

An  
Coimisiún  
Pleanála

**Commission Order**  
**PL-501026-MH-26**

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**Planning and Development Act 2000, as amended**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: 2561128**

**Appeal** by Sylvester O'Byrne and Mary English against the decision made on the 25<sup>th</sup> day of February 2026, by Meath County Council to refuse permission for the proposed development.

**Proposed Development:** The development will consist of the demolition of the existing cottage and outbuildings and the construction of a new two-storey detached replacement dwelling, a detached garage and associated landscaping and site works including a new waste-water treatment system and new site entrance onto the existing public road all at Cannistown, Navan, County Meath.

## **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

The Commission had regard to the provisions of the Meath County Development Plan 2021 -2027, including RD POL 31 which allows the development of a replacement house in limited cases. The Commission considered the planning history of the site which includes an extant permission for a two-storey replacement dwelling under Meath County Council planning register reference number 2460069 (with a similar house design) capable of being implemented, and An Bord Pleanála reference number ABP-321846-25 (with the same house design as that currently before the Commission), which was a refusal of permission on a very specific issue that centred on the proposal to retain the existing cottage on site for agricultural use and which was deemed by the Commission in its deliberations not to qualify for a replacement house accordingly.

In arriving at its decision on the current proposal, the Commission considered that the proposed development involving a replacement house whereby the cottage and outbuildings would be demolished, addresses the issue raised in the An Bord Pleanála reference number ABP-321846-25 refusal and thereby, the Commission considered it is reasonable to grant permission for the replacement dwelling.

Furthermore, the Commission was satisfied that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation, the Commission considered that the proposed development overcomes the refusal reason in the An Bord Pleanála reference number ABP-321846-25 and, thereby, the Commission considered it is reasonable to grant permission for the replacement dwelling for this reason and having regard to Policy RD POL 31 of the Meath County Development Plan 2021-2027.

## Conditions

1. The 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 30<sup>th</sup> day of January 2026, 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 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 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 interests of orderly development and the visual amenities of the area.

3. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on the 22<sup>nd</sup> day of October 2025, and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )" – 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  $\leq 10$ )" – 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 existing shed shall not be used for habitable or commercial purposes or any other purpose other than those uses incidental to the enjoyment of the dwelling house.

**Reason:** In the interest of adjoining residential amenities.

5. Drainage arrangements, including the 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.

6.
  - (a) Existing hedgerows, trees and shrubs on site shall be preserved, except where required to be removed to accommodate the vehicular access and visibility splays.
  - (b) The site shall be landscaped in accordance with a comprehensive landscape plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of residential and visual amenity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

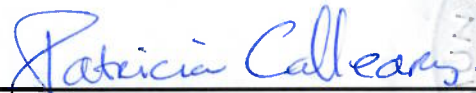
**Reason:** In the interests of public safety and residential amenity.

8. A full architectural and photographic survey of the existing cottage and outbuildings proposed for demolition, shall be carried out, and drawings and photographs indicating details of these buildings, to a scale acceptable to the planning authority, shall be submitted to the planning authority prior to the commencement of development.

**Reason:** In the interests of architectural heritage.

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 15<sup>th</sup> day of July 2026