



An  
Bord  
Pleanála

## Inspector's Report ABP-321928-25

<b>Development</b>	Renovation and extension of cottage and ancillary buildings; replacement of septic tank and all associated site works.
<b>Location</b>	Rahaberna, Drum, Co. Sligo, F91 P89Y
<b>Planning Authority</b>	Sligo County Council
<b>Planning Authority Reg. Ref.</b>	2460436
<b>Applicants</b>	Enda Collins
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellants</b>	Enda Collins
<b>Observers</b>	None
<b>Date of Site Inspection</b>	23 <sup>rd</sup> April 2025
<b>Inspector</b>	Jim Egan

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## **1.0 Site Location and Description**

- 1.1. The site, with a stated area of c. 0.279ha, is located on the eastern side of local road L74143 in the townland of Rahaberna, c. 1km south of Rathcormac Village and c. 2km north of the urban edge of Sligo Town.
- 1.2. The surrounding area is generally rural in character with agricultural land and rural housing, noting particularly a concentration of houses on local road L7414 running east off the L74143 north of the site. The built-up footprint of Rathcormac Village extends to within c. 350m north of the site.
- 1.3. The appeal site comprises 3 no. single-storey stone buildings clustered towards the centre of the site and a larger hay barn located close to the western boundary. The three structures appear to be of similar construction materials, being stone walls and corrugated iron sheeted roofs.
- 1.4. During a site inspection, I observed that the stone buildings are in various stages of restoration noting signs of relatively recent remedial works to walls and roofs. The main structure, being the primary focus of this appeal, comprises new windows and a front door on the front elevation, while the rear elevation comprises a relatively newly constructed section of external wall and a boarded-up opening. Access to the inside of this structure was not possible but a view through a window indicated that the inside of the building comprises a single open area with a concrete floor. The two other stone outbuildings are smaller than the main structure with lower ridge and eave heights and are joined together by way of a curtain wall, creating an L-shaped arrangement to the rear of the main structure.
- 1.5. The site is accessed from the L74143 on the western boundary of the site. During a site inspection, I observed that the entrance arrangement comprises a farm style gate on the roadside boundary and a second, relatively newly constructed, entrance gate with piers set further back inside the boundary.
- 1.6. Site boundaries comprise a mature roadside hedgerow, mature hedgerow to the northwest and a relatively newly planted hedgerow to the north and east.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for the renovation and extension of an existing cottage and ancillary buildings, along with the conversion of the existing hay barn to a home office, including the replacement of the existing septic tank with a new effluent treatment system with percolation area and all associated ancillary site works.
- 2.2. Surface water run-off will be discharged to an on-site soak-pit system. Potable water will be supplied via an existing group water scheme connection.
- 2.3. The proposal consists of the following works (as referred to in the submitted drawings):
- Restoration of the cottage to comprise an en-suite bedroom and an open plan living / kitchen area.
  - Construction of a new link between the cottage and an existing outbuilding to the rear / north of the cottage and conversion of the outbuilding to accommodate 2 no. bedrooms, one of which would be en-suite.
  - Conversion of an existing outbuilding to the west side of cottage to provide a guest studio to comprise an en-suite bedroom and kitchen/ living area.
  - Conversion of an existing hay barn to home office and vintage tractor storage, and construction of a mezzanine level for storage.
- 2.4. The statutory notices refer to 'all associated site works' but don't call up specific details. In the context of the application, I would consider that access, surface water drainage, boundary treatments and landscaping constitute associated works and thus form part of the application. The site layout plan shows a splayed entrance, surface water disposal via an on-site soak pit, and landscaping /tree planting.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission was refused for the following reason:

1. *The proposed development is located in a sensitive area adjacent to a Scenic Route and as defined in the Sligo County Development Plan (CDP) 2024-2030. 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 Policy PSP-S-12 of the CDP. Based on the information provided with the application and details available to the Planning Authority it has not been demonstrated that the existing structure on the site is a dwelling. In addition, it has not been demonstrated that the applicant has a rural housing need relevant to the site and in line with the categories of persons identified at policy SP-S-12. As such the proposed development, which includes extensive interventions to create a dwelling including the installation of an on-site wastewater treatment system, would constitute inappropriate housing development in a rural area lacking certain public services, would militate against the preservation of the rural environment, would set an undesirable precedent for further such development at this sensitive location and would give rise to an uneconomic demand for the provision of public services and facilities. The proposed development would conflict with the provisions of the Development Plan and accordingly would be contrary to the proper planning and sustainable development of the area.*

- 2. The proposed development includes the conversion of an existing haybarn to residential accommodation. It is the policy of the Planning Authority as set out in the CDP to protect the physical landscape, visual and scenic character of County Sligo (P-LCP-1), to preserve the scenic views listed in and the distinctive visual character of designated Scenic Routes (P-LCP-3), and to ensure that new development in rural areas can be absorbed and integrated successfully into the rural setting (Section 33.3). It is considered that the conversion of the existing haybarn, by virtue of its prominent location and prominence from the Scenic Route would conflict with the relevant policies of the Development Plan, and as it would be detrimental to the visual character of the area and the Scenic Route and would set a undesirable precedent for similar developments that in themselves and cumulatively would seriously injure the visual amenities and landscape quality of the area. The proposed development would conflict with the provisions of the Development Plan and accordingly would be contrary to the proper planning and sustainable development of the area.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The planner's report, dated 27<sup>th</sup> January 2025, contains an assessment of the proposed development. Points of note include:

- Referring to the Sligo County Development Plan 2024-2030 and the Landscape Characterisation Map contained therein, the site is located in a Rural Area under Urban Influence, within a Normal Rural Landscape and with a Scenic Route (N15) located to the southwest.
- Refers to a 2024 decision to refuse permission to decommission an existing septic tank and install a new wastewater treatment system on the site, refused on the basis that the applicant had not demonstrated that the existing structure on the site is a dwelling.
- No substantive additional information has been submitted with the current application which demonstrates that the existing structure can be considered a dwelling.
- Submitted documentation indicates that likely last occupancy as a dwelling was in the mid-1970s and although there may have been intent to renovate and occupy as a dwelling or replace the structure with another dwelling based on available records from the 1990s no substantive works were undertaken. This is all indication that the existing residential use was abandoned. In this regard, reference is made to the current characteristics of the structure including no chimney fireplace or hearth, no internal walls, concrete section of rear wall removed and boarded-up, and to recent works comprising of partial installation of windows and doors, external painting only, and some drainage works.
- By association with the above, the applicant has not demonstrated a rural housing need in accordance with County Development Plan policy SP-S-12.
- The works proposed are appropriate and appear to represent good practice examples in terms of the renovation and use of vernacular structures and would not, when considered in isolation from other aspects of the proposal, have a detrimental visual impact.
- Conversion of outbuilding is acceptable subject to conditions with regards use to be ancillary to the main dwelling.

- Given the nature of the works proposed, the conversion of the hay barn would have a detrimental visual impact on the character of the area.
- A Bat Survey submitted with the application indicates that there is no evidence that the existing structure is in use as a bat roost.
- Recommends that permission is refused.

#### *Other Technical Reports*

Area Engineer – No objection subject to conditions relating to access and drainage, including a requirement to set the roadside boundary back by 4m to allow for road improvements and in the interests of road safety.

Environmental Services – no objection subject to conditions relating to wastewater treatment and potable water.

### **3.3. Prescribed Bodies**

None received.

### **3.4. Third Party Observations**

None

## **4.0 Planning History**

### **4.1. Appeal Site**

**P.A. Ref. 24/60161** – refers to a July 2024 refusal to install an effluent treatment system with percolation area and all associated site works at the existing cottage currently subject to renovations. Reason for refusal as follows:

1. *Based on the information provided with the application and details available to the Planning Authority it has not been demonstrated that the existing structure on the site is a dwelling. As such the proposed development, being the installation of an on-site wastewater treatment system, is unwarranted and furthermore the proposed development would result in the provision of a new one-off dwelling within a rural area. It is the policy of the planning authority to manage development to restrict the provision of one-off rural housing in accordance with the criteria set out within the Sligo County Development Plan*

*2017-2023 (as varied and extended). As such, the proposed development would be contrary to the proper planning and sustainable development of the area and would set an undesirable precedent.*

## **5.0 Policy Context**

### **5.1. Sligo County Development Plan 2024-2030**

The Sligo County Development Plan 2024-2030 took effect on the 11<sup>th</sup> November 2024 except for those parts of the Plan which are subject to a Draft Ministerial Direction. The Draft Ministerial Direction was issued on the 8<sup>th</sup> November 2024 and relates to land use zonings in a number of settlements and separately to text relating to access onto national primary roads. I am satisfied that the Draft Ministerial Direction has no direct implications for the appeal site.

Chapter 5 (Settlement Strategy), Chapter 23 (Landscape Character), Chapter 25 (Built Heritage), Chapter 26 (Residential Development) and Chapter 33 (Development Management Standards) of the County Development Plan are all considered relevant.

#### Chapter 5 (Settlement Strategy)

Strategic settlement policy for Green Belts and Sensitive Areas, including Scenic Routes

**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;
- 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.

#### Chapter 23 (Landscape Character)

The Landscape Characterisation Map contained within the County Development Plan identifies the following designations:

- **Normal Rural Landscapes:** areas with natural features (e.g. topography, vegetation) which generally have the capacity to absorb a wide range of new development forms – these are farming areas and cover most of the County. Certain areas located within normal rural landscapes may have superior visual qualities, due to their specific topography, vegetation pattern, the presence of traditional farming or residential structures. These areas may have limited capacity for development or may be able to absorb new development only if it is designed to integrate seamlessly with the existing environment.
- **Sensitive Rural Landscapes:** areas that tend to be open in character, highly visible, with intrinsic scenic qualities and a low capacity to absorb new development – e.g. Knocknarea, the Dartry Mountains, the Ox Mountains, Aughris Head, Mullaghmore Head etc.
- **Visually Vulnerable Areas:** distinctive and conspicuous natural features of significant beauty or interest, which have extremely low capacity to absorb new development – examples are the Ben Bulbin plateau, mountain and hill ridges, the areas adjoining Sligo's coastline, most lakeshores etc.
- **Scenic Routes:** public roads passing through or close to Sensitive Rural Landscapes, or in the vicinity of Visually Vulnerable Areas, and affording unique scenic views of distinctive natural features or vast open landscapes. In addition to remote views, scenic routes have often a distinctive visual character conferred by old road boundaries, such as stone walls, established hedgerows, lines of mature trees, adjoining cottages or farmyards together with their traditional, planted enclosures etc., all of which warrant protection.

A footnote on the map (Note 2) states that '*Scenic routes are public roads from which the views and prospects to Visually Vulnerable features are to be preserved*'.

## **Appendix A (Designated Scenic Routes)**

N-15 from Bunduff Bridge (Leitrim County boundary) to Sligo

- Views of Atlantic Ocean, Ben Bulbin, Kings Mountain and Benwislin.

**Policy P-LCP-1** Protect the physical landscape, visual and scenic character of County Sligo and seek to preserve the County's landscape character. Planning applications for developments that have the potential to impact significantly and adversely upon landscape character, especially in Sensitive Rural Landscapes, Visually Vulnerable Areas and along Scenic routes, may be required to be accompanied by a visual impact assessment using agreed and appropriate viewing points and methods for the assessment.

**Policy P-LCP-2** Discourage any developments that would be detrimental to the unique visual character of designated Visually Vulnerable Areas.

**Policy P-LCP-3** Preserve the scenic views listed in Appendix C and the distinctive visual character of designated Scenic Routes by controlling development along such Routes and other roads, while facilitating developments that may be tied to a specific location or, in the case of individual houses, to the demonstrated needs of applicants to reside in a particular area. In all cases, strict location, siting and design criteria shall apply, as set out in Section 33.4 Housing in rural areas (development management standards).

### Chapter 25 (Built Heritage)

**Section 25.3.3** Sligo's built heritage is not fully reflected in the Record of Protected Structures or ACA designations. There are many modest historic buildings which enrich the character of towns, villages and rural areas throughout the County. Most were built by local people using local materials, in the vernacular tradition, to be used as homes and workplaces. The form, scale, materials, detailing and layout of such structures contribute positively to the rural landscapes or to historic villages and towns across the County, adding historic and architectural interest, as well as visual amenity. Considering the 'embedded carbon' contained within the older building stock, their retention and continued use or reuse represent sustainable development and best energy conservation practices.

**Policy P-VH-1** Generally require the retention, sensitive restoration and sustainable re-use of historic building, structures and features in the County, including vernacular dwellings, farm buildings, paving, historic boundary treatments or layouts. There will be a presumption against the demolition of older buildings where restoration and adaptation are feasible

#### Chapter 26 (Residential Development)

**Section 26.5.3 (Derelict Houses)** - The Council will encourage the renovation and re-use of derelict houses, in preference to their demolition and replacement. Consideration will be given, on a case-by-case basis, to proposals to provide replacement dwellings where restoration is not practical. Whether it is proposed to renovate or replace a derelict house, the subject structure should be clearly recognisable as a dwelling. This means that the main characteristics of a house (i.e. external walls, roof, and openings) must be substantially intact and the structure, when last used, must have been used as a dwelling. In assessing the condition of such structures, the Planning Authority will disregard any recent structural works carried out as an attempt to comply with the above requirements.

**P-DHOU-1** Encourage the renovation and reuse of derelict houses and consider proposals for replacement houses on their merits. The structures proposed for renovation or replacement should be generally intact and exhibit the main characteristics of a dwelling. The location, siting and design of any such replacement house shall reflect those of the existing derelict dwelling. Where vernacular non-residential buildings are located on the same site, consideration should be given to their retention or incorporation into any proposed development.

**P-DHOU-2** Generally require the retention and restoration of vernacular dwellings of local architectural, cultural or social significance. Demolition and replacement of vernacular houses will be considered only where it is clearly demonstrated, by way of a suitably qualified engineer's or architect's report, that the building cannot be made structurally sound through reasonable measures.

#### Chapter 33 (Development Management Standards)

**33.2.16 Extensions to dwellings.** In the case of a vernacular dwelling, extensions should be sympathetic to the scale of the existing building and should enhance its character

**33.4.5 Ancillary buildings** Sheds and garages are common features of rural residential properties. Such structures can have a significant visual impact on the landscape. The Planning Authority will carefully assess the visual impact of ancillary buildings. In order to minimise the combined visual impact of houses and ancillary structures, sheds or garages should generally be single-storey and positioned to the side or rear of the house, unless it can be shown that the development cannot be seen from the public road or surrounding landscape.

## **5.2. Natural Heritage Designations**

The site is not located within or adjacent to any designated sites. The closest European Sites are as follows:

- Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (Site Code: 000627), c. 1.9km to the northwest.
- Ben Bulbin, Gleniff and Glenade Complex SAC (Site Code: 000623), c. 3.6km to the northeast.
- Drumcliff Bay SPA (Site Code: 004013), c. 1.9km to the northwest.
- Cummeen Strand SPA (Site Code: 004035), c. 2km to the southwest.
- Sligo/Leitrim Uplands SPA (Site Code: 004187), c. 3.1km to the east

The Crockauns/Keelogyboy Bogs NHA (Site Code: 002435) is located c. 3.1km to the east, the Cummeen Strand/Drumcliff Bay (Sligo Bay) pNHA (Site Code 000627) is c. 1.9km to the northwest, and the Ben Bulbin, Gleniff and Glenade Complex pNHA (Site Code: 000623) is c. 3.6km to the northeast.

## **6.0 The Appeal**

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

A first-party appeal was received against the decision of Sligo County Council to refuse permission. The grounds of the appeal can be summarised as follows:

- In respect of the first reason for refusal:

- The site is located in an area under urban influence as per the County Development Plan (CDP) and referring to the Landscape Characterisation Map as contained in the CDP, the site is located in a 'Normal Rural Landscape' and not on a 'Scenic Route'.
- On the basis of the above, the applicable policy for one-off rural houses is Policy SP-S-10 and not Policy SP-S-12.
- However, policies on one-off rural houses does not apply for the reason that the existing structure on the site is a dwelling.
- The CDP encourages the renovation and reuse of derelict houses, requiring that the structure should be clearly recognisable as a dwelling, must be substantially intact and when last used, was used as a dwelling.
- Structure on the site is clearly recognisable as a dwelling. Replacement windows, painted roof and whitewashed front wall carried out as exempted development under Section 4(1)(h) of the Act.
- Documented records indicate long history of the cottage in terms of use as a dwelling and intent to renovate. Residential use was never abandoned.
- Refers to precedent on restoration of similar cottages.
- In respect of the second reason for refusal:
  - For over 200 years, the cottage has formed part of the physical landscape, including the haybarn which was erected over 45 years ago.
  - Planning authority could have requested a visual impact assessment by way of further information. This element of the proposal could have been revised or excluded based on the results of such as an assessment.
  - Site is not located on a scenic route. Notwithstanding, and referring to Appendix C of the CDP, the proposal has no impact on preserved views associated with the N15.
  - Refers to precedent on restoration of similar type farm sheds.

## **6.2. Planning Authority Response**

A response, received on the 5<sup>th</sup> March 2025, refers the Board to the planner's report and other reports prepared in connection with the assessment of the application. The planning authority also acknowledges the statement and additional information including reference to precedent examples but considered that the applicant's submission to the Board does not include additional supporting information which would alter the assessment as made within the Planners Report and decision of the Planning Authority to refuse permission, noting that it remains the case that the proposed development is considered to be contrary to the proper planning and sustainable development of the area.

## **6.3. Observations**

None

## **7.0 Assessment**

Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development / Dwelling Use
- Design and Scale
- Site Servicing and Access
- Conversion of Hay Barn
- Other Matters

The issue of appropriate assessment screening also needs to be addressed.

### **7.1. Principle of Development / Dwelling Use**

- 7.1.1. The site is located in a rural area designated under the County Development Plan (CDP) as a 'Rural Area under Urban Influence' and within the designated area of a 'Scenic Route' assigned to the N15. I note the applicant's contention that the site is

not located within a Scenic Route designation and has sought to indicate same on a submitted extract from the CDP Landscape Characterisation Map (see Attachment 3 of the appeal submission). As a matter of clarity, the site is located within the Scenic Route designation, noting that the designation takes in a section of the L74143 to a point north of its junction with the L7414 which itself is north of the appeal site.

- 7.1.2. Section 26.5.3 of the CDP, together with associated policy P-DHOU-1, encourages and supports the renovation and re-use of derelict houses, while Policy P-DHOU-2 and Policy P-VH-1 placing emphasis on the retention and restoration of vernacular houses. P-DHOU-1 also encourages vernacular non-residential buildings to be retained or incorporated into any proposed development.
- 7.1.3. Referring to the first reason for refusal and the associated commentary in the planner's report, the planning authority considered that based on the level of information submitted, the applicant has not clearly demonstrate that the main structure on the site was formerly a dwelling and notwithstanding that, based on the current condition of the structure, along with the stated period of time since the structure was last occupied and the lack of works to substantiate any previous intent to occupy, the residential use of the cottage has been abandoned, and that the applicant has not provided sufficient evidence to the contrary. In such circumstances the applicant must demonstrate a local housing need, which, by reason of the site's location within a Scenic Route designation, would be assessed against Policy SP-S-12 (Green Belts and Sensitive Areas). It is the applicant's contention that the use of the structure as a dwelling has never been abandoned and, as such, contends that he is not required to demonstrate a local housing need.
- 7.1.4. A prerequisite to Policy P-DHOU-1 is that a structure proposed for renovation or replacement should be generally intact (i.e. external walls, roof, and openings) and exhibit the main characteristics of a dwelling and that when assessing the condition of such structures, the Planning Authority will disregard any recent structural works carried out as an attempt to comply with the above requirements. Furthermore, by association to the wording of the policy, and as referred to under Section 26.5.3 of the CDP, the structure, when last used, must have been used as a dwelling.

### *Structural Condition*

- 7.1.5. The applicant outlines in his appeal that he purchased the property in 2023 and proceeded to carry out minor works to the cottage, including works on foot of advice contained in a stonemason's Conservation Report (copy submitted), being works the applicant considered to be exempt from the requirement for planning permission pursuant to Section 4(1)(h) of the Planning and Development Act 2000. Works comprised the installation of new windows and front door in existing openings on the front elevation, whitewashing of the front elevation wall, painting of the existing corrugated roof and new blockwork to repair a section of the rear elevation.
- 7.1.6. For the purposes of establishing the structural condition I will have regard to the condition of the cottage at time the applicant purchased the property, therefore prior to any recent interventions. To do this I will refer to Attachment 4 of the appeal submission, which contains a record of a pre-planning meeting request submitted by the applicant to the planning authority in February 2022, at which point he had not yet purchased the property. The pre-planning meeting request documentation includes photographs of the cottage at that time. I also refer to a Conservation Report, dated October 2022, prepared by a stonemason, submitted with the current application to the planning authority.
- 7.1.7. The submitted photographs show a structure which I consider to be recognisable as a dwelling particularly with reference to the roof and walls and proportions of same along with the presence, arrangement and proportions of window and door openings on the front elevation. In my view the structure can be categorised as a three-bay cottage, a description afforded by the planning authority to other similar style dwellings, albeit located in urban settlements, under Appendix B to the CDP (Buildings of Note).
- 7.1.8. There is also a clear hierarchy between the cottage and the 2 no. stone outbuildings noting the outbuildings are smaller in scale with lower ridge and eave heights. The outbuildings are joined together via a curtain wall thereby creating an L-shaped arrangement to the rear of the cottage.
- 7.1.9. Referring to the cottage, the stonemason's report found that the masonry is in generally good repair except for a few areas of concern including the area of the rear elevation where a large section of wall was previously removed, with this section requiring an intervention in the form of a rolled steel joist (RSJ) and upright steel pillars



as a measure to ensure suitable support for the roof; that the roof and roof timbers remain in good condition and fully intact but that some supporting timbers will require attention in time; that timber window lintels, whilst not a structural concern, would be best replaced with oak or concrete. The report also highlights some features of the structure which, in the author's opinion, were characteristic of vernacular dwellings of that era (having referenced the structure on the 1890s ordnance survey Ireland (OSI) map), such as a gable end loft window, window and lintel design to maximise light through an opening in thick masonry walls, evidence of the position of the original back door opening located directly opposite the front door, and remnants of internal wall finishes.

7.1.10. The application also includes a Site Suitability Assessment (SSA) carried out in respect of the proposal to install a new wastewater treatment system. The SSA includes photographs of an existing septic tank on the site.

7.1.11. Having regard to the pre-planning photos and the stonemason's conservation report, I consider that the dwelling was structurally intact at that time (2022 / 2023) and exhibited the main characteristics of a dwelling, consistent with Policy P-DHOU-1 of the CDP. It is reasonable to determine that the planning application details have ably demonstrated that the existing structure is physically capable of being renovated and converted as part of a redevelopment without the need for demolition of the structure, again, in my view, consistent with the intent of Policy P-DHOU-1.

#### *Residential Use*

7.1.12. The main area of contention relates to the residential use of the cottage. With reference to Section 26.5.3 of the CDP, where a derelict house is to be renovated, the Council requires that the structure, when last used, must have been used as a dwelling.

7.1.13. The applicant has submitted a chronological record and associated documentation pertaining to the history of the cottage along with 'written testimonies' from third parties.

7.1.14. Based on the documentation submitted by the applicant, it would appear that the property remained in the same (third party) ownership from c .1971 to 2023 during which time, in my view, there was no intent shown to actively cease the residential use or evidence of any intervening uses. In this regard and considering the character of

the structure as a vernacular cottage and with reference to the submitted Conservation Report, the external physical condition, in my view, would appear to have remained generally unaltered from its original state, and from a footprint perspective, unchanged from the arrangement of the three stone structures as they appear on the OSI maps of the 1890s.

- 7.1.15. On the basis of the foregoing, I consider that the applicant has demonstrated that the structure, when last used, was used as a dwelling, consistent with the intent of Section 26.5.3 and Policy P-DHOU-1 of the CDP. As such, in my view, the provisions of the CDP relating to local need do not apply in this case rather the pertinent issues relate to visual impact in respect to the location of the site within a Scenic Route designation, consistency with Policy P-VH-1 which seeks the retention and sensitive restoration of vernacular dwellings, and servicing.

## **7.2. Design and Scale**

- 7.2.1. The planning authority raised no concerns with regards the proposed works, stating that the works proposed are appropriate and appear to represent good practice examples in terms of the renovation and use of vernacular structures and would not, when considered in isolation from other aspects of the proposal, have a detrimental visual impact.
- 7.2.2. The existing house is a single storey traditional cottage. The cottage is a typical three bay vernacular dwelling which reflects traditional proportions and simplicity of design with small window openings and gables capped with concrete barges. In my view, the form, scale, materials, detailing and layout of the cottage and adjoining stone structures contribute positively to the rural landscape.
- 7.2.3. I consider that the proposed development constitutes a high quality, sensitively designed, and respectful renovation of the existing vernacular stone cottage and associated stone outbuildings. Submitted plans and documentation, including the stonemason's conservation report, show that the character of the buildings will be retained and enhanced with original features reinstated. The new build elements, comprising a link between the cottage and Outbuilding No. 2 and a side extension to Outbuilding No. 2, are both of modest scale and contemporary design in terms of roof profile and material finishes, ensuring a subservient appearance to the original

structures, consistent with relevant development management standards set out under Section 33.2.16 of the CDP.

- 7.2.4. On the basis of the foregoing, I consider that the proposed renovation of the vernacular cottage with the incorporation of vernacular outbuildings is acceptable and directly supported by CDP Policies P-DHOU-1, P-DHOU-2 and Policy P-VH-1.
- 7.2.5. The proposal includes the conversion of Outbuilding No. 1 for use as a self-contained guest bedroom / studio. The floor plans indicate an en-suite bedroom and a kitchen with cooking facilities. Notwithstanding the stated intent, I consider that such a proposal has the potential to undermine CDP Policy P-TOU-9 in respect of locational considerations for tourism accommodation. The planning authority did not raise an issue with this and considered that the conversion is acceptable subject to conditions with regards use to be ancillary to the main dwelling. I concur with this approach. As such, if the Board is minded to grant permission, I recommend that a condition is included which restricts the use of the outbuildings to use ancillary to the main dwelling.

### **7.3. Site Servicing and Access**

#### Water Services and Drainage

- 7.3.1. It is proposed to install a new on-site secondary wastewater treatment system with soil polishing filter, with design capacity of PE6, and to decommission an existing septic tank. I have reviewed the content of the Site Characterisation Form submitted with the application against the requirements of the EPA's Code of Practice for Domestic Wastewater Treatment Systems, 2021. I consider the proposed wastewater treatment system would be acceptable. The Council's Environmental Services Section did not object to the proposal in respect of wastewater treatment. If the Board is minded to grant permission, I recommend that a suitable condition is included.
- 7.3.2. Surface water run-off will be discharged to an on-site soak-pit system. The Council's Area Engineer recommended a condition to ensure surface water is not directed to the public road. A similar condition can be attached to a grant of permission, if one is forthcoming.
- 7.3.3. The application states that water supply is sourced by way of an existing group water scheme connection.

### Road Access and Traffic Safety

- 7.3.4. The site is accessed via an existing entrance on the L74143. The Council's Area Engineer raised no objection to the proposal however recommended a condition which requires the entire roadside boundary to be set back 4m from the centre line of the road to allow for road improvements, and another condition requiring that the new entrance shall be set back 2.5m inside the face of the new roadside boundary with wing walls splayed at angles of 45 degrees. The planner's report acknowledges the area engineer's recommendations in this regard but considers that a balanced approach should be taken in the context of preserving the rural character of the area.
- 7.3.5. The section of road in the vicinity of the existing entrance is in good condition. The existing entrance is located on the outside of a slight bend in the road, with the road running relatively straight within the required sightline distance in both directions. I consider that the vehicular movements generated by the proposed development would not have a significant material impact on the current capacity of the road network in the vicinity of the site or conflict with traffic movements in the immediate area. In this regard, I consider that the proposal would be satisfactory in terms of traffic safety and convenience.
- 7.3.6. Section 33.4.4 of the CDP provides guidance on site boundaries including that where possible, an existing roadside boundary of hedgerows or dry-stone walling should be retained, save where it may be interfering with the achievement of adequate sightlines, and there is no alternative site access available. In this case, adequate sightlines are available and in the context of the location of the site within a Scenic Route designation, I do not consider it appropriate to require the removal and setback of the entire roadside boundary. If the Board is minded to grant permission, I recommend that a condition is included to require the applicant to agree details of the entrance with the planning authority with regards entrance setback and splays.

### **7.4. Conversion of Hay Barn**

- 7.4.1. The planning authority's second reason for refusal related to the proposed conversion to residential accommodation of an existing hay barn located close to the western boundary of the site. With reference to the Scenic Route designation under the CDP, the planning authority concluded that given the height of the barn and nature of the

works proposed, the structure would be significantly altered from a traditional rural building and thus the proposal would have a detrimental visual impact on the character of the area.

- 7.4.2. In the appeal, the applicant further contends that the site is not located on a scenic route and notwithstanding same, and referring to Appendix C of the CDP, the proposal has no impact on preserved views associated with the N15. The applicant also provides precedent examples of similar type barn conversions.
- 7.4.3. The proposal in this regard would comprise the existing corrugated sheeting to be replaced with black corrugated sheeting, existing opening on the front / east elevation to be fitted with glazing including a glazed folding door, relatively large new windows to be fitted to the south elevation, and smaller windows to the north elevation. Internally, the barn would be converted to include a remote-working office area with coffee station, utility and WC, a garage and storage area along with a mezzanine level storage area.
- 7.4.4. As highlighted earlier in this report, the CDP Landscape Characterisation Map shows that the site is located within a Normal Rural Landscape and also covered by a Scenic Route designation, which extends to cover immediately adjacent land on both sides of the N15 and in this case covers part of the L74143 and the appeal site. As such, it is my view that CDP policy and guidance in both respects applies to the application.
- 7.4.5. Policy P-LCP-3 of the CDP relates to Scenic Routes and seeks to preserve the scenic views listed in Appendix C and also seeks to preserve the distinctive visual character of designated Scenic Routes.
- 7.4.6. In terms of preserved scenic views, Appendix C (Designated Routes) contains a list of roads designated as Scenic Routes and provides further details of the views to be preserved. The scenic route designation in this case covers the N15 from Bunduff Bridge (Leitrim County boundary) to Sligo town and relates to views of the Atlantic Ocean to the west, and Ben Bulbin, Kings Mountain and Benwiskin mountain, all located due north of the site.
- 7.4.7. By reason of local topography, views towards Ben Bulbin, Kings Mountain and Benwiskin mountain from the N15 immediately south of the site are limited. On this basis I consider that the proposed development does not have any material bearing

on preserved views identified from the N15, thus the proposal does not conflict with Policy P-LCP-3 of the CDP in this respect.

7.4.8. In terms of the localised context, and as outlined above, in addition to the preservation of identified views from scenic routes, Policy P-LCP-3 also seeks to preserve the distinctive visual character of designated scenic routes, while Section 23.2.2 recognises that Normal Rural Landscape can portray superior visual qualities which are worth protecting, including the presence of traditional farming or residential structures.

7.4.9. During a site inspection, I observed that by reason of the open nature of the roadside boundary and fields to the east of the site, and by reason of its location close to the road and its scale relative to the other structures on the site, the hay barn is a prominent feature within the site and within the landscape when viewed from the junction with the N15. In my view, the hay barn, as it currently exists, is representative of a vernacular farm building in the Irish rural countryside and does not look out of place principally by reason of its appearance and function. The proposal would introduce a residential use to the barn, which, by reason of proposed external alterations to a relatively large scale building at c. 6m high and c. 9.8m in length, would, in my view, result in an overly dominant feature on the site, negatively impacting on the vernacular context and setting of the cottage and, by association, adversely impacting on the visual and scenic character of the area including the adjacent Scenic Route, contrary to Policy P-LCP-1 and Policy P-LCP-3 of the Sligo County Development Plan 2024-2030. I recommend that permission is refused for this element of the proposal.

## **7.5. Other Matters**

### Landscaping

7.5.1. The site layout plan shows native tree planting to the rear / north of the site and new native hedgerow to the eastern boundary. The proposal is acceptable in principle; however, the site plan is lacking detail particularly in relation to tree species. If the Board is minded to grant permission, I recommend that a suitable condition is included to require a comprehensive landscape plan to be submitted to the planning authority.

### Bats

- 7.5.2. The application includes a bat survey report prepared in respect of a survey carried out on the cottage and outbuildings in June 2023. The survey observed bat movements through the site but concluded that there were no bats using the buildings. Based on the bat survey report submitted, I am satisfied that proposal will not adversely impact on bats in this regard.

### Development Contributions

- 7.5.3. Table 2 of the Sligo Development Contributions Scheme 2018-2024 outlines the rate of contributions payable, including that for house extensions (including conversions). The table indicates that the first 150sq.m of a house extension (including conversions) is exempt. In this case, the submitted drawings show that Outbuilding 1 and 2 have gross floor areas of 30sq.m and 38sq.m, respectively, therefore the threshold of 150sq.m is not exceeded, and thus no development contribution is payable.

## **8.0 EIA Screening**

Refer to Appendix 1, Form 1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.

## **9.0 Appropriate Assessment**

Refer to Appendix 2. Having regard to nature, scale and location of the proposed development, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 10.0 Recommendation

I recommend a split decision.

I recommend that permission be granted for renovation and extension of the cottage and renovation of the 2 no. ancillary stone outbuildings; replacement of septic tank with a new effluent treatment system with percolation area, and all associated site works, in accordance with the submitted plans and particulars, and based on the reasons and considerations marked (1) under, and subject to the conditions set out below; and that permission be refused for the conversion of the hay shed to residential accommodation, based on the reasons and considerations marked (2) under.

## 11.0 Reasons and Considerations (1)

Having regard to the provisions of the Sligo County Development 2024-2030 and the nature, scale and design of the proposed development, it is considered that, subject to compliance with the conditions below, the development would not seriously injure the amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### Conditions:

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 26<sup>th</sup> November 2024, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The existing dwelling, along with converted Outbuilding No. 1 and Outbuilding No. 2 (as identified on the submitted site layout plan), shall, together, be occupied as a single residential unit. Outbuilding No. 1 or</p>



	<p>Outbuilding No. 2 shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p><b>Reason:</b> To restrict the use of the outbuildings and in the interest of residential amenity.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
4.	<p>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 a plan to scale of not less than 1:500 showing –</p> <ul style="list-style-type: none"> <li>i. Existing trees and hedgerows specifying which are proposed for retention as features of the site landscaping</li> <li>ii. The measures to be put in place for the protection of these landscape features during the construction period</li> <li>iii. The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise native species only.</li> </ul> <p>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 seven 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.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
5.	<p>The entrance shall be set back a minimum of 2.5m inside the roadside boundary with wing walls or other treatment splayed at angles of 45 degrees. Prior to the commencement of development, details of the site</p>

	<p>entrance shall be submitted to, and agreed in writing with, the planning authority.</p> <p><b>Reason:</b> In the interest of clarity and road safety.</p>
6.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
7.	<p>All surface water generated within the site boundaries of the dwelling 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.</p> <p><b>Reason:</b> In the interest of traffic safety and to prevent flooding or pollution</p>
8.	<p>a) The 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 26<sup>th</sup> 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 <math>\leq 10</math>)” – Environmental Protection Agency, 2021.</p> <p>b) Treated effluent from the 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 <math>\leq 10</math>)” – Environmental Protection Agency, 2021.</p> <p>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 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.</p>

	<p>d) The existing septic tank shall be decommissioned prior to occupation of the development.</p> <p><b>Reason:</b> In the interest of public health and to prevent water pollution.</p>
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## 12.0 Reasons and Considerations (2)

Policy P-LCP-1 of the Sligo County Development Plan 2024-2030 seeks to protect the physical landscape, visual and scenic character of County Sligo and seek to preserve the County's landscape character, while Policy P-LCP-3 seeks to preserve identified scenic views and also preserve the distinctive visual character of designated Scenic Routes. It is considered that by reason of the proposed external alterations, the proposal to convert the existing hay barn to residential use would result in an overly dominant feature on the site and within the landscape, negatively impacting on the vernacular context and setting of the cottage and, by association, adversely impacting on the visual and scenic character of the area including the adjacent Scenic Route, contrary to Policy P-LCP-1 and Policy P-LCP-3 of the Sligo County Development Plan 2024-2030 and therefore 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.

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Jim Egan  
Planning Inspector

28<sup>th</sup> May 2025

## Appendix 1 - Form 1

### EIA Pre-Screening

<b>Case Reference</b>	ABP-321883-25
<b>Proposed Development Summary</b>	Renovation and extension of cottage and ancillary buildings; replacement of septic tank and all associated site works.
<b>Development Address</b>	Rahaberna, Drum, Co. Sligo, F91 P89Y
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed	Extension/ modification to an individual house.

<p>road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	

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

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

## Appendix 2

### AA Screening

#### Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located on the eastern side of the L74143 local road in the townland of Rahaberna, approximately 2km north of the urban edge of Sligo Town.

The proposed development comprises the renovation and extension of the existing cottage and ancillary buildings, along with the conversion of the existing hay barn to a home office, including the replacement of the existing septic tank with a new effluent treatment system with percolation area and all associated ancillary site works.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Nature of works to convert existing buildings and replacement wastewater treatment system.
- Distance from nearest European site and lack of connections
- Taking into account the screening determination of the planning authority.

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.