



An
Coimisiún
Pleanála

Commission Order
PL-501454-MN-26

Planning and Development Act 2000, as amended

Planning Authority: Monaghan County Council

Planning Register Reference Number: 2560383

Appeal by Phelim Mac Elwain against the decision made on the 5th day of May 2026, by Monaghan County Council to grant, subject to conditions, a permission to Margaret Keenan in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of single storey modular type dwelling house located behind the existing streetscape, lowering of ground levels and embankments, connection to public foul sewer via existing foul network and all associated site works, boundary fencing and continued use of existing vehicular entrance/exit to public road via right of way the completion of the development shall consist of new entrance steps and guarding to dwelling, new raised deck/patio with accessible ramp and all guarding, new 1.2 metre high timber palisade fencing to the front boundary and all associated site services, landscaping and planting works at Mulladuff, Smithborough, County Monaghan as revised by the further public notices received by the planning authority on the 9th day of April 2026, which included the submission of a revised roof plan pitch of main modular dwelling and revised elevational treatment to external walls of modular dwelling.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

Having regard to the Objective TWP 1 of Monaghan County Development Plan 2025-2031 which seeks to minimise the loss of trees and hedgerow associated with any development proposal and to encourage the retention of mature trees and hedgerows in new developments, it is considered that it has not been satisfactorily demonstrated in the documentation lodged at application and appeal stages that the proposed development and development proposed to be retained, by reason of the extent of lowering of the previously existing ground level, absence of detail for the stabilisation and retention of circa 5.5 metre high embankment, tree root protection and/or compensatory planting of native tree species, that the development proposed to be retained would accord with Objective TWP 1, and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Commission did not share the view of the Inspector that the development proposed to be retained would be an acceptable form of development in a rural area, that it would not adversely impact the character of the area or that it would not seriously injure the environmental, visual or residential amenities of the area. The Commission considered that it had not been satisfactorily demonstrated that the existing prefabricated modular building would accord with Objective RSDP1 or that it could be upgraded and refurbished to accord with Table 15.3 'Guidelines for Siting and Designing a Rural House in the Vernacular Style', in terms of form, layout, roof pitch and materials, roof to wall proportion, fenestration design and material finishes, and further noted that RSDP1 states that sites requiring excessive excavation, filling and/ or removal

filling and/ or removal of natural vegetation should be avoided. The Commission also considered that the development proposed to be retained constituted backland development and therefore had regard to Section 15.2.5 Backlands Sites which states inter alia that piecemeal developments of individual plots will generally not be permitted unless it is satisfactorily demonstrated that any proposed development shall not compromise the comprehensive redevelopment of adjoining sites. Although, ordinarily, these issues would warrant further consideration and a request for further information, in this instance given the substantive reason for refusal above, it was decided not to pursue these matters under the current appeal.



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

Dated this 21st day of September 2026