

An  
Coimisiún  
Pleanála

Commission Order  
ABP-322660-25

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

**Planning Authority: Mayo County Council**

**Planning Register Reference Number: 2460715**

**Appeal** by Michelle O'Mahoney of Tully, Loghaphuill, Belcarra Road, Castlebar, County Mayo against the decision made on the 12<sup>th</sup> day of May, 2025 by Mayo County Council to grant permission subject to conditions to Brian Flannery care of David Lally of Udaras Business Park, Tourmakeady, Claremorris, County Mayo for the proposed development.

**Proposed Development:** (1) Construction of new dwelling house on former cottage ruins, (2) the construction of a domestic garage, (3) the construction of a new wastewater treatment system and all associated site works at Tully Logaphuill, Castlebar, 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 policies and provisions of the Mayo County Development Plan 2022-2028, the location within a rural area, to the nature and scale of the proposed development and its relationship with the surrounding area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of design, visual impact, access and traffic safety, public health and environmental impact. 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 16<sup>th</sup> day of April 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. The garage/shed shall be used only as a domestic garage/shed ancillary to the dwelling, shall not be used for agricultural, industrial or commercial purposes and shall not be converted or used for human habitation.

**Reason:** In the interest of residential amenity.

3. The vehicular entrance shall be located and recessed as shown on the Site Layout plan, drawing number 24-035-DWG-P101, submitted to the planning authority on the 16<sup>th</sup> day of April 2025.

**Reason:** In the interest of traffic safety.

4. The existing front boundary shall be removed over the entire western site frontage. A new boundary shall be planted consisting of native hedgerow planting setback a minimum of 4.5 metres from the nearside edge of the existing carriageway.

**Reason:** In the interest of traffic safety and to accommodate future road improvement works.

5. (a) The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.  
  
(b) The external walls shall be finished in neutral colours such as grey or off-white.

**Reason:** In the interest of visual amenity.



6. (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.

7. Prior to the commencement of development, the developer shall enter into a connection agreement with Belcarra Community Co-Operative Society Limited to provide for a service connection to the group water supply.

**Reason:** In the interest of public health and to ensure adequate water facilities.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing over ground cables shall be relocated underground where required as part of the site development works.

**Reason:** In the interest of visual amenity.

9. (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.

10. (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 this application on the 22<sup>nd</sup> day of November, 2024 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )" – 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 Waste Water 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 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.



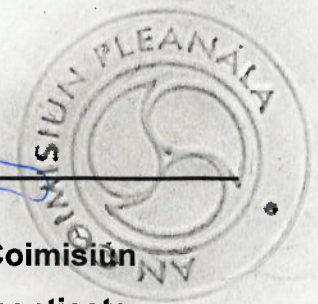
11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.

*Eamonn James Kelly*

**Eamonn James Kelly**

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



Dated this *2<sup>nd</sup>* day of *October*, 2025.