

An
Coimisiún
Pleanála

**Commission Order
PL-501078-OY-26**

Planning and Development Act 2000, as amended

Planning Authority: Offaly County Council

Planning Register Reference Number: 25/60488

Appeal by Keith Vaugh against the decision made on the 11th day of March, 2026 by Offaly County Council to grant subject to conditions a permission to Lisa Monaghan in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a dwelling house and domestic garage, to include a septic tank and percolation area, proposed connection to mains water supply, new site entrance and all associated site works at Ballyclare, Ferbane, County Offaly.

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.

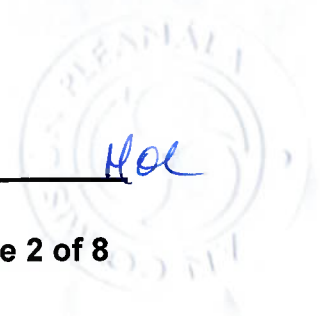
Reasons and Considerations

Having regard to Policy SSP-27 of the Offaly County Development Plan 2021–2027 and to the nature, scale and design of the proposed dwelling and domestic garage, the surrounding rural context and the established built pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of design, public health and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 16th day of February 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. (a) The proposed house 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 otherwise agreed in writing with 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 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.
- (c) The dwelling shall be used as a single dwelling unit and shall not be sub divided for multi-unit occupancy.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing need 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. Prior to commencement of development, the applicant shall submit for the written agreement of the planning authority details of materials, colour and texture of all the external finishes to the proposed house and garage.

Reason: In the interest of visual amenity and to ensure an appropriately high standard of development.

4. The domestic garage shall not be used for human habitation, commercial use, industrial use or for any other purpose other than a purpose incidental to the enjoyment of the dwelling.

Reason: In the interest of development control.

5. The vehicular access, including visibility splays and roadside drainage, shall comply fully with the requirements of the planning authority for such works and services and the details of which shall be agreed in writing prior to the commencement of development.

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

6. (a) The septic tank and percolation area hereby permitted shall be installed in accordance with the recommendations included within the Site Characterisation Report submitted with this application on the 15th 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 ≤ 10)" – Environmental Protection Agency, 2021.

- (b) Treated effluent from the septic tank 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.

- 7. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

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

8. Prior to the commencement of development, the applicant shall enter into a connection agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and include any specific requirements if appropriate.

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

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) indigenous species (holly, hawthorn, beech or field maple, mountain ash, birch, willow, sycamore, oak, hazel, or alder). Species to be used shall not include either cupressocyparis x leylandii or griselinia,
 - (b) native broadleaf trees (minimum size: 12-14 centimetres girth) shall be planted in informal clusters throughout the site,
 - (c) timber fencing not exceeding 1.4 metres in height may be erected along the northeastern and southeastern site boundaries on the inside face of the boundary hedges so that the plantings will shield the fences from view from outside the site, and
 - (d) all existing tree/hedgerows on the site/boundaries shall be retained and maintained unless their removal is necessitated by a condition of this permission.

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 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 residential and visual amenity.

10. 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 and 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 amenities of property in the vicinity.

11. All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Details of the ducting shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of visual and residential amenity.

12. 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.


Marie O'Connor

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

Dated this 04th day of August 2026