



An
Coimisiún
Pleanála

Commission Order
ACP-323204-25

Planning and Development Act 2000, as amended

Planning Authority: Meath County Council

Planning Register Reference Number: 25/60495

Appeal by John Francis Cogan and Pauline Cogan care of Craftstudio Architecture of Old Train Station, North Road, County Monaghan against the decision made on the 9th day of July, 2025 by Meath County Council to refuse permission.

Proposed Development: Demolition of an existing house, garage, shed and walls and the erection of a replacement two-storey house with dormer window, garage, extended parking area, wastewater treatment system with percolation area, soakaway and all associated site works, all at Clonasillagh, Carnaross, Kells, 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 nature of the proposed development seeking a replacement dwelling and noting the particular circumstances whereby the applicants' family evidently developed a replacement house previously on the site in or around 1940, and that the current proposal would result in a subsequent replacement family house as an evolution of a family tradition of rural housing on the site, and noting the content of the applicants' engineering site inspection report which records the condition of the existing house on site and demonstrates with photographic evidence that the dwelling is in a severely dilapidated and sub-standard condition, the Commission concluded that the principle of a replacement dwelling on the subject site is acceptable by reference to the Meath County Development Plan 2021-2027. The Commission noted the provisions of Policy RD POL 31 of the development plan, a policy which allows for the replacement of existing dwellings in certain limited cases subject to compliance with the development assessment criteria set out in Section 9.14.1 (Development Assessment Criteria). The Commission agreed with the Inspector's assessment of these criteria and the conclusion reached that the design and servicing of the proposed replacement dwelling would comply with the policy requirements of Section 9.14.1. The Commission was satisfied that the proposed house represents a considered and high-quality contemporary rural dwelling, having drawn reference from rural farmstead typologies and forms and materials of modern agricultural buildings, and was further satisfied that its scale, height and finishes would integrate appropriately into the landscape.

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In considering Policy RD POL 32 of the Meath County Development Plan 2021-2027 which opposes the demolition and replacement of traditional or vernacular rural houses, the Commission concluded that, in this particular case, the documented structural condition and level of deterioration of the existing dwelling, set out in the applicants' structural engineering site inspection report, provides sufficient justification through evidence that its restoration is not a realistic or reasonable option. The Commission was satisfied that this policy would not be undermined by permitting the demolition of the house on the site in favour of a replacement house. In overall conclusion, the Commission was satisfied that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, on the basis that the proposal to demolish the house on site would contravene Policy RD POL 32 of the Meath County Development Plan 2021-2027, which seeks to oppose the demolition and replacement of traditional or vernacular rural houses, the Commission balanced this policy against the wider policy of the development plan and had particular regard to the applicants' structural engineering site inspection report. The Commission concluded that the report findings provided sufficient justification through evidence that its restoration is not a realistic or reasonable option and that a replacement house was not precluded in policy, and that replacement houses can be considered by reference to Policy RD POL 31, which allows for the replacement of existing dwellings in certain limited cases subject to compliance with the development assessment criteria in Section 9.14.1 (Development Assessment Criteria). The Commission agreed with the Inspector's assessment of these criteria and the conclusion reached that the design and servicing of the proposed replacement dwelling would comply with the policy requirements of Section 9.14.1 and concluded that it was appropriate to permit a replacement house on the site by reference to Policy RD POL 31.

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. 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.

Reason: In the interest of visual amenity.

3. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included in the site characterisation report submitted with the 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 septic tank/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 septic tank/wastewater treatment system and associated works is 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.

4. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to 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.

Reason: To prevent flooding and in the interest of sustainable drainage.

5. Prior to commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

6. 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.

7. Site development and building works shall be carried out 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 agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

8. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the proposed development, including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

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 28th day of November 2025.