



An
Coimisiún
Pleanála

**Commission Order
PL-501474-OY-26**

Planning and Development Act 2000, as amended

Planning authority: Offaly County Council

Planning register reference number: 2660126

Appeal by Oliver Choiseul against the decision made on the 8th day of May, 2026 by Offaly County Council to grant subject to conditions a permission to Ben Neale in accordance with plans and particulars lodged with the said Council.

Proposed Development: To construct one number detached two storey dwelling, one number detached single storage garage, to install a tertiary wastewater treatment system with coco filter and infiltration bed, to connect to existing public watermain, to upgrade and alter existing recessed dual entrance from a shared domestic (neighbours entrance) and agricultural entrance (application entrance) to a dual domestic shared entrance onto public road and all associated site works at Annagharvey, Tullamore, County Offaly.

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's location in a rural area under strong urban influence and the applicant's demonstration of falling within the functional social requirement set out under Policy SSP-27 of the Offaly County Development Plan 2021-2027 having lived within the local area for a period in excess of five years as defined in the Plan, together with the siting, 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 landscape or visual amenity of the area, would not result in the creation of a traffic hazard or be injurious to public health, 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.

In deciding not to accept the Inspector's recommendation to refuse planning permission, the Commission considered that the applicant fell within the scope of the housing need criteria set out in the development plan specifically due to the applicants family's location in a rural area within the 8 kilometre radius of the application site and the evidence presented on files which demonstrated that the applicant lived within the local area as defined in the Plan for a period in excess of five years. The Commission also noted the Inspector's conclusions in relation to National Policy Objective 28 however did not share the same conclusion on the basis that the applicant adequately demonstrated that he met the criteria in respect of social need as set out in Policy SSP-27 of the Development Plan.

In relation to the matter of ribbon development, the Commission acknowledged and agreed with the Inspector that there are already a significant amount of dwellings in the area, however it considered that the provision of an additional dwelling would not result in the provision of five or more houses within a road frontage of 250 metres as specified in Appendix 4 of the Sustainable Rural Housing Guidelines for Planning Authorities 2005. As such, the Commission concluded that the provision of an additional dwelling at this location would not accord with the concept of Ribbon Development as set out in the said Guidelines.

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. (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 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 in the interest of the proper planning and sustainable development of the area.

3. Details of the proposed external finishes to the dwelling and the garage including the roofs of both structures shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

4. The existing front boundary wall shall be retained except to the extent that its removal is necessary to provide for the entrance to the site.

Reason: In the interest of visual amenity.

5. 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 the following:

(a) A plan to scale of not less than 1:500 showing:

- (i) existing trees, hedgerows specifying which are proposed for retention as features of the site landscaping,
- (ii) the measures to be put in place for the protection of these landscape features during the construction period,
- (iii) the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder which shall not include prunus species,
- (iv) details of screen planting, and
- (v) details of roadside/street planting.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

- (c) A timescale for implementation including details of phasing.

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 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 the interests of residential and 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. The developer shall ensure that the development is served by adequate water supply and/or wastewater facilities and shall enter into a connection agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network within six months of this grant of retention permission.

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

8. (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 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 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 Wastewater 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/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 proposed garage shall remain ancillary to the main dwelling and shall not be used as separate living accommodation.

Reason: In the interest of clarity.

10. 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.



Paul Caprani

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



Dated this 28th day of September 2026.