

An
Coimisiún
Pleanála

Commission Order
ABP-322576-25

Planning and Development Act 2000, as amended

Planning Authority: Mayo County Council

Planning Register Reference Number: 2460777

Appeal by Nicole Moran care of Keith O'Connell Chartered Engineer Limited of Cox's Yard, Distillery Road, Westport, County Mayo against the decision made on the 24th day of April, 2025 by Mayo County Council to refuse permission for the proposed development.

Proposed Development: Construction of a private dwellinghouse with adjoining garage and effluent treatment system together with all associated site works at Rusheen, Carrowholly, Westport, 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 applicant's demonstration of compliance with the Rural Housing Policy in the Mayo County Development Plan 2022-2028, specifically objective RHO 1, and the proposed layout complying with the Environmental Protection Agency's Code of Practice 2021: Domestic Wastewater Treatment Systems as required by Section 8.4 of the Plan, the Commission considered the principle of a house is acceptable at this location.

In addition, the proposed house, having a lower ridge height than the adjoining property, being modest in design and scale and in the context of existing developments in the area, is considered not to impinge in a significant way on its setting or the wider landscape. The proposed development would be in accordance with the provisions of the Mayo County Development Plan 2022-2028 and 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 Commission decided that, due to the proposed house having a lower ridge height than the adjoining property, being modest in design and scale and in the context of exiting developments in the area does not impinge in a significant way on its setting or the wider landscape including when viewed from across the inlet, the proposed development, therefore, does not contravene objective RHO 4 of the Mayo County Development Plan.

The Commission considered the design of the proposed dwelling to substantially accord with the Mayo Rural Housing design guidelines, due to the form of the building proposed, and the limited palette of materials proposed.

The Inspector raised the issue of sightlines and possible impacts on adjoining boundaries, noting the location of the site accessing onto a route that is a primarily for local access and the extent of the front boundary of the site, the Commission considered the matter of sightlines is one that could be addressed by way of a compliance condition.

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 28th 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. 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 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) 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. Revised drawings of the entrance layout and front boundary treatment including details of sightlines that accord with the development plan requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of road safety.

4. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this appeal and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 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 Waste Water 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. (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.

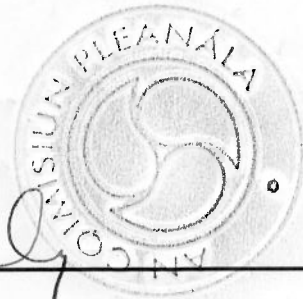
Reason: In the interest of traffic safety and to prevent flooding or pollution.

6. 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. 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.

7. 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.



M. H. Henchy

Mary Henchy

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

Dated this *17th* day of *September* 2025.