



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319383-24

#### Development

To retain an increase in domestic site area, retention of shed and permission to connect outbuildings for additional accommodation to the existing wastewater treatment system.

#### Location

Lisheenacooravan, Knocknahur, Co. Sligo.

#### Planning Authority

Sligo County Council.

#### Planning Authority Reg. Ref.

2460003.

#### Applicant(s)

Garret Carter.

#### Type of Application

Permission and retention permission.

#### Planning Authority Decision

Refuse permission and retention permission.

#### Type of Appeal

First Party.

#### Appellant(s)

Garret Carter.

#### Observer(s)

None.

#### Date of Site Inspection

4 November 2024.

**Inspector**

Stephen Rhys Thomas.

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## **1.0 Site Location and Description**

- 1.1. The appeal site is located west of Ransboro Village and takes a vehicular access from the R292m also known as the Wild Atlantic Way. The lands contain an existing dwelling house, access laneway and ancillary outbuildings all contained within a high, coursed stone wall. The curved entrance walls, stone buildings and mature trees, formed part of the former Lisheen Estate, the main house of which only the ruins remain. Consequently, the appeal site creates a distinct and historical context for the area and the sheds within are part of the former estate outbuildings. The surrounding area is characterised by agricultural fields interspersed with individual houses and farmsteads and bound by low stone walls, mature hedgerows and trees.

## **2.0 Proposed Development**

- 2.1. The applicant seeks to retain development and permission for new development, detail as follows:
- 2.2. Retain
- The increase in size of a domestic site area by 0.018 hectares (from 0.240 hectares to 0.258 hectares in total),
  - A domestic shed with a gross area of 105.45 sqm,
  - A connection to the existing onsite wastewater treatment system that serves the existing dwelling.
- 2.3. Planning permission for:
- The restoration, and an interconnecting extension between two existing outbuildings to the east of the existing dwelling, in order to provide additional accommodation for the existing dwelling.
  - A connection to the existing onsite wastewater treatment system serving the existing dwelling from the proposed outbuilding accommodation.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. The planning authority refused permission for three reasons, detailed as follows:

1. The proposed development, given the nature and scale of the development, is tantamount to the creation of an independent residential unit. The proposed development is located along a designated scenic route as defined in the current Sligo County Development Plan 2017-2023. It is the policy of the planning authority to manage development in such areas and to restrict the provision of one-off rural housing in accordance with the criteria set out in Policy P-GBSA-HOU-1. It is considered that, as the applicant's housing need is currently fulfilled within the existing dwelling on site, they do not comply with P-GBSA-HOU-1 and they have not demonstrated as social or economic rural housing need.
2. The proposed conversion of outbuildings to an independent residential unit seeks to connect into an existing treatment system serving the original dwelling house on site. The applicant has not adequately demonstrated the suitability of the site for the provision of a new onsite wastewater treatment system to serve the proposed unit. As such, the proposal for the treatment and disposal of domestic wastewater is not in accordance with P-WW-4 and as such has the potential to give rise to the risk of environmental pollution and public health issues and would be contrary to the proper planning and sustainable development of the area.
3. It is considered that the development proposed for the construction of an independent residential unit would result in a further intensification of the existing access to regional road, which due to its substandard design, would endanger public safety by reason of traffic hazard because of the additional turning movements that would be generated onto the heavily trafficked regional road (R292).

#### **3.2. Planning Authority Reports**

3.2.1. Planning Reports

The basis of the planning authority decision, is as follows:

- Given the design of the proposed renovations and changes, it is considered that a new dwelling will result, for which there is no housing need.
- Renovation of the shed structures is acceptable from a visual and residential amenity perspective.
- Details on file appear to show the provision of a separate dwelling and connection to a single wastewater treatment system would not accord with P-WW-4 of the development plan concerning on-site wastewater treatment systems.
- Sub standard sight lines onto a regional road, intensification of use.

In accordance with the recommendation of the Planner, permission was refused for three reasons.

#### 3.2.2. Other Technical Reports

- Environment Section – no objections subject to conditions.

3.2.3. Conditions - Permission was refused, internal reports submitted to the planning authority have been noted.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

None.

## 4.0 Planning History

### 4.1. Site

PL03/455 Permission for alterations and extension to dwelling.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The **Sligo County Development Plan 2024-2030** was made by the Elected Members of Sligo County Council on 30 September 2024, in accordance with the provisions of Section 12(10) of the Planning and Development Act 2000 (as amended). The Sligo CDP 2024-2030 is effective starting on 11 November 2024, except for those parts of the Plan which are subject to a Draft Ministerial Direction.

5.1.2. The proposed development is not effected by the content of the Draft Ministerial Direction, and so the appeal can be addressed under the recently operative plan. Chapter 33 Development Management Standard - 33.2.17 Independent living unit for a family member

The Planning Authority will consider the provision of an independent living unit for a family member subject to the following requirements:

- there is a demonstrated need to provide an independent unit for a family member (or more);
- the accommodation shall generally not exceed a gross floor area of 70 sqm;
- the unit shall be attached to and linked internally with the main dwelling, unless a more practical solution would involve the conversion of an existing ancillary building;
- the accommodation shall remain in a single ownership and shall revert to use of the main dwelling on the cessation of such use (normally secured by condition);
- the existing garden and curtilage of the main dwelling on the site shall not be subdivided;
- the applicant shall demonstrate the adequacy of the on-site wastewater treatment and disposal system to cater for the additional occupancy. Where adequacy cannot be demonstrated, the applicant will be required to upgrade the existing wastewater treatment system to comply with the requirements of

the EPA's Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (PE≤10) (2021);

The requirements of Section 33.2.14 (i)-(iii) above also apply.\*

\*I note that section 33.2.14 refers to *Illumination and spread of light*, however section 33.2.16 *Extensions to dwellings*, is the most appropriate development management standard to reference.

SP-S-12 Accommodate proposals for one-off rural houses in Green Belts and Sensitive Areas, subject to normal planning considerations and compliance with the guidance set out in Section 33.4 Housing in rural areas (development management standards), where a housing need is demonstrated by the following categories of applicants:

A. landowners and farmers, including their sons and daughters, who wish to build a first home, in this area, for their permanent occupation on the landholding associated with their principal family residence; [PA-16]

B. persons whose primary employment is in a rural-based activity with a demonstrated genuine need to live in the locality of that employment base, for example, those working in agriculture, aquaculture, forestry, horticulture or other natural resource-based employment;

AND where such persons can demonstrate that the home they propose is in the interests of the proper planning and sustainable development of the area.

### **Sligo County Development Plan 2017-2023**

P-GBSA-HOU-1 Accommodate proposals for one-off rural houses in the green belts and sensitive areas, subject to normal planning considerations including Habitats Directive Assessment and compliance with the guidance set out in Section 13.4 Residential development in rural areas (development management standards), where a housing need is demonstrated by the following categories of applicants:



A. landowners, including their sons and daughters, who wish to build a first home for their permanent occupation on the landholding associated with their principal family residence;

B. persons whose primary employment is in a rural-based activity with a demonstrated genuine need to live in the locality of that employment base, for example, those working in agriculture, aquaculture, forestry, horticulture or other natural resource based employment;

AND where such persons can demonstrate that the home they propose is in the interests of the proper planning and sustainable development of the area.

## **5.2. Natural Heritage Designations**

- 5.2.1. The nearest Natura sites are the Ballysadare Bay SAC (Site code 000622) and SPA (Site code 004129) which are located 270 m west of the appeal site. The Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (site code 000627) and Cummeen Strand SPA (Site code 004035) are located 3 km to the north.

## **5.3. Environmental Impact Assessment (EIA) Screening**

- 5.3.1. EIA is not required. Appendix 1 of my report refers.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. The applicant has appealed the decision of the planning authority to refuse permission, the grounds of appeal can be summarised as follows:
- The proposed accommodation will enable adult children to remain living at this location. The proposed renovations will be level access, allowing future adaptability and access for all. All of the proposed development will not result in a new dwelling, but as accommodation to serve the existing dwelling.
  - The existing wastewater treatment system will be used and no objections are noted in this regard from the Environment section of the Council.

- The proposed development will not increase the volume of traffic movements at this historic gateway entrance, and no changes are necessary.

The appeal is accompanied by documentation that was submitted with the application, including: a Statement of Need and Design Strategy.

## **6.2. Planning Authority Response**

- 6.2.1. No new information has been raised in the grounds of appeal, previous reports of the planning authority refer and permission should be refused.

## **7.0 Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Visual Amenity and Housing Need
- Public Health
- Traffic
- Other Matters

### **7.2. Visual Amenity and Housing Need**

- 7.2.1. The planning authority refused permission because of their concerns that the development as proposed would amount to an independent residential unit. In such a case Policy P-GBSA-HOU-1 of the 2023 plan to do with the provision of one-off rural housing should be met and has not been. According to the planning authority the need for a separate dwelling along a scenic route has not been demonstrated. The applicant disagrees and states that as ancillary accommodation to the main house, it will allow a family member to stay in the area.
- 7.2.2. I note that Policy P-GBSA-HOU-1 of the previous development plan required applicants to demonstrate a housing need for a one-off rural house in green belts and sensitive areas. Policy SP-S-12 of the most recent plan has similar restrictions and requirements. The appeal site is located along a scenic route and would fall to be assessed under such a housing need if that were the case.
- 7.2.3. The applicant seeks to provide family living in accommodation won from converting historic sheds in a courtyard setting adjacent to the main family dwelling. In addition, it is proposed to retain a recently constructed shed for non habitable uses. The historic sheds already existing and there will be no impacts upon the visual amenity of the area, such that any designated landscape will be affected. Ample information has been submitted to demonstrate why such a family accommodation need is required and the details seem reasonable to me. The development is not a new dwelling in the countryside in the conventional sense, such that housing need policies of the development plan are required to be applied. I find that the reference

to development management standard 33.2.17 *Independent living unit for a family member*, is more applicable in this instance. The standards set out in the plan require certain parameters to be met, in most cases the applicant achieves the standards. The proposed gross floor areas will amount to 119 sqm, but this reduces to just under 100 sqm if a connecting corridor is taken out of the equation. In any case, given the nature of renovations and the reuse of existing buildings with some vernacular merit, I am satisfied that in this instance some deviation from the standard is applicable. The works proposed also generally meet the development standards set out in section 33.2.16 *Extensions to dwellings* to which section 33.2.17 should correctly refer to. The matter of wastewater treatment is addressed in section 7.3 below and the matter of subdivision can be addressed by condition.

- 7.2.4. In summary, having visited the site and observed the condition of the buildings to be renovated and the value in doing so, I am satisfied that the proposed development is acceptable. The works will not amount to one-off rural housing as envisaged for control under the current and previous statutory plans and visual amenity will not be affected in any way. The proposed development will provide accommodation for family members, re-use existing farm buildings and meet the climate objectives set out in the development plan.

### **7.3. Public Health**

- 7.3.1. The planning authority refused permission because the applicant had not demonstrated the suitability of the site for the provision of a new onsite wastewater treatment system to serve the proposed unit. The applicant explains that this is not the case and that an existing wastewater treatment will be used and can accommodate the additional load.
- 7.3.2. The applicant prepared engineering details concerning the existing wastewater treatment system and polishing filter on the site, F Davitt Planning and Design Engineers correspondence dated 7 December 2023 refers. The documents state that the current system was designed for 10 persons and has been regularly serviced and is well maintained. A report from the Environmental Services section of the Council notes the content of the report submitted by the applicant and raise not objection to the connection of the family accommodation to the existing wastewater services on the site.

- 7.3.3. I have already stated that I am satisfied that the proposed use of the renovated buildings on the site for family members would be acceptable. Consequently, the use of the existing wastewater system on site is a logical step and further confirms my assessment that this is not a new dwelling in the countryside. The existing services can accommodate the proposed development, and I do not anticipate any risk of environmental pollution or public health issues. I am satisfied that permission can be granted for the development as proposed and this would be in the proper planning and sustainable development of the area.

#### **7.4. Traffic**

- 7.4.1. The final reason for refusal that issued from the planning authority is in relation to the potential for a traffic hazard to result from the intensification of the existing access because of an independent residential unit. The applicant explains that the proposed development will not increase the volume of traffic movements at this historic gateway entrance, and no changes are necessary.
- 7.4.2. The appeal site is located along the R292, a regional road that is also the route of the tourist initiative known as the Wild Atlantic Way. The site is accessed through a historic gateway of sizable proportions and presents a notable and distinctive element to this part of the road. The road is straight in the vicinity of the site and a single white line runs down the centre, the speed limit varies between 60 kph and 80 kph for this section of the road. A dynamic speed sensitive sign, directs traffic to slow to 60 kph further to the east of the site. The roadway is in good repair and on the day of my site visit, I drove and walked along the road and experienced no excessive traffic volumes, speeds or heavy goods vehicle.
- 7.4.3. The proposed development will provide for the renovation of existing buildings within a courtyard setting and avail of existing site services: foul water and vehicular access. Despite my assessment that this is not a new independent dwelling, a slight increase in vehicular traffic will probably result over time. That being so, from my observations of the site I note that the existing dwelling already uses this access as their only vehicular entrance. The entrance also provides an access to a farmyard beyond, and on the day of my site visit I observed a tractor exiting the site. I also exited the site in my car and experienced no particular difficulty with this manoeuvre. In any case, the site is already used by vehicles to safely enter and access the site

and I see no reason to suggest any amendments or refuse permission on traffic hazard concerns.

## **7.5. Other matters**

- 7.5.1. Conditions – In this instance I recommend the attachment of standard conditions. Given the historic nature and finely worked stonework of the gateway entrance and the associated buildings it is proposed to renovate, I do not recommend the attachment of a generic condition to manage surface water drainage. In this instance, I am satisfied that the existing site already exists on hardstanding and that the roofs already drain to the adjacent grass verge and have done so for a considerable period of time. I do not recommend the attachment of any condition with reference to surface water management and the re-direction of discharge by the fitting of new rainwater goods on the roadside boundary of the site.

## **8.0 Appropriate Assessment (AA) Screening**

### **8.1. Appropriate Assessment: Screening Determination**

(Stage 1, Article 6(3) of Habitats Directive)

- 8.1.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any European Site. The closest European Sites, part of the Natura 2000 Network, are the Ballysadare Bay SAC (Site code 000622) and Ballysadare Bay SPA (Site code 004129) which are located 270 metres west of the appeal site. The Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (site code 000627) and Cummeen Strand SPA (Site code 004035) are located 3 km to the north.
- 8.1.2. The proposed development is located within a rural area and comprises the conversion of existing outbuildings and the use of an existing on site wastewater treatment system.
- 8.1.3. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:
- Small scale and domestic nature of the development

- The location of the development in a rural area, the distance from European Sites, the rural nature of intervening habitats, and the absence of any meaningful ecological pathways to any European Site.

8.1.4. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

## 9.0 Recommendation

Having regard to the above assessment, and based on the following reasons and considerations, it is recommended that permission be granted subject to conditions.

## 10.0 Reasons and Considerations

Having regard to the Sligo County Development Plan 2024 -2030, and the scale and nature of the proposed development, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 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. The independent family unit for a family member(s) shall not be sold, let or otherwise conveyed as an independent living unit and shall revert to use as part of

the main dwelling on the cessation of such use. The existing garden and curtilage of the overall residential property on this site shall not be subdivided.

Reason: In the interest of residential amenity and to control the density of residential units.

3. 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 Bord 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.

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.

---

Stephen Rhys Thomas  
Senior Planning Inspector



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25 November 2024

## Appendix 2 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

|   |   |                                  |                                |
|---|---|----------------------------------|--------------------------------|
| <b>An Bord Pleanála<br/>Case Reference</b>  | ABP-319383-24   |                                  |                                |
| <b>Proposed Development<br/>Summary</b>   | To retain an increase in domestic site area, retention of shed and permission to connect outbuildings for additional accommodation to the existing wastewater treatment system. |                                  |                                |
| <b>Development Address</b>  | Lisheenacooravan, Knocknahur, Co. Sligo   |                                  |                                |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings)  |   | <b>Yes</b>                       | ✓                              |
|   |   | <b>No</b>                        | No further action required     |
| <b>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?</b>   |   |                                  |                                |
| <b>Yes</b>  |   |                                  | EIA Mandatory<br>EIAR required |
| <b>No</b>   | ✓   |                                  | Proceed to Q.3                 |
| <b>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]?</b> |   |                                  |                                |
|   | <b>Threshold</b>  | <b>Comment<br/>(if relevant)</b> | <b>Conclusion</b>              |

|            |   |   |   |   |
|------------|---|---|---|---|
| <b>No</b>  | ✓ | Not a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) | Permission to connect outbuildings for additional accommodation to the existing wastewater treatment system.. | No EIAR or Preliminary Examination required |
| <b>Yes</b> |   |   |   | Proceed to Q.4                              |

| 4. Has Schedule 7A information been submitted? |     |   |
|--|-----|---|
| <b>No</b>                                      | N/A | <b>Preliminary Examination required</b> |
| <b>Yes</b>                                     | N/A | <b>Screening Determination required</b> |

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_