



An
Bord
Pleanála

Inspector's Report

ABP-317158-23

Development	Retention of one house and the installation of a wastewater treatment system.
Location	Clonavoe, Clonbullogue, Co. Offaly.
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	23113
Applicant(s)	Brendan Coyne
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Brendan Coyne
Observer(s)	None
Date of Site Inspection	25 th of July 2024
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. Clonbulloge is a village located on the eastern side of Co. Offaly below Edendarry. The townland of Clonavoe is in a rural area west of the village. The Irish parachute Club is not far from the subject site.
- 1.2. The site, 0.31ha is located in a low lying area of Co. Offaly. There is a very dispersed population in this rural area. The site is on the northern side of the road. The site includes a thatched dwelling, with some outhouses, a log cabin and a large shed to the rear.
- 1.3. The dwelling the subject of this appeal is a log cabin is located to the rear of an existing thatch cottage which is a Protected Structure (Ref 36-04). It is positioned centrally on the site between the thatched dwelling and the shed on a hardcore area.
- 1.4. There is agricultural land to the east and west of the site.
- 1.5. The access and roadside boundary is located along the southern site boundary.

2.0 Development

- 2.1. The development consists of retention of :
 - (i) One 110sq.m. dwelling as constructed (timber dwelling)
 - (ii) Installation of a new wastewater treatment system and all associated site development works
- 2.2 The development is within the curtilage of a protected structure Ref: 36-04.
- 2.3 There is a public water supply. There is a new wastewater treatment system proposed. Surface water will be disposed of via soakpits.

3.0 Planning Authority Decision

3.1. Decision

Offaly Co. Co. refused retention of the development for the following three reasons:

1. It is considered that the development to be retained, by reason of its design character & setting adversely impacts on the special character of Protected Structure Reference 36-04 9 (NIAH Ref. 1120025) and would be contrary to Policy BMP-02 of the Offaly County Development Plan 2021-2027. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Having regard to standards DMS-49 Log Cabins/ Pods of Chapter 13 Development Management Standards of Offaly County Development Plan 2021-2027, which indicates '*Cabins and Pods or similarly designed structures are not vernacular typologies of the Offaly countryside and are only permitted in limited cases where a unique siting and landscape situation allows.*' It is considered the log cabin to be retained is not a very vernacular typology of the Offaly countryside, the location is not considered to be a unique siting and landscape to permit such a development. Furthermore, the log cabin is located within the curtilage of a Protected Structure. If granted the development would set an undesirable precedent for other such developments in the area. Accordingly, the proposed development would therefore be contrary to the proper planning and sustainable development of the area.
3. The subject site is located in the open countryside within an area of the county that is designated as a rural area under strong urban influence in the Offaly County Development Plan 2021-2027. In such pressure areas it is Development Plan Policy that certain categories of applicants which are defined in Policy SSP-27 of the county Development Plan will be given a positive presumption for the development of a permanent rural home. The Council considers the applicant does not comply with the above policy and besides the dwelling to be retained, the applicant currently owns a dwelling on the same site of the subject application and accordingly the proposed development would materially contravene the Offaly County Development Plan 2021-2027, and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The applicant has not submitted any supporting documentation indicating he has lived in the area for 5years within 8km of the site.
- The applicant has not obtained planning permission previously
- The site is not located in an area of special control.
- The applicant owns a rural dwelling (the thatched cottage).
- The applicant does not comply with the terms of Policy SSP-27.
- The log cabin would adversely impact on the special character of the existing thatched cottage and would be contrary to policy BMP-02 of the Co. Offaly CDP.
- It does not comply with the Development Management Standards of the CDP DMS-49 relating to log cabins/ Pods
- The applicant already owns a dwelling therefore does not comply with Policy SSP-27 (local Need)
- A refusal is recommended.

3.2.2. Other Technical Reports

- Area Engineer: No objections
- Environment/ Water Services : Requests for Further Information
- Senior Ex. Architect: The current application is for a new log cabin erected in the middle of the garden of the thatched house. The family have vacated the thatched house and moved into the log cabin. If it remains in longterm use the protected structure will fall into ruin. The applicant should apply again for the extension of the thatched house and they could avail of the various grants available. It is an important site.

3.3. Prescribed Bodies

No response received form the prescribed bodies.

3.4. Third Party Observations

None.

4.0 Planning History

4.1 ***Planning Reference PL2/21/69:***

Brendan Coyne applied for permission for demolition of an existing flat roof extension to rear of existing building and to construct an extension to the rear of the existing building. The building is also a protected structure. The application will include a new treatment unit with percolation area. Further information was requested on 8th of April 2021. No response received.

4.2 ***Planning reference PL2/19/475***

Brendan Coyne was REFUSED permission for the demolition of the flat roof extension to the rear of the existing building to construct an extension to the rear of the existing dwelling. The building is a protected structure (36-04). The reason for refusal was there were no site suitability tests results submitted.

4.3 ***Planning Reference PL2/19/434***

Brendan Coyle applied for permission for the demolition of an existing flat roof extension to the rear of the dwelling and to construct an extension to the rear of the existing dwelling. The building is a protected structure. The file was deemed to be invalid.

5.0 Policy Context

5.1. Development Plan

5.6.1 Offaly County Development Plan 2021-27

Rural Housing Policy

Figure 2.6 2.6 Open Countryside Housing Policy Map

(D) Open Countryside

Housing in Rural Areas under Strong Urban Influence and Stronger Rural Areas, and Areas of Special Control

Rural Areas under Strong Urban Influence and Stronger Rural Areas include:

- Electoral Divisions where at least 15% of their workforce commute to a town of population over 10,000 or a town with more than 2,500 jobs.

Areas of Special Control include:

- National/International Conservation Designations (Special Protection Areas, Special Areas of Conservation, Natural Heritage Areas)
- Areas of High Amenity
- Source Protection Zones
- Restricted Regional Roads

Refer to Figure 2.6

1. The applicant has a functional **economic or social requirement** to reside in this particular rural area in accordance with (i) or (ii):

(i) **Economic requirements** will normally encompass persons referred to in the revision to the Sustainable Rural Housing Guidelines 2005 and, if applicable, circulars. Pending the making of the revised Sustainable Rural Housing Guidelines by the Minister, a Functional Economic Requirement in County Offaly shall be taken as including persons who by the nature of their work have a functional economic need to reside in the local rural area close to their place of work. It includes persons involved in full-time farming, horticulture or forestry as well as similar rural-based part-time occupations where it can be demonstrated that it is the predominant occupation. The 'local rural area' is defined as the area generally within 8km radius (5km radius particular to Areas of Special Control) of the place of work. Or

(ii) **Social requirements** will normally encompass persons referred to in the revision to the Sustainable Rural Housing Guidelines 2005 and, if applicable, circulars. Pending the making of the revised Sustainable Rural Housing Guidelines by the Minister, a Functional Social Requirement in County Offaly shall be taken as including (a) or (b) below: (a) The applicant was born within the **local rural area**, or is living or has lived in the local rural area for a minimum of 5 years (15 years

particular to Areas of Special Control) at any stage prior to making the planning application. It includes returning emigrants seeking a permanent home in their local rural area. The 'Local Rural Area' for the purpose of this policy is defined as the area generally within an 8km radius (5km radius particular to Areas of Special Control) of where the applicant was born, living or has lived. For the purpose of this policy, the rural area is taken to include 'Villages' listed in the Settlement Hierarchy, but excludes Tullamore, Birr, Edenderry, Portarlington, Banagher, Clara, Daingean, Ferbane and Kilcormac (i.e. the Key Town, Self-Sustaining Growth Town, Self-Sustaining Towns, Towns and Smaller Towns listed in the Settlement Hierarchy.

Or

(b) Special consideration shall be given in cases of **exceptional health circumstances** - supported by relevant documentation from a registered medical practitioner and a disability organisation proving that a person requires to live in a particular environment or close to family support, or requires a close family member to live in close proximity to that person.

2. The applicant does **not already own** or has not owned a house in the open countryside.

3. If the site is located within an Area of Special Control, there is no **alternative site** outside of Areas of Special Control.

4. High quality **siting and design**.

5.1.2 Chapter 10 – Built Heritage

The word protection is defined in the Planning and Development Act, 2000 (as amended), as including, in relation to a structure, or part of a structure, conservation, preservation and improvement compatible with maintaining the character and interest of the structure. Protection is offered to: a) The exterior and interior of the structure; b) The land lying within the curtilage of the structure; c) Any other structures lying within that curtilage and their interiors, and all fixtures and features which form part of the interior or exterior of any structure. Normal planning exemptions do not apply to a protected structure or a proposed protected structure. No works, which would adversely affect the character of the protected structure, or any element of it, which contributes to its special interest, may be carried out without

planning permission. An owner or occupier of a protected structure may make a written request to the Planning Authority to issue a Section 57 Declaration as to the type of works, which it considers would or would not materially affect the character of the structure or any element of the structure that contributes to its special interest.

10.5 Vernacular Buildings

Vernacular architecture refers to the traditional building forms and types, including modest rural and urban houses, built using local materials, skills and building techniques which form a vital component of the landscape. This includes traditional structures such as thatched cottages, shopfronts, farmsteads, lime kilns, mills, forges, and their products, such as gates. These structures reflect the unique local history and character of a place. The loss of vernacular architecture may not only result from the removal of whole buildings but also the gradual attrition of details such as the replacement of roof coverings and openings with inappropriate materials. Any changes proposed to a vernacular structure should be sympathetic to its special features and its character while ensuring its continued use. The Survey of Thatch Buildings County Offaly 2018 prepared by Built Heritage Collective Ireland showed a rapid decline in the number of thatch buildings in the county and an increase in the number of these structures having fallen into a ruinous condition despite the majority being recorded on the County Offaly Record of Protected Structures 2014-2020. Every effort will be made by the Council to encourage and facilitate the survival of the remaining examples during the period of this Plan.

BHP-02 It is Council policy to ensure the protection of the curtilage of protected structures or proposed protected structures and to prohibit inappropriate development within the curtilage or attendant grounds of a protected structure which would adversely impact on the special character of the protected structure including cause loss of or damage to the special character of the protected structure and loss of or damage to, any structures of architectural heritage value within the curtilage of the protected structure.

BHP-10 It is Council policy to ensure that in the event of a planning application being granted for development within the curtilage of a protected structure, the proposed works to the protected structure should occur, where appropriate, in the first phase of

the development to prevent endangerment, abandonment and dereliction of the structure.

5.1.3 **Development Management Standards**

DMS-44 For individual on-site wastewater treatment systems, the standards and guidance on design, operation and maintenance of on-site wastewater treatment systems as set out in the Environmental Protection Agency (EPA) 'Code of Practice on Wastewater Treatment and Disposal Systems serving Single Houses' (October, 2009) or any later version that may be issued by the EPA during the lifetime of this Plan shall be complied with.

DMS-49 Log Cabins and Pods or similarly designed structures are not vernacular typologies of the Offaly countryside and are only permitted in limited cases where a unique siting and landscape situation allows

DMS-93 and **DMS 94** In general, applications for development that incorporate a protected structure shall comply with the detailed advice provided in the Architectural Heritage Protection Guidelines (2004, reissued by DAHG, 2011) and should be accompanied by the following documentation (unless amended by subsequent Guidelines or legislation);

5.1.4 ***Sustainable Rural Housing – Guidelines for Planning Authorities 2005***

5.1.5 **National Planning Framework**

National Policy Objective 19 makes a distinction between areas under urban influence and elsewhere. It seeks to ensure that the provision of single housing in rural areas under urban influence on the basis of demonstrable economic and social housing need to live at the location, and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2. **Natural Heritage Designations**

There are no European sites within the Zone of Influence of the site.

5.3. EIA Screening

See Form 1. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The First Party, Brendan Coyne has taken this appeal against the planning authority's decision to refuse planning permission for retention of the development. The appeal can be summarised as follows:

6.1.1 *Rebuttal of Reason No. 1*

- Brendan Coyne built the structure in 2022 on his own land because he was raised and lived in the thatched cottage on the site all of his life, and he applied for planning permission to extend it and the Council refused him. He had a young family and needed more room for his growing family and the thatched cottage was ageing and no longer liveable.
- Brendan owns the land surrounding the thatched cottage, no other lands were available to him.
- The thatched cottage is part of our heritage. A new tree line is proposed to the rear of the cottage to screen the new dwelling from the dwelling.

6.1.2 *Rebuttal of Reason No. 2*

- The applicant was refused planning permission for an extension to his dwelling house, Reference 19475, on 13th of November 2020. The attached house has subsidence, is cold and damp and in extremely poor condition. He erected the new dwelling thinking it did not need planning permission. In terms of the log cabin not being a vernacular typology, it is stated vernacular construction type adheres to local construction practices. The dwelling is

timber and made from local construction practice. Chapter 13 of the County Development Plan calls for energy efficient housing. The log cabin suits their child's disability.

6.1.3 *Rebuttal of Reason No. 3*

Under SSP-27 it states special consideration will be given in cases of exceptional health circumstances supported by relevant documentation from registered medical practitioners and a disability organisation proving the person is required to live in a particular environment.

The application documents included a letter from the Children's Disability Network team stating that their child Noah has development delay across numerous areas. The new dwelling allows Noah freedom to easily move and freedom to grow within a happier more safe environment. Noah needs space and this should be a spacious safe environment.

The Council noted Brendan owns a dwelling. He does not own the dwelling entirely, his mother Eva owns it. Brendan has made numerous efforts to extend the thatch cottage in which he own's percentage with his mother, Eva. Offaly Co. Co. have refused him the opportunity to keep this protected structure and continue on a family home.

6.1.4 The current liveable conditions of the Old Thatch cottage for Brendan, his wife Eibhilin and his children. The planning history demonstrates Brendan has made a big effort to develop the protected structure into a home, while nobody should be forced to live a substandard house the 'log cabin' is now Brendan's family home.

Brendan is a rural farmer/ lived in the countryside all his life. Within Offaly Co. Co. Development Plan 2021-2027 (SSp-27) it states an applicant has a functional economic or social requirement to reside in a particular area. The home he has built for himself and his family is the only option available to him financially and in close proximity to his herd.

6.2. Planning Authority Response

6.2.1 The Board's attention is brought to the technical reports on file. The Board is requested to support the Council's decision to refuse permission in this instance.

7.0 Assessment

7.1. I have inspected the site and examined appeal file. I will assess the appeal under the following headings:

- Compliance with Development Plan Policy
- High quality Design and Siting
- Impact on Protected Structure

7.2 Compliance with Development Plan Policy

7.2.1 According to the Offaly County Development Plan 2021-2027 Figure 2.6, the site is located in a 'Rural Area Under Strong Urban Influence and Stronger Rural Areas'. Applicants applying for planning permission within this area must comply with certain criteria in order to be considered favourably for a house in the open countryside, provided that other environmental, design and traffic related criteria area adhered to. The relevant criteria is set out under Policy SSP-27-as follows:

1. The applicant has a functional economic or social requirement to reside in this particular rural area in accordance with (i) or (ii) outlined in the Plan.
2. the applicant does not already own or has owned a dwelling in the open countryside
3. If the site is located within an area of Special Development Control, there is no alternative site outside of the Ares of Special Development Control.
4. High quality siting and design.

7.2.2 According to the planning authority assessment and decision it was considered the applicant did not meet with the criteria of SP-27 because he already owns a dwelling house within the site, and the siting and design of the dwelling were not considered to be appropriate at the location.

7.2.3 On appeal it is submitted the applicant erected his dwelling, a log cabin on his own land. A map of his land holding is submitted with the appeal. The entire landholding has not been indicated, but I am satisfied with the evidence submitted Mr. Coyne owns a considerable portion of land to the rear of the subject site and a large agricultural shed on the property. It is submitted the applicant has lived in the

thatched cottage his entire life. The thatched cottage is located along the roadside boundary of the site. The applicant was refused planning permission under reference 19475 to extend the thatched house. According to the appeal submission, he needs more space and better quality living accommodation for his family which includes two young children and his partner. I note from the planning history, the reason for refusal for the extension to the thatched cottage related solely to the absence of an adequate site suitability report, it was not demonstrated the proposal met with the 2009 EPA Code of Practice for Wastewater Treatment Systems. The applicant made another planning application in 2021 under reference PL2/21/69 to extend the thatched cottage. There were three items of Further Information requested, two relating to the design of the extension, and one relating to the Site Suitability assessment for a treatment system. The Further Information was not responded to and the planning authority deemed the planning application to be withdrawn.

- 7.2.3 It is stated on appeal the applicant erected the log cabin on site based on misinformation that he did not require planning permission for same. The dwelling the subject of this appeal is a three-bedroom log cabin, 110sq.m (14.6m x 8.125m and a ridge height of 3.9m.) The septic tank and percolation area is located to the north of the log cabin.
- 7.2.4 It is submitted the applicant resides in the subject dwelling with his partner and two young children. One of the children has a developmental delay across numerous areas and needs assistance to move on a daily basis. The new dwelling provides a better quality of life for the child.
- 7.2.5 It is accepted the applicant has presented a social and economic need to live in the area. He is a landowner and has lived in the area all his life. The subject dwelling is within his farm and farmyard. However, it is stated in the relevant policy of the development plan that the applicant should not already own a dwelling in the open countryside. The thatched dwelling is within metres of the subject house and has been left unoccupied. I do understand the planning permission was refused to extend the thatched cottage, however not for reasons insurmountable. Therefore, the issues arising could have been addressed under the previous planning applications to extend and refurbish the thatched dwelling. However, this is not the

issue with the current appeal. It is clear and unambiguous the applicant does not meet with SSP-27 Section 2 of the relevant development plan policy.

7.3 High Quality Design and Siting

7.3.1 The subject dwelling is a log cabin, that has been sited on a hardcore yard area between the thatched dwelling and the applicants shed to the north. Although house design is a subjective issue, in my opinion, the proposal does not represent high quality design and siting. I understand the applicant would require to reside in close proximity to his farmyard/ shed for security purposes. There would appear to be very little design and siting considerations afforded to location of the dwelling on the site, other than it was just placed between the thatched dwelling and the shed on a hardcore area. Some landscaping between the dwellings has been proposed on appeal.

7.3.2 I refer to the following Development Management Standard in the Offlay County Development Plan

DMS-49 Log Cabins and Pods or similarly designed structures are not vernacular typologies of the Offaly countryside and are only permitted in limited cases where a unique siting and landscape situation allows

The applicant has submitted the dwelling is constructed from timber, an environmentally friendly material. The site does not represent a unique setting or landscape situation. The structure looks completely out of place on the subject site and exposed when viewed from the public road. There is no garden area or landscaping associated with the dwelling. It would appear it was just placed in the middle of the yard area with no consideration for the receiving environment or the visual impact of same.

7.4 Impact on the Protected Structure

7.4.1 The dwelling is in close proximity to the thatched cottage which is on the Record of Protected structure (36-04) in the current development plan. The thatched dwelling is also included on the National Inventory of Architectural Heritage (NIAH 14919006). It is a five-bay detached thatched dwelling built around 1800. There are side and rear extensions that were later modifications to the thatched house. I note the Senior Executive Architect of Offlay Co. Co. stated:

- If the log cabin remains in use long-term the thatched dwelling will fall into ruin.
- The planning application in 2021 was for a modest extension to the rear, that would have provide spacious open living accommodation. There are 3No. grants available for thatched properties.
- It is recommended the applicant apply again for the extension to the thatched cottage, and avail of the grants on offer.
- The thatched house is important because it forms part of a cluster of dwelling laid out perpendicular to the road. There are only wo remaining.

7.4.2 In my opinion, the subject dwelling is incongruous in siting and design to the thatched cottage which is perpendicular to the public road. There are full views into the site from the public road at the entrance to the yard area and subject dwelling, which is positioned west of the thatched cottage. The siting of the log cabin has, in my opinion, been crudely executed, and negatively impacts on the visual amenities of the area and materially impacts on the curtilage a setting of the protected structure.

7.4.3 The relevant section of the County Offaly Development Plan is **10.5 Vernacular Buildings**. Vernacular architecture refers to the traditional building forms and types, including modest rural and urban houses, built using local materials, skills and building techniques which form a vital component of the landscape. This includes traditional structures such as thatched cottages, shopfronts, farmsteads, lime kilns, mills, forges, and their products, such as gates. These structures reflect the unique local history and character of a place. The loss of vernacular architecture may not only result from the removal of whole buildings but also the gradual attrition of details such as the replacement of roof coverings and openings with inappropriate materials. Any changes proposed to a vernacular structure should be sympathetic to its special features and its character while ensuring its continued use. The Survey of Thatch Buildings County Offaly 2018 prepared by Built Heritage Collective Ireland showed a rapid decline in the number of thatch buildings in the county and an increase in the number of these structures having fallen into a ruinous condition despite the majority being recorded on the County Offaly Record of Protected

Structures 2014-2020. Every effort will be made by the Council to encourage and facilitate the survival of the remaining examples during the period of this Plan.

BHP-02 *It is Council policy to ensure the protection of the curtilage of protected structures or proposed protected structures and to prohibit inappropriate development within the curtilage or attendant grounds of a protected structure which would adversely impact on the special character of the protected structure including cause loss of or damage to the special character of the protected structure and loss of or damage to, any structures of architectural heritage value within the curtilage of the protected structure.*

7.4.4 The protected status of the thatched cottage bears an exceptional status to the subject site. Any new development associated with the thatched dwelling, adjacent or within the curtilage of the structure should have regard to the special heritage qualities of the protected structure and comply with policy BHP-02 outlined above. The elements that contribute to the character and special interest of protected structures should be preserved. As stated, I consider the log cabin design and siting to be inappropriate adjacent to the thatched cottage and ultimately will materially and adversely affect the character and setting of the Protected Structure.

7.5 Other Matters

- I note the applicant has presented the medical condition of one of his children as a case of exceptional health circumstances. I have no doubt the thatched cottage in its current condition and layout offers poor accommodation to meet the family's needs in particular regarding a child with development delays and requires special assistance. I sympathise with the situation and I accept the applicant is a landowner and farmer. However, unfortunately the development plan policy SSP-27 '*states it is Council policy to consider a single dwelling for the permanent occupation of an applicant in Rural Areas under Strong Urban Influence and Stronger Rural Areas and Areas of Special Control where **all** of the following (1-4) can be demonstrated*'.

It is excepted already the applicant complies with 1 and 3 of the criteria, but he does not comply with 2 and 4. Therefore he does not comply **ALL** four criteria as specified in the development plan.

- In terms of the wastewater treatment system that has been installed on site, the applicant has not provided a site suitability report to demonstrate the percolation for the newly installed system meets with the requirements of the 2009 EPA Guidelines for Sewage Treatment Systems for Individual Dwellings. This issue was outstanding on the previous two planning applications made by the applicant in relation to the extension to the thatched dwelling. Furthermore, there has been no information provided regarding the existing system associated with the thatched dwelling. There are no details regarding a separate water supply to the subject dwelling, separate from the water supply to the thatched dwelling. These issues did not form part of the reasons for refusal. Given the planning history associated with the site, I consider the absence of sufficient and necessary evidence relating to the sewage treatment system should have formed a reason for refusal of the current proposal. However, now that this is presented as a new issue, I will exclude it from my recommendation.

8.0 AA Screening

8.1. In accordance with Section 177U (4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that that the development sought under this application would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 is not required. This conclusion is based on:

- There are no European sites within the Zone of Influence or 15km from the site
- The lateral separation distance between the subject site and the nearest European site.
- The absence of meaningful pathway to any European site from the subject site.

9.0 Recommendation

I recommend the planning authority's decision to refuse planning permission for the development be refused.

10.0 Reasons and Considerations

1. Having regard to standards DMS-49 Log Cabins/ Pods of Chapter 13 Development Management Standards of Offaly County Development Plan 2021-2027, which indicates '*Cabins and Pods or similarly designed structures are not vernacular typologies of the Offaly countryside and are only permitted in limited cases where a unique siting and landscape situation allows.* It is considered the log cabin to be retained is not a very vernacular typology of the Offaly countryside, the location is not considered to be a unique siting and landscape to permit such a development. The development would set an undesirable precedent for other such developments in the area. Accordingly, the proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. The subject site is located in the open countryside within an area of the county that is designated as a rural area under strong urban influence in the Offaly County Development Plan 2021-2027. In such pressure areas it is Development Plan Policy that certain categories of applicants which are defined in Policy SSP-27 of the county Development Plan will be given a positive presumption for the development of a permanent rural home. The applicant does not comply with the above policy because the applicant currently owns a dwelling on the same site of the subject application and accordingly the proposed development would contravene the Offaly County Development Plan 2021-2027, and would be contrary to the proper planning and sustainable development of the area.

3. It is considered that, by reason of its uncharacteristic design and siting the development would materially and adversely affect the character and setting of the Protected Structure and would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Caryn Coogan
Planning Inspector

20th of August 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	317158-23			
Proposed Development Summary	Retention of dwelling and installation of new wastewater treatment plant within the curtilage of a protected structure			
Development Address	Clonavoe, Clonbullogue, Co. Offlay			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes		
		No X	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No			Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes		Class/Threshold.....		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____