



Planning and Development Act 2000, as amended

Planning Authority: Meath County Council

Planning Register Reference Number: 2560157

Application for Leave to Appeal against the decision of the planning authority by Nora Kelly of 88 Acres, Athboy, County Meath, having an interest in land adjoining the land in respect of which Meath County Council decided on the 22nd day of July 2025 to grant, subject to conditions, a permission to Jim Priest care of Raymond Walsh of Moyrath, Kildalkey, County Meath in accordance with the plans and particulars submitted to the said Council.

Proposed Development: The development will consist of the construction of a dwelling, new entrance and connection to existing public services and all associated site works, at Eightyeight acres, Athboy, County Meath. The proposed development was revised by further public notices received by the planning authority on the 2nd day of July 2025.

Decision

GRANT 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 condition(s) set out in the planning authority's decision, it is considered that it has been shown that -

- (i) 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 and condition number 5(a) imposed by the planning authority to which the grant is subject, and
- (ii) the imposition of condition number 1 and condition number 5(a) 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.

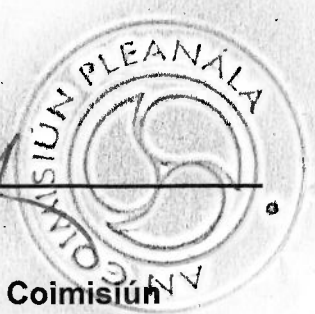
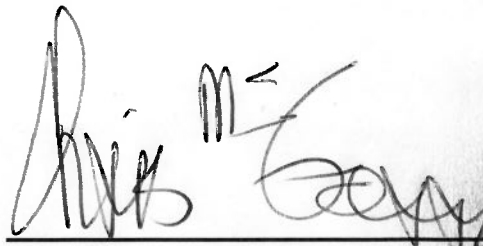
Condition number 1 refers to revised particulars lodged with the planning authority on 23rd day of June 2025. These revised particulars mean that the development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission by reason of the introduction of a hedge which is required to be maintained by the applicant to maintain sightline. The requirement to include this hedge and to maintain it to a certain form, is a material change to the development as originally applied for. The Further Information documentation also records a revised site layout plan (FI-24.038-1) which shows an extended red line area and with the text added 'site edge RED subject of this application has a total area of 0.17 hectares.' This is materially different to the original application site layout plan which recorded a site area of 0.14 hectares. This expanded site area extends into separate ownership.

Condition number 5(a) states that the applicant shall remove the entire roadside boundary hedge and set it back at least three metres from the existing road edge. A grass verge, at least three metres in width, shall be provided and maintained free of any obstruction, between the edge of the road and the new site boundary. This condition was recommended by the Transportation Department of the planning authority, post the submission of Further Information. It is at best uncertain as to whether this would require removal of the part of the roadside hedge set out in the further information drawings and which includes a length of hedge not in the ownership of the applicant. This condition would mean 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.

This hedge is not in the ownership of the applicant and no written details of consent of the owner of the hedge appear to be contained on file. In this regard the Commission notes the recommendation of the Transportation Department in its report dated 16th day of July 2025, post receipt of further information, which states that prior to commencement the applicant shall submit written consent from the land owner for works on lands outside the ownership of the applicant required to provide and maintain unobstructed sightlines.

The imposition of condition number 1 and condition number 5(a) will materially affect the leave to appeal applicant's enjoyment of the land by reason of an imposed sightline obligation and consequent affect on the hedge of the leave to appeal applicant, for a development by a separate party.

In this context, it is appropriate that leave to appeal is granted.



Chris McGarry
Planning Commissioner of An Coimisiún

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

Dated this 15th day of September 2025.