

An
Bord
Pleanála

Board Order
ABP-321928-25

Planning and Development Acts 2000 to 2022

Planning Authority: Sligo County Council

Planning Register Reference Number: 2460436.

Appeal by Enda Collins of Tom's Cottage, Rahaberna, Tully, County Sligo against the decision made on the 28th day of January 2025, by Sligo County Council to refuse permission for development.

Proposed Development: The renovation and extension of the existing cottage and ancillary buildings, along with the conversion of the existing hay barn to a home office, including the replacement of the existing septic tank with a new effluent treatment system with percolation area and all associated ancillary site works, at Rahaberna, Drum, County Sligo.

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 Sligo County Development Plan 2024-2030, and in particular Section 26.5.3 and Policies P-DHOU-1 and P-DHOU-2 which seek to encourage the renovation and reuse of derelict dwellings and to restore vernacular dwellings of local architectural, cultural or social significance, together with the nature, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to omit the hay barn from the overall development, as per the Inspectors recommendation, the Board considered that the renovation of the existing structure would in no way adversely impact on the county's landscape character and therefore would not contravene any of the landscape policies in the Sligo Development Plan referred to by the inspector in his recommendation. The Board considered that the renovation would not result in an overly dominant feature in the landscape, but would refurbish and bring back into use, a large derelict structure which would contribute to the distinctive visual rural character of the area in close proximity to a scenic route as designated in the development plan.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. The proposed conversion of the hay barn shall be in accordance with the uses stipulated in the drawings submitted and shall not be used as living accommodation, either for the occupants of the main dwelling house or for separate living accommodation on a permanent or short-term-let basis. The external elevation of the hay barn shall be painted a dark green colour, exact details of which shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development and the visual amenities of the area.

3. Details of the materials, colours and textures of all the external finishes to the buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. 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 a plan to scale of not less than 1:500 showing:
- (a) existing trees, hedgerows specifying which are proposed for retention as features of the site landscaping,
 - (b) the measures to be put in place for the protection of these landscape features during the construction period, and
 - (c) the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species only.

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 seven 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 interests of residential and visual amenity.

5. The entrance shall be set back a minimum of 2.5 metres inside the roadside boundary with wing walls or other treatment splayed at angles of 45 degrees. Prior to the commencement of development, details of the entrance shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of clarity and road safety.

6. All public service cables for the development, including electrical and telecommunication cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

7. All surface water generated within the site boundaries of the dwelling 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.


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

8. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on the 26th day of November, 2024 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent \leq 10) " – Environmental Protection Agency, 2021.
- (b) Treated effluent from the wastewater treatment system 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 Wastewater Treatment Systems (Population Equivalent \leq 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.

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 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.



Paul Caprani

Member of An Bord Pleanála

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



Dated this 11th day of June 2025.