



An
Coimisiún
Pleanála

**Commission Order
PL-500203-LS**

Planning and Development Act 2000, as amended

Planning Authority: Laois County Council

Planning Register Reference Number: 25/60358

Appeal by Joe and Mary Phelan against the decision made on the 7th day of October 2025 by Laois County Council to grant, subject to conditions, a permission to Micheál and Roisín Scully in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a dwelling house, septic tank and percolation area, new site entrance, ancillary site services and all associated site work at Caher, Borris-in-Ossory, County Laois as amended by the further public notices received by the planning authority on the 16th day of September 2025.

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 location of the subject site within a 'Structurally Weak Area', where it is an objective of the Laois County Development Plan 2021 - 2027 to, in general accommodate any demand for permanent residential development subject to meeting normal planning and environmental criteria; to the relevant policy objectives of the Development Plan, including those relating to rural housing, landscape, biodiversity and transportation and protection of the residential and visual amenities; to the guidance contained within Appendix 7 of the Development Plan; to the guidance set out within the Environmental Protection Agency's Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (2021); and to the nature, scale, siting and the design of the proposed development which is appropriately proportioned, responds to its rural setting and does not give rise to ribbon housing, it is considered that the proposed development would be an acceptable form of development at this location and would be acceptable in terms of traffic safety. Having further regard to the separation distances provided, and to existing and proposed boundary and landscape treatments, it is considered that the proposed development would not seriously injure the amenities of the neighbouring properties to the east and north, or the character of the area. 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 22nd day of August 2025 and on the 16th day of September 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. Details of the materials, colours and textures of all the external finishes to the proposed dwelling 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.

3. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of public health and surface water management.

4. The developer shall ensure that a clean, potable water supply is provided prior to first occupation which complies with the E.U. (Drinking Water) Regulations, S.I. No. 99/2023.

Reason: In the interests of public health, residential amenity and proper planning.

5. (a) The septic tank hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with the application 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 septic tank shall be discharged to a percolation area 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 septic tank 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 interests of public health and to prevent water pollution.

6. (a) The entrance to the site shall be recessed three metres behind the front boundary line. Only the recessed space shall be splayed with wing walls, timber fences or stone banks not exceeding 1.2 metres in height.
- (b) Adequate sight distances of 90 metres shall be created and maintained in both directions at the site entrance. The sight distances shall be measured from a point, three metres in from the road edge, and from a driver's eye height of 1.05 metres to an object height of 1.15 metres.
- (c) All areas forward of the sight splays, excepting access way, shall be grassed up to the metalled edge of the road. No wall, excepting the wing walls for the access, shall be erected as part of the boundary, whether or not such development would constitute 'exempted development' under the terms of the Planning and Development Regulations, 2001, as amended.
- (d) Any damage caused to the adjoining public thoroughfare shall be made good at the developer's expense to the satisfaction of the planning authority.

Reason: To ensure the provision of an adequate entrance to the development in the interest of traffic safety.

7. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Friday inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. (a) Save for that which needs to be removed in order to create the proposed entrance and sightlines, all remaining boundary screening shall be retained and not removed save with the prior written consent of the planning authority.
- (b) Site boundaries shall be planted with trees/shrubs of species native to the area to form naturalised hedgerows similar to existing native hedgerows in the vicinity. Species shall include hawthorn, blackthorn, ash, oak, hazel and holly. Beech (*fagus sylvatica*) and laurel shall not be used.
- (c) Planting shall be carried out in the first planting season following commencement of development.
- (d) In the event of tree/hedge failures, these shall be replaced within the following planting season.

Reason: In the interests of visual and residential amenity.

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 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 *23* day of *February* 2026.