flooding and ensure development in accordance with Leitrim County Development Plan 2023-2029 Policy SWM1 and SWM4.

4. The vehicular access, including the provision of visibility splays, setbacks and roadside drainage, and to allow for the extension of the public footpath to the north of the site shall be amended in full compliance with the requirements of the planning authority for such works and services, details of which shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of traffic safety and to prevent flooding and pollution.

5. 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.

6. Prior to the commencement of development, the developer shall enter into connection agreements with Uisce Éireann to provide for service connections to the public water supply and public sewage disposal systems and shall include any specific requirements, if appropriate.

Reason: In the interest of public health and to ensure adequate water and sewage disposal facilities.

7. 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 and public holidays. Deviation from these times will 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.

Eamonn James Kelly
Eamonn James Kelly
Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.



Dated this 6th day of November, 2025.