

Inspector's Report ABP-322579-25

Development Construction of a house, garage and

all associated site works.

Location Snugborough, Castlebar, Co. Mayo.

Planning Authority Mayo County Council.

Planning Authority Reg. Ref. 2460543.

Applicant(s) Raymond O' Malley.

Type of Application Permission.

Planning Authority Decision Refuse Permission

Type of Appeal First Party v Refusal.

Appellant(s) Raymond O' Malley.

Observer(s) None.

Date of Site Inspection 21st August 2025.

Inspector C. Daly

1.0 Site Location and Description

- 1.1. The subject site, 0.3ha. in area, consists of a grass field with reeds to the rear of a cluster of dwellings in a rural area just outside the urban edge of Castlebar. There are mature trees along the eastern site boundary and the field boundaries are otherwise lined with hedgerow and plants. There is an existing field gate along the northern boundary. There are some raised mounds of ground towards the east and south-east areas of the site. There are adjoining grass fields to the north, west and south.
- 1.2. Access to the site is between the boundaries of two residential sites and it is a short distance off the L1725 local road via a cluster of houses which connects to the R311 regional road which to the east leads to the centre of Castlebar c.1.5km away. The site is c.350m west of the western built-up area of the town.

2.0 **Proposed Development**

- 2.1. The proposed development, in summary, consists of the following:
 - New dwelling with two perpendicular pitched roof elements one of which is a
 dormer and which are joined by a central flat roof element and domestic
 garage of pitched roof form with connection to existing public services.
 - Connection to existing access road and boundary treatments.

3.0 Planning Authority Decision

3.1. Decision

Mayo County Council initially decided to request further information in relation to the submission of a contextual elevation with showing adjacent existing dwellings, a section showing existing and proposed site levels and evidence from Uisce Éireann showing a water connection is feasible.

The Council subsequently decided to refuse permission for two no. reasons as follows:

(1) The location of the proposed development set back a distance from the public road edge to the rear of residential properties and consisting of a

vehicular entrance fronting directly onto the neighbouring dwelling to the north, is considered by Mayo County Council to constitute backland development and therefore would adversely impact on the existing residential amenity and rural character of the area. It is considered that the proposed development, if granted, would constitute haphazard suburban style cluster development in a rural area and the undesirable precedent which the grant of permission in this instance, would contribute to the erosion of the visual and environmental amenity of the rural area. The proposed development would interfere with the character of the landscape at this rural location which it is necessary to preserve.

(2) The subject site is located within the settlement boundary for Castlebar on lands zoned Agriculture use which seeks to preserve rural character and provide for agricultural development and is within an area identified as being under strong urban influence under the Mayo County Development Plan 2022-2028. The development, due to its siting and design, would contravene "Objective RHO5" of the Mayo County Development Plan 2022-2028 in relation to ensuring that the house design and siting utilises the Mayo County Council Rural Housing Design Guidelines 2008. The proposed development would therefore adversely impact on the character of a landscape, which it is necessary to preserve, and if permitted would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial Planner's Report noted the location within a rural area where the applicant is required to demonstrate a social or economic link to the area. It considered the applicant had demonstrated a social link to the rural area. It noted serious concerns in relation to the backland and suburban nature of the development on agricultural zoned land. It noted potential for impact on residential amenity to the north given proximity and orientation to it and it advised that a contiguous was required to assess this.

It noted access proposed via the access to the adjacent cluster of 5 dwellings with an extension of the internal road proposed. The report noted concern in relation to the proximity of the entrance to the dwelling to the north. It noted a lack of evidence from Uisce Éireann in relation to connection to services. It recommended F.I. be requested in relation to these issues.

The second Planner's Report noted remaining concerns in relation to the site of the proposed dwelling to the rear of existing dwellings and directly fronting the existing dwelling to the north with potential adverse impacts on residential amenities noted and refusal was recommended on this basis. Refusal of permission was recommended for two reasons as noted in Section 3.1 above.

3.2.2. Other Technical Reports

- Municipal District Engineer: No objection.
- Water Services: Advise applicant to consult with Uisce Éireann.
- Roads: No objection.

3.3. Prescribed Bodies

An Taisce: No response.

TII: No objection subject to adherence to national policy.

3.4. Third Party Observations

None.

4.0 **Planning History**

2460417: Permission granted at adjacent plot to south by the P.A. for a private dwelling house connected to public services.

211342: Permission granted at adjacent plot to north by the P.A. for a dwelling house.

5.0 Policy Context

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

Volume 1

<u>Chapter 2 – Core and Settlement Strategy</u>

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.

SSP₂

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.

RHO 5 To advise all rural housing applicants to utilise the Design Guidelines for Rural Housing (Mayo County Council) and core principles of same.

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).

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)".

The site is located within an area under strong urban influence.

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. National Guidance

Sustainable Rural Housing Guidelines for Planning Authorities, 2005.

5.4. Natural Heritage Designations

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

- c.4.1km north-east of Dambaduff Lough Proposed Natural Heritage Area (PNHA) (site code 001491).
- c.4.85km south of River Moy Special Area of Conservation (SAC) (site code 002298).
- c.6.6km south-east of Croaghmoyle Mountain NHA (site code 002383).
- c.6.8km south-east of Newport River SAC (site code 002144).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the first party appeal on behalf of Raymond O' Malley can be summarised as follows:

Refusal Reason No. 1

- References to backland development relate to urban centres and the Development Plan has no policies or objectives in relation to same or in relation to clustered housing in rural areas.
- Noting separation, distances, layout and position, there is no overlooking,
 overshadowing or loss of privacy or traffic impacts on properties in the vicinity.
- There is no evidence that the P.A. has had regard to the Sustainable Rural Housing Guidelines 2005 (Section 4.4) regarding clustered housing in rural areas and the development is part of a rural housing cluster.
- The development is located to the rear of only one property to the south on Castlebar/Newport Regional Road R311 and would be accessed via a private roadway.
- In relation to the position of the entrance way adjacent to a rear garden, screen planting is confirmed for this boundary under reg. ref. 21/1342.

Refusal Reason No. 2

- The house design, including scale and massing, is consistent with the P.A. design guidelines for rural housing and maximise the use of the existing shelter belt of trees to the east.
- Existing trees on the site are retained and additional planting of native trees and hedging is proposed. This and other landscaping, position and design limit the visual impact.
- The development would be c.400m from the Dúnbeag/Carrbeag housing estate and the area is in transition from agricultural to residential.

- The proposal does not adversely impact on existing residential amenity and the location within existing residential development will not negatively impact on the rural character of the area.
- The development does not contravene Objective RHO 5 of the Development Plan as stated in refusal reason no. 2.
- Photos attached of the existing site, surrounds and housing in the vicinity.

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 and Policy
 - Residential Amenity
 - Access

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. Criteria in relation to siting and design also apply under Section 3.4.8 of the CDP. 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 area to the east consists of three existing and permitted detached dwellings accessed from a local road via a private roadway. Outside of the housing located along this road and the local road to the east, the area is surrounded by agricultural fields. While there are a number of detached houses lining the R311 road to the south, having reference to the pattern of development in the area and the zoning map for Castlebar, I consider the site to be located in a rural area outside of Castlebar.
- 7.2.3. I note Policy RHO 1 applies where applicants are required to demonstrate a social or economic link to the area in which they wish to build. Per Map 3.1 of the CDP, 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. I note that the applicant is required to demonstrate a genuine housing need for a single dwelling in the countryside and that the P.A. accepted the documentation submitted in this regard.
- 7.2.4. I note the documentation submitted, including the cover letter which states that the applicant meets criteria no. 2, i.e. "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 proposed to build a home". I note the documentation submitted shows the family home of the applicant within a rural area just under c.3.3km from the subject site. On this basis, while the applicant has lived in a rural area, I note this rural area on the other side of the town is not the same rural area in which they are seeking to build.
- 7.2.5. Accordingly, I do not consider a rural generated housing need has been demonstrated for this area in accordance with policy RHO 1 of the CDP and the Sustainable Rural Housing Guidelines. I consider this contravention of the policy to be a new issue given that the P.A. considered the principle of development acceptable in relation to rural housing need policy. Accordingly, I do not recommend that permission be refused on this basis although the Commission may wish to consider its views on this matter.
- 7.2.6. I note also that the cumulative impact of the erosion of the rural character of the area via residential development on unzoned lands is a relevant consideration in relation

to the principle of development. Noting that the proposed development would further contribute to urban generated development in a rural area, on the edge of the area of a number of rural houses outside the built up area of Castlebar, I consider that it would excessively impact on the rural character of the area and I agree with the P.A. that, in this regard, it would constitute haphazard suburban type development and that by its urban typology it would erode the visual and environmental amenity of the rural area. I therefore consider that this would contravene Objective RHO 5 of the CDP in that the suburban type design to which the proposal would further contribute would not accord with the Mayo County Council Rural Housing Design Guidelines 2008 and permission should be refused on this basis.

7.3. Design

- 7.3.1. I note the rural design form of two perpendicular pitched roof elements joined by a flat roof element. The eastern pitched roof element would be a dormer. I consider the design provides for appropriate vertical emphasis to window forms. External walls would be rendered in off-while except one gable wall which would be in local stone. Natural slate is proposed for the pitched roofs. The garage would be of an appropriate modest scale relative to the house and would be appropriate. In relation to the house design, I consider the design and form (excluding site layout issues) of the dwelling to be consistent with rural housing policy for rural type dwellings and that policy RHO 5 would not be contravened in relation to these design elements. Should permission be granted, I recommend that a standard condition be applied in relation to external finishes.
- 7.3.2. I note appellant's case in relation to clustered housing and the Rural Housing Guidelines. These guidelines consider clustered development well set back from the public road to be preferable to ribbon type development. I note that CDP policy does not provide for the type of clustered development proposed. I agree with the P.A. that the design layout is indicative of suburban type housing, albeit that of a low density of such housing.
- 7.3.3. While noting the trees along the eastern site boundary, I do not consider that the landscaping mitigates this issue. In this regard, I consider that the layout and the cumulative visual impact of the development would significantly negatively impact on the rural character of the area and would contribute to the erosion of the rural

amenity of the area to an excessive degree. The proposed development would thus fail to integrate into and reflect and enhance local landscape character, in terms of siting which is contrary to Policy RHP 5 and Section 3.4.12 (Layout and Design) of the CDP. I recommend that permission be refused in relation to this issue.

7.4. Residential Amenity

- 7.4.1. I note the separation distances shown on the site layout plan and on the Site Location and Contextual Layout Plans drawings which would be adequate to the west, north, east and south, noting the predominantly single storey nature and form of development such that there would be no undue overlooking, overshadowing or overbearing impacts on adjacent residential property.
- 7.4.2. While I note the position to the rear of the dwelling to the east and that permitted to the north-east, given the predominant single storey scale and form, I have no concerns that this would result in significant negative impacts on adjacent residential amenities to the east and north. I note the position of the proposed access adjacent to the permitted dwelling to the north and while noting its close proximity I do not consider that the driveway access in this position to the side of that dwelling would give to undue negative impacts on residential amenity. I consider the proposed development to be acceptable in terms of its impacts on residential amenities in the vicinity.

7.5. Access

7.5.1. The proposed access is from an internal road for the adjacent group of three existing/permitted houses via a right of way adjacent to the permitted dwelling to the north. This in turn is accessed from a local road via an established residential access. I note no concerns were raised by the Council's Roads section. I do not consider that one additional dwelling would represent a significant intensification of trips for the existing access on to the public road such that I am satisfied that there would be no road safety access concerns as a result of the proposed development.

7.6. Other Issues

7.6.1. In relation to drainage matters, I note the proposed soakpit to the rear of the dwelling and should permission be granted I recommend a standard condition be applied in relation to this matter.

- 7.6.2. In relation to connections to water and wastewater, I note the Uisce Éireann letter submitted at F.I. stage states that connections are feasible without infrastructure upgrades. Should permission be granted I recommend a standard condition be applied in relation to this matter.
- 7.6.3. I note the appeal asserts that the area is in transition from rural to urban noting its c.400m distance from the Dúnbeag/Carrbeag housing estate. As noted above, I consider the area to be rural in character and nature. I note this is supported by the LAP for Castlebar and the site zoning for agriculture.
- 7.6.4. I note the appeal referenced the absence of policy in relation to backland development and I note I in relation to the impact on the character of the area I have relied on rural area policies in my assessment.
- 7.6.5. I do not consider that new planting can mitigate the introduction of a suburban type development form in a rural area notwithstanding the appeal assertions in this regard.

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.4.85km south of River Moy Special Area of Conservation (SAC) (site code 002298), the closest European site. The proposed development comprises a dwelling and garage. No nature conservation concerns were raised in the planning appeal.

- 9.2. 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.
- 9.3. The reason for this conclusion is as follows:
 - The relatively small-scale nature of the development and the serviced nature of the lands.
 - The distance from the nearest European site and lack of connections.
 - Taking into account the screening determination by 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.
- 9.5. 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.

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, the agricultural zoning of the site and the location within a rural area under strong urban influence, the suburban type haphazard layout and form of development, would significantly impact and erode the rural character of the area and its visual and environmental amenity and this type of development would contravene Objective RHO 5 of the Development Plan in failing to constitute an acceptable rural housing design type. The proposed development would also fail to integrate into and reflect and enhance local landscape character, in terms of siting which is contrary to Policy RHP 5 and Section 3.4.12 (Layout and Design) of the Development Plan. The proposed development would, therefore, not 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

26th August 2025

Appendix 1

Form 1 - EIA Pre-Screening

	ABP-322579-25	
Case Reference		
Proposed Development Summary	Dwelling and garage.	
Development Address	Snugborough, 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?		
	☐ No, No further action required.	
(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)		
2. Is the proposed development of and Development Regulations 200	of a CLASS specified in Part 1, Schedule 5 of the Planning ()1 (as amended)?	
☐ Yes, it is a Class specified in		
Part 1.		
EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.		
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?		
\square No, the development is not of a		
Class Specified in Part 2,		

Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.		
No Screening required.		
Yes, the proposed development is of a Class and meets/exceeds the threshold.		
EIA is Mandatory. No Screening Required		
 Yes, the proposed development is of a Class but is subthreshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required) 	Part 2, Class 10(b)(i). Threshold: Construction of more than 500 dwelling units.	
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)?		
Yes Screening Determi	nation required (Complete Form 3)	
No ⊠ Pre-screening dete	Pre-screening determination conclusion remains as above (Q1 to Q3)	
Inspector:Date:		

Appendix 2

Form 2 - EIA Preliminary Examination

Case Reference	ABP-322579-25
Proposed Development	Dwelling and garage.
Summary	
Development Address	Snugborough, Castlebar, Co. Mayo.
This preliminary examination sh	nould be read with, and in the light of, the rest of the
Inspector's Report attached here	
Characteristics of proposed development	Briefly comment on the key characteristics of the development, having regard to the criteria listed.
(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).	New single storey dwelling (236sqm.), and connection to public water and sewer network. Site area 0.3ha.
Location of development	Briefly comment on the location of the development, having regard to the criteria listed
(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).	The site is not located close to any environmentally sensitive sites.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	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, 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. Include the following paragraph under EIA Screening (a separate heading) in the Inspectors report.	

(only where Schedule 7A information or EIAR required)