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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Mayo County Council**

**Planning Register Reference Number: 21/1256**

**Appeal** by Hanneke Mooij care of Big Red Barn of Lagcurragh, Swinford, County Mayo against the decision made on the 24th day of November, 2022 by Mayo County Council to refuse permission for the proposed development.

**Proposed Development:** Alterations and extension to rear of existing dwelling, construction of agricultural shed, upgrade of effluent treatment system and associated site works, all at Derrynameel, Toorglass West, Belmullet, County Mayo.

**Decision**

**GRANT permission for the upgrade of the effluent treatment system based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for alterations and extension to rear of existing dwelling and construction of agricultural shed based on the reasons and considerations marked (2) under.**

## Reasons and Considerations (1)

Having regard to the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposed upgrade of the effluent treatment system would ensure an improvement in the handling of wastewater on the site over that which occurs at present. Such improvement would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed upgrade of the effluent treatment system 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 submitted on the 1st day of November 2022, 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 the upgrade and the upgrade shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed upgrade of the effluent treatment system shall be amended as follows:
  - (a) The new effluent treatment system shall serve the existing cottage.
  - (b) Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of clarity.

3. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 1st day of November 2022, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.  $\leq 10$ )" – Environmental Protection Agency, 2021. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.
- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

- (c) A maintenance contract for the treatment system shall be entered into, and paid in advance for a minimum period of five years, from the date that the treatment plant is first commissioned, and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
  
- (d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
  
- (e) Within three months of the date that the treatment plant is first commissioned, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

**Reason:** In the interest of public health.

- 4. Within four weeks of the date that the new treatment plant is first commissioned, the existing septic tank shall be decommissioned.

**Reason:** In the interest of public health.

## Reasons and Considerations (2)

Having regard to the Mayo County Development Plan 2022 – 2028, especially the County Landscape Appraisal, Built Environment Objective (BEO) 15, and Development Management Sections 2.7 and 2.8, and to the unsubstantiated need for the proposed agricultural shed on the site, it is considered that neither the proposed extension to the existing cottage nor the proposed agricultural shed within the curtilage of the cottage would be either subordinate to this cottage or complementary to its traditional character. Instead, the proposed extension would, due to its size and design, compete with this character, and the proposed agricultural shed would, due to its size, siting, and design, detract from its setting and obscure views of the cottage from the adjacent local road. Together, they would constitute oversized and discordant development, which would stand out within the landscape, and which would be seriously injurious to visual amenity. Consequently, BEO 15 and Sections 2.7 and 2.8 of the development plan would be contravened. The proposed extension and the proposed agricultural building would, therefore, be contrary to the proper planning and sustainable development of the area.

  

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**Liam Bergin**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

Dated this 03<sup>rd</sup> day of *Sancair* 2024.