



An  
Coimisiún  
Pleanála

Commission Order  
ABP-322436-25

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**Planning and Development Act 2000, as amended**

**Planning Authority: Carlow County Council**

**Planning Register Reference Number: 2460432**

**Appeal** by Melanie Doyle of Coppengagh, Tullow, County Carlow against the decision made on the 17<sup>th</sup> day of April 2025, by Carlow County Council to grant subject to conditions a permission to Robert Dawson care of Eric Osborne Architect of Rathanna, Borris, County Carlow in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The construction of (1) a new single story dwelling house, domestic garage, domestic well, onsite wastewater treatment plant and percolation area, along with all associated site and landscaping works. (2) New agricultural farmyard consisting of an agricultural shed with slatted tank, lay back, livestock handling facility and hay storage, a stable block and machinery store shed, dung stand, bailed silage stand, enclosed yard and hard standing area. (3) Alteration and relocation of existing lane entrance from public road, all at Coppengagh, Tullow, County Carlow.

## **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 site location in a rural area, under strong urban influence, and the applicant's demonstrated need for rural housing, in accordance with the criteria set out in Section 3.16, which relates to Rural Housing in Areas Under Urban Influence in the Carlow County Development Plan 2022-2028, together with the nature, scale and design of the development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenity of the area, would not result in the creation of a traffic hazard or be injurious to public health or the environment, and would be an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



## Conditions

1. The 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 23<sup>rd</sup> day of March 2025, 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. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter (unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant). Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act 2000, as amended, to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority, a written statement of confirmation of the first occupation of the dwelling, in accordance with paragraph (a) above, and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

**Reason:** To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
  - (a) The establishment of a hedgerow along the western and northern site boundaries with native hedgerow species interspersed with native trees at five metre intervals.
  - (b) Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five 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 order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

4. (a) The entrance gates to the proposed development shall be set back not less than 2.4 metres from the edge of the public road. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed 1.1 metres in height.



- (b) The surfacing of the recessed access and the access lane to the development shall be a minimum of 6 metres from the edge of the public road. The full details of specification and surface water collection and disposal of the proposed entrance shall be agreed in writing with the planning authority prior to the commencement of the development.

**Reason:** In the interest of traffic safety and visual amenity.

5. (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 onto 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.

6. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with the planning application on the 23<sup>rd</sup> day of December 2024 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems—Environmental Protection Agency, 2021.

- (b) Treated effluent from the septic tank/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– 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 septic tank/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.

- 7. The proposed agricultural development shall be designed, cited, constructed and operated in accordance with the requirements as outlined in the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2022, as amended. The applicant shall provide for the relevant (location dependent) storage requirements as outlined in Schedule 3 of the aforementioned regulations. The land spreading of soiled waters and slurry shall be carried out in strict accordance with the requirements as outlined in the aforementioned regulations. Prior to the commencement of the development, details showing how the applicant intends to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In order to avoid pollution and to protect residential amenity.



8. The proposed farm buildings, stables, and machinery shed shall be used for agricultural purposes only and shall not be used for any business, trade or other commercial purposes, other than a purpose that has been outlined in the submission documents accompanying the planning application.

**Reason:** In the interest of traffic safety and residential amenity.

9. Water supply and drainage arrangements for the farmyard and associated buildings, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard:
- (a) Uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways.
  - (b) All soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended, or to a slatted tank. Drainage details shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.
  - (c) All separation distances for potable water supplies as outlined in the European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2022, as amended shall be strictly adhered to.

**Reason:** In the interest of environmental protection and public health.

10. All uncontaminated roof water from farm buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, watercourses or to appropriately sized soakaways. Uncontaminated waters shall not be allowed to discharge to soiled water and/or slurry tanks, or to the public road.

**Reason:** In order to ensure that the capacity of soiled water tanks are reserved for their specific purposes.

11. 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, noise and dust management measures and off-site disposal of construction/demolition waste.

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



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 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.



*Mary Gurrie*

**Mary Gurrie**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate**

**the seal of the Commission.**

Dated this *11* day of *August* 2025.