



Planning and Development Acts 2000 to 2021

Planning Authority: Mayo County Council

Planning Register Reference Number: 21/655

APPEAL by Éadaoin Ní Néill of Ahena, Claremorris, County Mayo against the decision made on the 14th day of October, 2021 by Mayo County Council to grant subject to conditions a permission to Noel and Natasha Daniels care of Seamus Owens and Associates of Springdale, Convent Road, Claremorris, County Mayo in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a dwellinghouse and septic tank/proprietary effluent treatment system together with all ancillary site works and services at Ahena, Taugheen, Claremorris, County Mayo.

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 location of the site in an area designated as 'Other Rural Areas' in the Mayo County Development Plan 2022-2028, and Policy Objective 19 of the National Planning Framework (2018), which in rural areas seeks to facilitate the provision of single housing in the countryside based on siting and design criteria, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable form of development at this location, would not constitute a traffic hazard and would be acceptable in terms of traffic safety and convenience. 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 to refuse permission, the Board noted the subject site is located within an area designated "Other Rural Areas" as identified in the Mayo County Development Plan 2022-2028. The Plan makes a distinction between 'Rural Areas under Strong Urban Influence' and 'Remaining Rural Areas'. The appeal site is not identified as being within a Rural Area under Urban Influence. Therefore, by default, the appeal site is located within Category 2 - Remaining Rural Areas. Policy Objective 19 of the National Planning Framework provides that in rural areas to facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements. There is no requirement in the particular circumstances of this case for the applicant to demonstrate that they have an economic or social need to live in a rural area. The Board, therefore, disagrees with the Inspector's recommendation in this regard and accordingly considers the development to be an acceptable development at this location and having considered all the submitted material on file agree with the Planning Authority's decision to grant permission. The proposed development is therefore in the Board view in accordance with the proper planning and sustainable development of the area.

The Board noted the Inspectors recommended reason number 2 that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a local road at a point where sightlines are restricted in a northerly direction. The Board, however noted the rural location of the proposed development on a cul-de-sac local county road, and the limited increase in traffic movements that would result as a result of the proposed development and in this regard shared the opinion of Mayo County Council Municipal District Engineer. The Board considered, therefore, that the proposed development would be acceptable in terms of pedestrian and traffic safety.

Conditions

1. The proposed 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 20th day of September, 2021, 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 proposed 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 the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

The roof colour shall be blue-black-dark in colour only.

Reason: In the interest of visual amenity.

3. The existing road site boundary shall be removed over 25 metres site frontage and any new front boundary wall shall be at least 4.5 metres back from the near side edge of the adjoining carriageway. This area shall be cleared, soled in road making material, graded, levelled and surfaced to a standard suitable to the requirements of the planning authority. The new front boundary wall shall be constructed of local stone and shall be a maximum of 1.2 metres in height.

Reason: In the interest of traffic safety.

4. The driveway to serve the proposed development shall not be a hard surface driveway. Details of the proposed driveway, including materials to be used, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the amenities of the area.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual and residential amenity.

6. Water supply and drainage arrangements, including the attenuation and 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.

7. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

8. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document "Wastewater Treatment Manual: Treatment Systems for Single Houses (p.e. < 10)", issued by the Environmental Protection Agency in 2021. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the raised percolation area is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

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. Any in-situ stonewalls, hedgerows and or trees bounding the site shall be retained, except where their removal is necessary to facilitate the provision of the site entrance works.

Reason: In the interest of residential and visual amenity.

10. The construction of the proposed 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 proposed development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

11. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

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 Bord 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.



Peter Mullan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *13th* day of *March*, 2023.