



An
Bord
Pleanála

Inspector's Report ABP-322315-25

Development	Construction of a house and all associated site works.
Location	Snugborough, Rathbaun, Castlebar, Co. Mayo.
Planning Authority	Mayo County Council.
Planning Authority Reg. Ref.	24474.
Applicant(s)	Melissa Brinklow.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Melissa Brinklow.
Observer(s)	None.
Date of Site Inspection	19 th July 2025.
Inspector	C. Daly

1.0 Site Location and Description

- 1.1. The subject site of area 0.212ha consists of a plot with grass, trees, bushes and hedges to the front in between two houses along a local road (L1725) at the built-up edge of Castlebar. An overhead electricity line traverses the site along part of its eastern side and the land slopes downhill to the west. There is a wall along the front boundary with a central gate. There is an access laneway along the side western boundary which serves a house to the rear north-west of the site. There is a large open grass field to the rear of the site and the site is located within a line of 12 no. detached houses on the northern side of the local road and there is a row of houses opposite the site. The site is c.850m north-west of the town centre.

2.0 Proposed Development

- 2.1. The proposed development, in summary, consists of the following:
- A detached split-level single storey type dwelling house with gable front and rear basement element. The house would be set back from the public road with a front, side and rear driveway and rear and side garden.

3.0 Planning Authority Decision

3.1. Decision

Mayo County Council decided to refuse permission for one no. reason related to the site being zoned for 'agriculture' and the failure to demonstrate a genuine housing need for a single dwelling in the countryside. The development was considered haphazard development in a rural area that would militate against the preservation of the rural environment and lead to demands for the uneconomic provision of public services and communal facilities. It would erode the visual and environmental amenity of the area and interfere with the character of the landscape. It cited a material contravention of the Development Plan in relation to its policies and objectives.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial Planner's Report noted the zoning of agriculture where single houses are considered subject to compliance with the rural housing policy of the CDP. Further information was recommended to be requested in relation to compliance with the rural housing policy of the CDP, a site layout plan demonstrating access visibility, a site plan showing existing site levels, site sections, boundary treatments, details of external finishes and clarify the use of the basement and the vehicular access for same.

The second Planner's Report considered the applicant not be from a rural area and refusal of permission was recommended.

3.2.2. Other Technical Reports

- Mayo C.C. National Roads Office: No issues raised for the national road system.
- Roads Design Section: No objections subject to conditions.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland: Requests regard be had to policy for development's impact national roads and the existing light rail network.
- Uisce Éireann: No response received.

3.4. Third Party Observations

None.

4.0 Planning History

Subject Site

None.

Sites in the Vicinity

2560206: Permission refused at site along this local road c.120m to east for a single storey house and vehicle access.

Refusal reason related to failure to demonstrate a genuine rural housing need, haphazard development, prevent the preservation of the rural environment, erode the visual and environmental amenity of the area and interfere with the character of the landscape.

24/60240: Permission granted for a two storey dwelling, garage and car port at Ballinaglough (site within 150m to north-west of subject site).

23/60242: Permission granted by the P.A. for a new dwelling house at Ballinaglough (site within 150m to north-west of subject site).

5.0 Policy Context

5.1 Mayo County Development Plan 2022-2028 (the CDP)

Volume 1

Chapter 2 – Core and Settlement Strategy

Section 2.7.10 Core Strategy Policies and Objectives

Per Table 2.6 Castlebar is classified as an Tier 1 Urban town.

Per Section 2.8.1.6 (Key Towns and Strategic Growth Towns (Tier I (a) and Tier I (b))) it is a Tier 1(a) key town.

SSP 2

Support the continued growth and sustainable development of Ballina, Castlebar and Westport, as designated Tier I towns (Key Towns and Strategic Growth Town) in the Settlement Strategy, capitalising on Ballina's designation as a Key Town in the context of the Sligo Regional Growth Centre and Castlebar/Westport as a linked growth driver in the region.

Chapter 3 – Housing

Section 3.4.8 Rural Single Housing

RHP 5

To ensure that rural housing applications employ site specific design solutions to

provide for proposals that integrate into and reflect and enhance local landscape character, in terms of siting, design, materials, finishes and landscaping.

RHO 1

To facilitate single houses in the countryside. However, in Rural Areas under Urban Influence applicants will be required to demonstrate a social or economic link to the area in which they wish to build. An economic need would include applicants having a genuine housing need and whose future or current employment is in close proximity to the primary residence they propose to build. Local rural area includes, but is not limited to Parish, District Electoral Division and Townlands. A genuine housing need includes, but is not limited to:

- 1. Farmers, their sons and daughters, close relations or any persons taking over the running of a farm in the area in which they propose to live.*
- 2. Sons, daughters or other relations of non-farming persons who have spent a period of their lives living in the general rural area in which they propose to build a home.*
- 3. Returning immigrants who spent a period of their lives living in the rural area in which propose to build and now wish to return to reside close or convenient to family members or guardians to care for or support them or work locally or to retire.*
- 4. Persons involved in farming activity including equine enterprise, or persons employed or are intending to take up employment in any other local service, enterprise or profession.*
- 5. Persons whose health circumstances require them to live in a particular environment or close to family support. Applicants qualifying under this category of housing need are required to demonstrate by way of medical decentration why this is preferable.*
- 6. Where permission has been granted for a rural housing proposal in an area*

deemed to be under urban pressure an occupancy condition may be imposed under section 47 of the Planning and Development act 2000.

An occupancy clause shall not be applied to any successful application outside of areas deemed to be under urban pressure.

The Residency Condition shall not affect the sale of the house or site by a mortgagee in possession or by any person deriving title from such a sale where force majeure applies, for example, death, illness, relationship break up, emigration, unemployment, relocation due to work issues which would necessitate a new primary place of residence.

Section 3.4.12 Layout and Design

In considering proposals for development, the Council will have regard to the Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007); 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual: A Best Practice Guide' (2009); and 'Sustainable Rural Housing – Guidelines for Planning Authorities (2005), together with the Mayo Rural Housing Design Guidelines (2008). Furthermore, regard will also be had to any specific planning policy requirements (SPPRs) set out in the 'Urban Development and Building Heights Guidelines for Planning Authorities' (2018).

Chapter 7 - Infrastructure

7.4.5.1 Electricity

INO 38 To ensure the provision, where feasible, of electricity cables located underground.

Volume 2

Section 4.0 Residential (Urban / Settlements)

4.5 Layout

4.5.3 Urban Infill

Urban infill development shall retain the physical character of the area....Infill development must have regard to the main adjoining existing uses, design features, building lines and heights, as well as the existence of any features such as trees,

built heritage and open spaces on the site or on adjoining sites. Proposals for infill development must demonstrate how they will integrate satisfactorily with the adjoining developments, without any loss of amenity.

Section 7.0 Roads and Parking

7.6 Access Visibility Requirements

8.6 Undergrounding of Cables

Where an ESB line or other service cable(s) are located on site, the applicant may be required to relocate the cables and/or supporting infrastructure in accordance with the requirements of the service provider. Where possible the cables should be located underground. Consultation with the service provider is recommended prior to submitting a planning application and the development proposal should include details on re-location...

5.2. **Castlebar Town and Environs Local Area Plan 2023-2029 (the LAP)**

The subject site is zoned for 'agriculture' under the LAP which is "To reserve land for agricultural and rural uses and to preserve the amenity of the town setting".

Residential – Single' is listed as open for consideration under the zoning objective but this is "Subject to the Rural Housing Policy as outlined in the Mayo County Development Plan 2022-2028 (or subsequent plans)".

Section 6.4.4 Density

...On lands outside of the Town Centre area, the pattern and type of existing residential development is categorised by housing schemes and estates of varying scales, with a range and mix of house types, typically of semidetached and detached two storey typologies. Local variations will be considered based on the character and specific restrictions or considerations including adjacent high-quality open space or sustainable travel opportunities.

HSCO 1 Support, promote and facilitate the appropriate consolidation, densification and/or redevelopment of brownfield and infill sites for residential uses within the footprint of the existing built up area, where appropriate, including living above the shop opportunities.

Section 11.5 (Land Use Zoning Matrix)

Open for consideration

“The subject use may be permitted where the Local Authority is satisfied it complies with the zoning objective and other relevant policies and objectives, standards and requirements as set out in the County Development Plan, and will not conflict with the permitted, existing or adjoining land uses, in accordance with the proper planning and sustainable development of the area”.

5.3. Natural Heritage Designations

In relation to designated sites, the subject site is located:

- c.3.9km south-west of River Moy Special Area of Conservation (SAC) (site code 002298).
- c.5.5km north-east of Dambaduff Lough Proposed Natural Heritage Area (PNHA) (site code 001491).
- c.6.5km south-east of Croaghmoyle Mountain NHA (site code 002383).
- c.7km south-west of Newport River SAC (site code 002144).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal on behalf of Melissa Brinklow can be summarised as follows:

- The appellant outlines her current personal circumstances and states that these demonstrate a genuine local housing need as she is seeking to provide a permanent home within her established community.
- The location is an infill site with existing houses either side.
- The site is fully serviced with access to both water and sewer infrastructure which supports efficient and sustainable development.
- There have been several housing developments approved in the vicinity including 79 dwellings under reg. ref. P24/60782 and dwellings to the rear of the site, see reg. refs. P24/60240, P22/1139 and P19/390.

- The approved developments show the area is suitable for residential use and that the proposed dwelling would not be out of character.
- The dwelling would reinforce the residential area and meet a local need.
- The design is of similar shape and height to the existing dwellings.
- Single residential dwelling is open for consideration under the zoning.
- Map attached of location of parents' home within 200m.
- Aerial photo attached showing existing houses either side.
- Personal details attached including re sale of former home.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development.
- Design.
- Access.
- Services.

7.2. **Principle of Development**

7.2.1. I note the site zoning for 'agriculture' under the LAP which is to *"To reserve land for agricultural and rural uses and to preserve the amenity of the town setting"*. I note 'Residential – Single' use is listed as 'open for consideration' under the zoning objective but subject to the application of the rural housing policy, in this case RHO 1. Per Section 11.5 (Land Use Zoning Matrix), the LAP states in relation to 'open for consideration' uses that *"the subject use may be permitted where the Local Authority is satisfied it complies with the zoning objective and other relevant policies and objectives, standards and requirements as set out in the County Development Plan,*

and will not conflict with the permitted, existing or adjoining land uses, in accordance with the proper planning and sustainable development of the area”.

- 7.2.2. In terms of the permitted and existing land uses in the vicinity, I note that the adjacent sites along the road to the east and west consist of single detached dwellings. The adjacent land to the north consists of open fields zoned for ‘agriculture’ use and the lands opposite on the other side of the road consists of detached residential dwellings and ‘new residential’ zoned lands. In this context, I do not consider that a single residential dwelling along the local road at Snugborough would conflict with the permitted, existing or adjoining land uses. It would align with the residential uses to the east, west and south and it would infill a line of houses that would all back on to agricultural land such that residential use in the context would have a similar impact to the adjoining established use and would not have a significant impact on the adjoining agricultural land use.
- 7.2.3. However, I note that Policy RHO 1 of the CDP is applicable whereby applicants are required to demonstrate a social or economic link to the area in which they wish to build. I note per Map 3.1 of the CDP that the site is located in a rural area under strong urban influence. The CDP lists 5 categories by which a genuine housing need can be established and no. 6 refers to the condition of an occupancy condition.
- 7.2.4. I note that the applicant is required to demonstrate a genuine housing need for a single dwelling in the countryside. I note the documentation submitted, including that the applicant is from an urban area within Castlebar on land zoned residential and information on her personal circumstances. I note the applicant is not from a rural area and that no genuine rural housing need has been established under the criteria outlined in Policy Objective RHO 1. A rural generated housing need has not been demonstrated in accordance with the Sustainable Rural Housing Guidelines. In this circumstance, I consider that the proposed development would materially contravene Policy Objective RHO 1 of the CDP. I further note that I consider there to be no rationale under Section 37(2)(b) of the 2000 Act by which the Commission can grant permission in this circumstance.

7.3. Design and Layout

- 7.3.1. I note the new dwelling would be of significant depth with the western side just over 29m in length and the eastern side just over 26m. The design would have gable

forms at either end joined by a pitch roof to ridge height c.6.85m at the front end to 6.92m at the rear. There would be a basement area to the area where the site slopes downhill. This would include rear facing garage doors to the western side of the dwelling. Should permission be granted this should be conditioned for use for domestic purposes only in the interests of adjacent residential amenities. The total floor area would be 361sqm. External finishes would include nap plaster painted walls, non-white alu-clad windows and doors and blue/black slate roof which I consider appropriate for the urban-edge context.

- 7.3.2. I note the gable elevation facing the road would include contemporary design elements such as large window at first floor level for the double height internal space. Noting some gable forms on the street and sufficient separation distances from the site boundaries, I consider this design form would integrate with the site and the street. Noting the design form where the roof height would be located centrally away from the site boundaries and the separation distances from the side, front and rear boundaries, I have no significant concerns in relation to overbearing or overshadowing impacts on adjacent properties. I note no first-floor level side facing windows such that there would be no undue overlooking. I consider this complies with Section 4.5.3 (Urban Infill) of Volume 2 of the CDP in retaining the character of the area.
- 7.3.3. In relation to the overall site layout, this would require the removal of some trees and bushes which I do not consider significant in the urban-edge context. Should permission be granted I recommend a standard condition in relation to requiring a low front boundary to preserve views of the site from the public realm and for passive surveillance of the street. I note the overhead ESB powerlines traversing the eastern side of the site which are shown on the site layout plan partly traversing over the proposed dwelling at its south-east end. I note the application provides no detail on how this is to be managed or whether the cables would be relocated or undergrounded or otherwise.
- 7.3.4. Given the lack of information in relation to the overhead cables, I consider that the applicant has not demonstrated how this matter would be resolved given the site layout provides for the dwelling to be partly located underneath same and a redesign may be required in this regard. I note this would be a new issue and that it is

otherwise recommended to refuse permission in relation to principle of development but that the Commission may wish to consider its view on this matter.

- 7.3.5. I note the proposed vehicular access through the rear garden to the rear garage/basement. In the context of a rear garden urban setting, I consider that this would detract from the rear private open space (which I consider to be otherwise of adequate depth and width) and limit its useability for amenity purposes. For this reason, should permission be granted, I recommend a condition to require no driveway/access area to the rear of the dwelling. Otherwise, I note the proposed site landscaping scheme including tree planting on the western side boundary and rear northern boundary and grass and patio areas, which I consider to be satisfactory to integrate the dwelling on to the site and in the context of the adjacent agricultural lands to the north.
- 7.3.6. Based on the above I note consistency with Section 4.5 (Layout) of Volume 2 of the CDP including in relation to the urban infill development having regard to the adjoining uses and integrating satisfactorily on the site and surroundings with no undue impacts on residential amenities in the vicinity.

7.4. Access

I note the applicant submitted a sightline drawing from the proposed vehicular entrance in both directions of 75m and 74.9m. I note that the Council's Roads Design Section noted no objection subject to conditions. Noting DMURS standards (49m in both directions from a 2.4m setback), CDP Volume 2 Section 7.6 (Access Visibility Requirements) and that the access would be on to a local road with a speed limit of 50kph, I consider this acceptable. Should permission be granted I recommend that the Council's standard conditions be included for this purpose.

7.5. Services and Drainage

- 7.5.1. The proposed development would be connected to the local mains and sewer network for water and wastewater services. I note that no pre-connection agreement with Uisce Éireann was submitted. Given that the site is serviced, I consider that permission can be granted subject to standard condition requiring connections to the public mains and sewer network prior to occupation.

- 7.5.2. In relation to surface water drainage, I recommend a standard SUDS condition should permission be granted.

7.6. Other Issues

- 7.6.1. I note that matters in relation to construction can be dealt with by standard conditions should permission be granted.

8.0 EIA Screening

- 8.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

9.0 Appropriate Assessment Screening

- 9.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located c.3.9km south-west of River Moy Special Area of Conservation (SAC) (site code 002298) and c.7km south-west of Newport River SAC (site code 002144).
- 9.2. The proposed development comprises a new dwelling. No nature conservation concerns were raised in the planning appeal.
- 9.3. 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:
- The domestic and modest scale of development.
 - The distance from the European sites and the capacity available at Castlebar Wastewater Treatment Plant.
 - The screening determination of the P.A..

- 9.4. 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.

10.0 Recommendation

I recommend that permission be refused for the reasons and considerations set out below.

11.0 Reasons and Considerations

1. Having regard to the provisions of the Mayo County Development Plan 2022 – 2028 and the Castlebar Town and Environs Local Area Plan 2023-2029, and the supporting materials furnished by the applicant, it is considered that the proposed development fails to satisfy the requirements of Policy Objective RHO 1 of the Development Plan which requires applicants to demonstrate a social or economic link to the rural area in which they propose to build. The Commission is not satisfied that the applicant has demonstrated a rural generated housing need in accordance with the Sustainable Rural Housing Guidelines or within the provisions of the County Development Plan. The proposed development would, therefore, be in accordance with 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.

Ciarán Daly
Planning Inspector

2nd July 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ABP-322315-25
Proposed Development Summary	Construction of a house.
Development Address	Snugborough, Rathbaun, Castlebar, Co. Mayo.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (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.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>State the Class and state the relevant threshold</p> <p>Part 2, Class 10(b)(i) and (iv).</p> <p>Threshold: Construction of more than 500 dwelling units and urban development which would involve an area greater than 10 hectares in the case of other parts of a built-up area.</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____ Date: _____

Appendix 2

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322315-25
Proposed Development Summary	Construction of a house.
Development Address	Snugborough, Rathbaun, Castlebar, Co. Mayo.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. New single storey dwelling (361sqm.), and connection to public water and sewer network.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Briefly comment on the location of the development, having regard to the criteria listed The site is remote from water courses and designated sites. It is adjacent to an agricultural field. No significant loss of hedgerow / trees is proposed in the context of the EIA threshold.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. Nature of the development with no significant pollution at construction or operational stages, wastewater treatment capacity available at

complexity, duration, cumulative effects and opportunities for mitigation).	Castlebar WWTP per the capacity register (December 2024) and its remoteness from sensitive receptors such that no likely significant effects on the environment arise.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)