An Coimisiún Pleanála

Commission Order

PL-501830-CN-26

Planning and Development Act 2000, as amended

Planning Authority: Cavan County Council

Planning Register Reference Number: 26/60020

Appeal by Martin Dempsey against the decision made on the 6th day of July, 2026 by Cavan County Council to grant, subject to conditions, a permission to Dyas Kneale in accordance with plans and particulars lodged with the said Council.

Proposed Development: (1) The retention permission and planning permission for completion of a single storey extension to the rear of the dwelling, (2) the restoration and completion of the existing dwelling, (3) install a new septic tank system and percolation area, together with all associated site works. The works are being carried out to a Recorded Protected Structure RPS Number CV 0254, all at Darkley, Shercock, County Cavan, as revised by the further public notice received by the planning authority on the 11th day of June, 2026.

P.C.

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 the provisions of the Cavan County Development Plan 2022-2028, the pattern and character of development in the area, to the nature of the proposed development involving the restoration of a Protected Structure and the use of an existing site access point, and to the design, scale and servicing proposals associated with the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the built heritage value of the Protected Structure, the visual amenities of the area, or the residential amenities of properties in the vicinity of the site, would be acceptable in terms of traffic safety and convenience, and would not be prejudicial to public health or the protection of water quality. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, 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 29th day of May 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 retained, carried out and completed in accordance with the agreed particulars.

   Reason: In the interest of clarity.

2. Prior to the commencement of development on the Protected Structure, the developer shall submit for the written agreement of the planning authority:
   (a) Plans, elevation and sections (to a scale of 1:50) and revised site layout plan (to a scale of 1:100) and site sections prepared by a suitably qualified architect with conservation expertise and accreditation providing full detail of how it is proposed to protect the features of the structure that existed. Drawings shall provide details of at least the following:
      (i) wall finishes,
      (ii) roof form and finishes,
      (iii) roof and wall junction details,
      (iv) ope forms,
      (v) detail of doors and windows,
      (vi) details of rainwater goods, and

P.C.

(vii) samples of design materials shall be provided.

(b) Details of construction methods shall be provided and the remainder of the works to complete the development shall be monitored by a suitably qualified architect with conservation expertise and accreditation.

(c) Competent site supervision, project management and crafts personnel shall be provided by persons suitably qualified and experienced in conservation works.

(d) The existing outbuildings on site and the boundary walls, gate and pillars shall be retained.

Reason: In the interest of the protection of architectural heritage (in accordance with the provisions of the Cavan County Development Plan and the Architectural Heritage Protection Guidelines for Planning Authorities).

3. (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 ono 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 flooding or pollution.

P. C.

4. (a) The proposed wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation form submitted with this application on the 22nd day of January, 2026 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) " – Environmental Protection Agency, 2021.

(b) Treated effluent from the wastewater treatment system shall be discharged to a polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater 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 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.

5. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply network.

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

P.C.

6. Prior to commencement of works, 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 development, including hours of working, traffic, noise and dust management measures, and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and amenity.

7. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. Details shall include proposals for the retention of the existing roadside boundary wall and piers, retention of existing vegetation, and replacement planting in lieu of vegetation to be removed to achieve the proposed entrance visibility splays.

Reason: In the interest of visual amenity.

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

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

P.C.

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

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

Dated this 11th **day of** November **2026.**