



An
Coimisiún
Pleanála

Inspector's Report ACP-323208-25

Development	House and associated site works.
Location	Carrick, Gaybrook, Co. Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	2460451
Applicant(s)	Blathnaid Raleigh.
Type of Application	Permission.
Planning Authority Decision	Grant, subject to conditions.
Type of Appeal	Third Party
Appellant(s)	William Tilley.
Observer(s)	None.
Date of Site Inspection	30 th October 2025.
Inspector	Terence McLellan

1.0 Site Location and Description

- 1.1. The appeal site measures approximately 0.249 hectares and lies c. 1.2km east of the N52 on a minor local road (L11274) within the townland of Kilbrennan, County Westmeath. The site is approximately 4.8km to the north west of Rochfortbridge, c. 5.2km to the north east of Tyrellspass and c. 9km south of Mullingar.
- 1.2. The site is contained within, and part of a larger agricultural field landholding owned by the Applicant, which is itself bound by water courses on its southern and eastern boundaries and a neighbouring property access road on its northern boundary. Lands to the west on the opposite side of the L11274 are in agricultural use. Lands further to the east are woodland and at a higher level than the subject site. Levels within the field are generally consistent, with a very slight rise towards the south-east. There are two single storey dwellings c. 100 metres to the south of the subject site and a further dwelling c. 35 metres to the north. A drainage ditch runs along the western boundary to the road.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of a two storey dwellinghouse with a wastewater treatment system, percolation are, and ancillary works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission was granted by Westmeath County Council on 10th July 2025 subject to 10 standard conditions including an occupancy condition.

3.2. Planning Authority Reports

- 3.2.1. The first Planner's Report contains the following points of note:
 - The site is on land that was previously the subject of conditions from a previous planning permission that sought to preclude further non-agricultural development. The Planning Act does not preclude seeking permission to vary

a condition, there is no evidence that a legal agreement was entered into with the Planning Authority, matters raised are outside of the planning code.

- The Applicant will be requested to submit supporting documentation of their links to the area in order to demonstrate local need.
- Single storey nature of other houses is noted,, however it is considered the site can accommodate a two storey dwelling that would easily assimilate within its immediate context. Design and materials are acceptable and no residential amenity impacts are foreseen.
- Water courses along the southern and eastern boundaries are noted. A Flood Risk Assessment is required.

3.2.2. A Further Information request was issued seeking documentation demonstrating the Applicant's links to the area, the Eircode of the family residence, and the submission of a flood risk assessment. This was addressed in the second Planner's Report which considered the information submitted to be acceptable and concluded that permission should be granted subject to conditions.

3.2.3. **Other Technical Reports**

- **District Engineer (06.01.2025):** No objections. Conditions recommended regarding roads (access, parking, surfacing), drainage, water supply, and wastewater treatment.

3.3. **Prescribed Bodies**

3.3.1. No response.

3.4. **Third Party Observations**

3.4.1. One observation was received from William Tilley (the Appellant) which raises the same issues as the grounds of appeal.

3.4.2. A letter of support was submitted by Robert Troy T.D.

4.0 **Planning History**

Land Including the Subject Site

- 4.1.1. **Planning Authority Reference 97/1147:** Outline permission was refused by Westmeath County Council in February 1998 for three dwellinghouses.

Neighbouring Sites (land now within the Applicant's ownership)

Land to the east.

- 4.1.2. **Planning Authority Reference 22/60038:** Permission was refused by Westmeath County Council in March 2023 for the construction of a hay shed with all ancillary site works. Permission was refused for the following reasons:

1. It is considered that the agricultural need for the scale and extent of the proposed hayshed' has not been demonstrated in terms of serving an agricultural landholding and/or equestrian activity. Furthermore, having regard to its design and siting, it is considered that in the absence of satisfactory justification to the contrary, the subject structure which is more akin to a commercial structure and fails to reflect a typical hayshed as referenced in the development description is inappropriate in a rural context and represents an ad-hoc piecemeal development, and would if permitted interfere with the character of the landscape, seriously injure the amenities of adjoining residential property, would set an undesirable precedent for similar development of this type in a rural area and would be contrary to policy CPO 16.53 and contrary to the proper planning and sustainable development of the area.

Land to the south of the subject site.

- 4.1.3. **ACP Reference 305171/Planning Authority Reference 19/6061:** Permission was refused by the Commission in December 2019 for the erection of a dwellinghouse with wastewater treatment system. Permission was refused for the following reason:

1. The site of the proposed development is located within an 'Area Under Strong Urban Influence' as set out in the 'Sustainable Rural Housing Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in April 2005 wherein it is policy to distinguish between urban generated and rural generated housing need. Furthermore, the subject site is located in a rural area that is under urban influence, where it is national policy, as set out in National Policy

Objective 19 of the National Planning Framework, to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements. Having regard to the documentation submitted with the planning application and the appeal, including the described nature of the employment of one of the applicants, the Board is not satisfied that the applicants have a demonstrable economic or social need to live in this rural area or that their housing need could not be satisfied by living in a smaller town or settlement. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location, notwithstanding the provisions of the Westmeath County Development Plan 2014-2020. The proposed development would be contrary to the Ministerial Guidelines and to the over-arching national policy and would, therefore, be contrary to the proper planning and sustainable development of the area.

Land to the north of the subject site

- 4.1.4. **Planning Authority Reference 06/4409:** Permission was refused by Westmeath County Council in November 2006 for the erection of a dwellinghouse with wastewater treatment on the basis that development would contravene a condition of a previous planning permission precluding non-agricultural development and a failed percolation test.

Land further to the south

- 4.1.5. **Planning Authority Reference 98/8107 and 99/34:** Outline permission and a subsequent permission was granted by Westmeath County Council for the erection of two dwellings. Condition 14 precluded any further non-agricultural development on the landholding.

5.0 Policy Context

5.1. National Planning Framework First Revision (April 2025)

5.2. National Policy Objective (NPO) 28 seeks to ensure that, in providing for the development of rural housing, a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.3. Westmeath County Development Plan 2021-2027

- 5.3.1. The subject site is located in an area designated as 'Rural Areas Under Strong Urban Influence'. The CDP states that the Council will manage sustainable growth and facilitate the provision of single houses in the countryside based on the core considerations of demonstrable economic or social need to live in a rural area, siting and design criteria for rural housing, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.
- 5.3.2. The aim is to support the desire of individual applicants with strong links and a need to settle in that area and to encourage people with no such links to settle in the identified extensive network of towns, villages and rural nodes. Such persons would normally have spent substantial periods of their lives living in the rural area as part of the established rural community e.g. people employed in the rural area including farmers and their sons and daughters, people originally from the rural area and wishing

to return, people wishing to reside near elderly parents to provide security and care, elderly parents wishing to live near other family members, people who would have grown up in rural areas seeking to build their home close to other family members, people working in rural areas such as teachers in rural schools.

Rural Housing Need Policy Objective CPO 9.1

5.3.3. Areas Under Strong Urban Influence - To accommodate demand from individuals for permanent residential development in defined 'Rural Areas Under Strong Urban Influence' who have strong links to the area and who are an intrinsic part of the rural community, subject to good planning practice, environmental carrying capacity and landscape protection considerations.

5.3.4. Local Housing Need - Permit residential development in areas defined 'Rural Areas Under Strong Urban Influence and Stronger Rural Areas' subject to the following circumstances:

1. Persons who are actively engaged in agriculture, horticulture, forestry, bloodstock and peat industry,
 2. Members of farm families seeking to build on the family farm,
 3. Landowners for this purpose being defined as persons who own the land 5 years prior to the date of planning application,
 4. Persons employed locally whose employment would provide a service to the local community,
 5. Persons who have personal, family or economic ties within the area, including returning emigrants,
 6. Persons who wish to return to farming and who buy or inherit a substantial farm holding which is kept intact as an established farm unit, will be considered by the Council to be farmers and will be open to consideration for a rural house, as farmers. Where there is already a house on the holding, refurbishment or replacement of this house is the preferred option.
- The local area for the purpose of this policy is defined as the area generally within a 10km radius of the applicant's family home.

5.3.5. CPO 9.2 - In line with Circular Letter PL 2/2017, review rural housing policy in line with Development Plan or other relevant Guidelines issued by the Minister in this area having regard to NPO 19.

5.3.6. Rural Housing Criteria Policy Objectives:

- CPO 9.8: Ensure that, in permitting one-off rural housing, key rural assets such as water, natural and cultural heritage and landscape quality are protected and maintained.
- CPO 9.9: Protect the natural assets of the county including ground and surface water and ensure that physical standards are met including soil conditions suitable for effluent disposal and the avoidance of flood areas.
- CPO 9.10: Protect the integrity of the landscapes as identified in the Landscape Character Assessment and protected views.
- CPO 9.11: Seek that all proposed on-site wastewater treatment systems for single dwellings and extensions which will increase the population equivalent loading shall comply with the EPA Code of Practice for Wastewater Treatment and disposal Systems serving Single Houses (2009) and any revision thereof.

5.3.7. Section 9.5.1: Rural Housing Siting and Design

5.3.8. Section 10.15: Flooding Policy Context Flood Risk Policy Objectives.

- CPO 10.105: Have regard to the “Guidelines for Planning Authorities on the Planning System and Flood Risk Management” (DoEHLG/OPW 2009) and Circular PL2/2014, through the use of the sequential approach and application of the Justification Tests in Development Management.
- CPO 10.106: Ensure that a flood risk assessment is carried out for any development proposal within 200m of a watercourse and at risk of flooding, in accordance with the “Guidelines for Planning Authorities on the Planning System and Flood Risk Management” (DoEHLG/OPW 2009). This assessment shall be appropriate to the scale and nature of risk to the potential development.

5.3.9. Section 16.3.7: Rural Housing: Notwithstanding an applicants’ demonstration of compliance with the rural housing criteria as set out at Chapter 9, it is important to note that applicants are also required to meet overriding sustainable planning practices in

terms of visual impact, design standards, environmental and traffic safety issues. The design of rural housing development requires careful design consideration to ensure that all new development sensitively integrates into the landscape. This requires specific focus on site selection, design, scale and form of the proposed development. The most successful designs subtly integrate with the receiving landscape by selecting naturally sheltered and screened sites and the development of a simple built form complimented with the use of materials that are reflective of traditional vernacular.

5.3.10. Development Management Standards Policy Objectives - Rural Housing: CPO 16.32 will apply the following guidance in assessing planning applications for rural housing:

Site Selection and Design

- The scale, form, design and siting of the development should be sensitive to its surroundings and visually integrate with the receiving landscape.
- Simple design forms and materials reflective of traditional vernacular should be used.
- Have regard to the scale of surrounding buildings. A large house requires a large site to ensure effective integration into its surroundings (either immediately or in the future, through planned screening).
- The design, siting and orientation of a new dwelling should be site specific responding to the natural features and topography of the site to best integrate development with the landscape and to optimise solar gain to maximise energy efficiency.
- The siting of new development shall visually integrate with the landscape, utilising natural features including existing contours and established field boundaries and shall not visually dominates the landscape. (Cutting and filling of sites is not desirable).
- New buildings should respect the landscape context and not impinge scenic views or skylines as seen from vantage points or public roads.
- Larger houses (e.g. in excess of 200sqm) should incorporate design solutions to minimise visual mass and scale e.g. sub-divided into smaller elements of traditional form to avoid bulky structures.

- Use a simple plan form to give a clean roof shape – a long plan in preference to a deep plan. This will avoid the creation of a bulky shape.
- Where existing vernacular structures exist on site, consideration should be given to their re-use, adaptation and extension in preference to new build.
- Clustering with existing rural buildings is generally preferable to stand-alone locations.
- The applicant should determine if the proposed development is located on any designated natural heritage, archaeological or architectural heritage site. The existence of any of these designated sites within the proposed development site may have implications for the proposed dwelling.

Materials and Detailing

- The detail, texture, colour, pattern, and durability of materials of the proposed development should be sustainable and of a high quality, and sensitive to its proposed location.
- Local Stone (sandstone/limestone - area specific) and render such as stucco, traditional lime render or lime wash, rough cast render or napped render finish and glass is encouraged. Metal cladding such as copper, timber shingle, self-finished modern renders, and painted timber finish may be acceptable in certain instances or in cases where the design solution calls for an accent material. Brick, stone cladding which clearly reads as non-structural and non-Local Stone or dashes and cladding and other metal or timber finishes which give an engineered or artificial appearance will generally not be permitted.
- Where contemporary materials are proposed they should complement and harmonise with traditional materials.
- Simple design forms and roof designs with narrow spans (gable-widths) and pitches/profiles are preferable.
- Particular attention should be paid to the solid to void ratio of windows and doors. Openings should be proportionate to complement the style of the building.

- Decorative fascias and box end soffits should be avoided.”

Boundary Treatment

- Application sites should be flanked with a minimum of two established natural boundaries to aid visual integration and help soften the visual impact of the development in the landscape.
- Existing hedgerows and landscape features on site should be retained and augmented on site. Where hedgerow removal is required to achieve sight lines, new hedgerow(s) of a native species must be planted inside the line of visibility.
- New roadside frontage should be incorporated into existing roadside treatment using compatible hedgerow planting, walls, timber fencing and/or drystone work.
- Boundary treatment should reflect local traditions. Traditional dry-stone wall construction or limestone walls with lime mortar, and/or post and wire/timber fencing back planted with indigenous hedging are considered appropriate at entrances. Over-scaled and elaborate designs should be avoided.
- The design of entrance gates should be in keeping with the rural setting. Entrances, wing walls and piers which are not demonstrated to be in character with the rural location of the proposed development will generally not be permitted. All planning applications must include detailed drawings and specifications for vehicular entrance arrangements.
- Driveways, and surfaced areas should be located so as to minimise the visual impacts of these proposed structures for example by following existing contour lines.

5.3.11. Westmeath Rural Design Guidelines July 2005 and 2008 Addendum.

5.4. Natural Heritage Designations

5.4.1. The appeal site lies c. 2km to the south east of Lough Ennell, a proposed Natural Heritage Area and Special Area of Conservation (site code 000685) and a Special Protection Area (site code 004044).

5.5. EIA Screening

- 5.5.1. 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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A Third Party appeal has been received from William Tilley, against the decision of Westmeath County Council to grant permission for the proposed development. The grounds of appeal can be summarised as follows:

6.1.2. Planning History and Principle of Development

- Attention is drawn to the Planning History. Permission would be contrary to a condition of a previous permission which includes the subject site and prevents non-agricultural development.
- Previous permissions have been refused on this site on the basis of being contrary to the condition and due to drainage issues (failed percolation) (06/449).
- The Commission have also refused permission on the basis that the development would be contrary to the proper planning and sustainable development of the area.
- The Applicant was refused permission for a hay shed and ancillary works on land to the east, including that it would be inappropriate in a rural context, piecemeal development, would interfere with the character of the landscape, would injure amenity and set a precedent.

- The Applicant has gone ahead and completed these works without permission. This could be designed to pave the way for future residential development, and the timing suggest an incremental approach to establish presence on the lands and a shift in use. This undermines the planning system.
- Permission has to be refused as the site was deemed unsuitable for residential development, and it would contribute to excessive density and suburban type development.
- The site is 2km south east of an SAC and SPA

6.1.3. Design and Amenity

- The boreen providing access cannot cope with additional traffic or construction works.
- There are no two storey houses in this area/along this road. The development would erode the 'bungalow only' character.
- The design and scale of the dwelling at two storeys is inappropriate and out of context with the local character.
- The development would be incongruous, intrusive and would lead to residential amenity impacts such as overlooking, loss of privacy, and loss of outlook.

6.1.4. Local Need

- Local need and demonstrable economic or social need has not been demonstrated.
- Insufficient evidence has been submitted to demonstrate links to the area.

6.1.5. Flood Risk

- Flood risk and drainage have been raised on previous decisions.
- The Flood Risk Assessment highlights the issue of overtopping of culverts on the nearby watercourses during a 1 in 1000 year event as they are undersized.
- Secondary flood risk is ruled out in the assessment, but this is based on assumptions and optimistic flow paths.
- The Flood Risk Assessment recommendations rely on continuous and effective maintenance of drainage channels which is outside of the Applicant's control.

- The 'Low Probability' characterisation understates the true risk. It is low probability but high consequence.

6.2. Applicant Response

6.2.1. A First Party response has been received from Pat Gallagher Planning Consultant, for and on behalf of the Applicant. The main points can be summarised as follows:

- The subject site is not the same site that the Appellant had permission refused on.
- Legal advice to Westmeath regarding the sterilisation agreement was taken into account when considering the previous application (19/606) and it was considered appropriate to grant permission.
- The Commission's decision on that case, whilst refusing permission, discounted the relevance of the sterilisation agreement.
- The scheme should be considered on its merits.
- The Applicant owns the land (c. 10 acres) since 2023, and the application is not speculative.
- The Applicant intends to live on the land. The family home is close by and the Applicant competes in equestrian events and owns horses.
- The Applicant has been informed that the hayshed erected on their land to the east is exempted development.
- As land owner with active equine interest, her presence on the land on a regular basis is necessary for the care and upkeep of the horses. There is a legal responsibility to ensure their care and welfare.
- The Applicant's family are long established active and respected members of the local community.
- Bungalows are inconsistent with historic 19th century tenant farmer dwellings. The proposed dwelling is simply designed and efficient and in line with modern rural housing design guidelines.

- The Case Planner was satisfied with the local needs requirements and evidence submitted.
- The Case Planner was satisfied with the findings of the flood risk assessment.
- The land is not zoned and it is not clear what zoning issues the Appellant is referring to.
- The Applicant has a demonstrable housing need as she does not own a house and has never owned a house.

6.3. Planning Authority Response

6.3.1. No response on file.

6.4. Observations

6.4.1. None.

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
- Local Need
- Design, Siting, and Amenity
- Drainage and Flood Risk

7.2. Principle of Development

7.2.1. The Appellant raises a number of issues regarding the site history on the wider landholding acquired by the Applicant in 2023. These relate mainly to the previous refusal of planning permission on several occasions, for various parties, including the

Appellant, on the basis that a condition of an earlier planning consent, applied to the wider landholding, precluded further non-agricultural development.

- 7.2.2. This matter has been dealt with by the Commission on the earlier appeal (ACP Ref. 305171) and circumstances have not changed since then, other than the landholding being acquired by the Applicant. In summary, the Planning and Development Act does not preclude an Applicant from seeking permission to vary a condition of a permission, which would be a function of the current application/appeal. Additionally, there is no evidence that the Planning Authority entered into a legal agreement and no evidence of a sterilisation agreement.
- 7.2.3. Whilst noting the other matters raised by the Appellant through the site history, including drainage issues which I will deal with separately, I am satisfied that the scheme should be determined on its merits.

7.3. Local Need

- 7.3.1. The Appellant considers that local need and demonstrable economic or social need has not been demonstrated and that insufficient evidence has been provided to demonstrate links to the area.
- 7.3.2. The Sustainable Rural Housing Guidelines (2005) indicate that the site constitutes a rural 'Area Under Strong Urban Influence'. Within these 'areas under urban influence', the National Planning Framework NPO28) seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area, siting and design criteria for rural housing in statutory guidelines and plans, and having regard to the viability of smaller towns and rural settlements.
- 7.3.3. In terms of the Westmeath CDP, Map 9.1 – Rural Typology, categorises the site as being located in a 'Rural Area Under Strong Urban Influence'. Policy Objective CPO 9.1 relates to rural housing need and sets out the eligibility criteria that must be met for the provision of housing in the rural area. The objective seeks to accommodate demand from individuals for permanent residential development in defined 'Rural Areas Under Strong Urban Influence' who have strong links to the area and who are an intrinsic part of the rural community, subject to good planning practice, environmental carrying capacity and landscape protection considerations.

7.3.4. It therefore has to be established whether the Applicant meets the 'local housing need' provisions by reference to one of the six qualifying criteria (with the local area for the purpose of this policy defined as the area generally within a 10km radius of the applicant's family home).

7.3.5. In my opinion, the Applicant meets eligibility criteria 4 and 5 of the objective:

4. Persons employed locally whose employment would provide a service to the local community,

5. Persons who have personal, family or economic ties within the area, including returning emigrants,

7.3.6. The Applicant submitted a completed Local Need Questionnaire and covering letter. It is submitted that Ms. Raleigh, who is 26, currently lives with her parents in Moorerow, Gaybrook, c.1.5 km from the subject site and that she has lived there her entire life. Her mother's family have lived in the area for over 150 years, and her father's family are from Rochefortbridge. Ms. Raleigh works alongside her mother in the family business, which is a childcare and education centre in the small village of Tyrellspass. It is stated that she intends to take over running the business in the next couple of years. Ms. Raleigh stables horses on her land at Carrick and competes in regular equestrian events and whilst currently living with her parents, it is argued that she needs to live locally due to work and horse care commitments. Ms. Raleigh submits that she does not and has not previously owned a house.

7.3.7. At Further Information stage Ms. Raleigh provided her parent's house Eircode, proof of address and proof of work. The Appellant states that this is insufficient in demonstrating links to the area. In this regard it is appropriate to consider the provisions of the 'Sustainable Rural Housing, Guidelines for Planning Authorities' which state that in facilitating housing intended to meet rural-generated needs eligible persons can include those working full-time or part-time in rural areas **or** persons who are an 'intrinsic part of the rural community' which are defined as follows:

'Such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes. Examples

in this regard might include sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first homes near their family place of residence'

- 7.3.8. I accept that some further documentary evidence/corroboation could have been provided, such as statements from the National School etc. It would of course be open to the Commission to seek this by way of Further Information. I note that the CDP does not set any prescriptive or detailed documentary evidence requirements, nor is there a minimum residency period set out in the policy. In any event, I am satisfied on balance that there is sufficient evidence on file and available to back up Ms. Raleigh's claims to have lived in the local area her whole life. As well as the information set out in Section 7.3.7 and 7.3.8 above, I note the copy official documentation in the appeal statement relating to the sale of horses that lists Ms. Raleigh's address as being Moorerow, Gaybrook (her parent's house) dated 2021. Furthermore, the planning permission for Ms. Raleigh's parents' house was granted to her father and dated 1999 which clearly aligns with Ms. Raleigh's claims to have lived in her parents' house her whole life.
- 7.3.9. On the basis of the foregoing, I would accept that the Applicant has a housing need and that she has clear long-term residency and social/familial links to the locality to the effect that she has 'strong links to the area' and has been 'an intrinsic part of the rural community' thereby satisfying the local housing need provisions of Objective CPO 9.1: 'Areas Under Strong Urban Influence' of the current Development Plan.
- 7.3.10. Furthermore, as Ms. Raleigh has lived in the local rural area for all of her life, she would satisfy the requirement that persons applying for permission in 'Rural Areas Under Strong Urban Influence' must have strong links and a need to settle in that area and will 'normally have spent substantial periods of their lives living in the rural area as part of the established rural community', as well as having spent all her life as part of the established rural community and is now seeking to build her first home near family. It is therefore my view that Applicant satisfies the eligibility criteria set out in Objective CPO 9.1 of the Development Plan and that the proposal amounts to rural-generated housing by a person who is an 'intrinsic part of the rural community' as per the 'Sustainable Rural Housing, Guidelines for Planning Authorities' and that the Applicant's residency and familial connections to the locality are sufficient to establish a social need to live in this rural area in accordance with Objective 28 of the NPF.

7.4. Design, Siting, and Amenity

- 7.4.1. The Appellant considers the scale and design of the dwelling to be inappropriate and out of context with the area. It is stated that there would be residential amenity impacts, that the road cannot cope with additional traffic, and that development would contribute to excessive density and suburban type development.
- 7.4.2. I acknowledge that other dwellings in the immediate area are single storey and that the proposed dwelling would be two storeys. Whilst the site is generally flat, as is the surrounding landscape, with only gentle changes in level, I wouldn't characterise the site as being particularly exposed or highly visible. The road is lined with hedgerows and there are mature tree plantations/woodland to the east and west. The proposed dwelling is of a simple, coherent, and efficient design. The dwelling design is not overtly suburban, and I find it to be in accordance with the rural design guidance. It is set well back from the road (c. 18 metres) and trees/hedgerows are proposed for all site boundaries which will provide sufficient screening once established. Concerns raised regarding excessive density are unfounded in my opinion. Overall, I am of the view that the scale and design of the dwelling is appropriate and acceptable. It would not be overly visible, nor would it have a harmful visual impact. Furthermore, the dwelling is positioned and located such that it would have no conceivable impact on the residential amenity of any neighbouring dwellings or land.
- 7.4.3. In terms of the road, I am satisfied that acceptable visibility splays can be provided, given the straight nature of the road. I do not consider that one additional dwelling would have any measurable impact on the carrying capacity of the road.

7.5. Drainage and Flood Risk

- 7.5.1. The Appellant raises the matter that they were refused permission on the basis of a failed percolation test. Concerns are also raised that the site would be subject to flooding based on overtopping of culverts, with the Appellant arguing that the Flood Risk Assessment is based on assumptions, some of which are optimistic.
- 7.5.2. In terms of the percolation tests, I cannot comment on the Appellants refusal of permission. However, the site suitability report submitted with the Application determines that the site is suitable for a tertiary treatment system. I consider the conclusions to be reasonable given the characteristics of the site. Furthermore, the Council's engineer raised no objections.

7.5.3. In terms of flood risk, I am of the view that the Appellant's characterisation of risk to be overly cautious. The site is in Zone C and located a sufficient distance/level change of intervening land from the culverts in question to ensure that there would be no risk of secondary flooding.

7.5.4. The conclusions of the SSFRA appear to be reasonable. Flood maps do not indicate any previous episodes of flooding, and I note the FFL of the proposed dwelling as being above the AEP 1 in 100 year level. In my opinion, there is no evidence that the site would be at risk from flooding.

7.6. Other Matters

7.6.1. The Appellant raises issues regarding the hay shed developments to the east of the subject site, undertaken by the Applicant following the refusal of permission. Enforcement is not a matter for the Commission, this remains a statutory function of Westmeath County Council. In any event, I do not consider that the hayshed enables or encourages development of the subject lands.

8.0 AA Screening

8.1. 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 c. 2km to the south east of Lough Ennell, a proposed Natural Heritage Area and Special Area of Conservation (site code 000685) and a Special Protection Area (site code 004044). The development comprises a single dwellinghouse, as set out in Section 2.1 of this report. No specific appropriate assessment issues were raised as part of the appeal although the Appellant notes the site's location in relation to the SPA and SAC. 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 nature and small scale of the works.
- The significant separation distance from the nearest European site and lack of viable connections.
- The screening determination of the Planning Authority.

- 8.2. I conclude, on the basis of objective information, that the 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.

9.0 Water Framework Directive

- 9.1. There are no water courses within the appeal site or immediately surrounding it. There is a watercourse approximately 150 metres to the east and a drainage ditch to the front of the site. The proposed development comprises a single dwellinghouse. No specific water deterioration concerns were raised in the planning appeal although the Appellant notes that permission was historically refused on an adjacent site due to a failed percolation test. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 9.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:
- The nature and scale of the works.
 - The proposed treatment system and site suitability.
 - The distance from the nearest water bodies, and the lack of direct hydrological connections.
- 9.3. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

10.0 Recommendation

- 10.1. I recommend that the Commission GRANT permission, subject to conditions, for the reasons and considerations set out below.

11.0 Reasons and Considerations

- 11.1. Having regard to the policy objectives and provisions of the Westmeath County Development Plan 2021-2027 in respect of residential development in areas defined as Rural Areas Under Strong Urban Influence, the landscape characteristics of the site, and the nature, scale and design of the proposed development which is consistent with the provisions of the development plan, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not seriously impact on the landscape character or biodiversity of the area, and would be acceptable in terms of design, flood risk, drainage and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 17th June 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to and agreed in writing by the Planning Authority.

Reason: In the interests of orderly development and the visual amenities of the area

3. The development shall be carried out in accordance with the transport requirements of the Planning Authority.

Reason: In the interests of visual and residential amenity.

4. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect. (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.

5. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall be in accordance with 'Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Waste Projects' which were published by Department of Communications, Climate Action, and Environment in 2021.

Reason: In the interest of environmental protection, residential amenities, public health and safety and environmental protection.

6. (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 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) ” – Environmental Protection Agency, 2021.

(b) Treated effluent from the septic tank/ 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 ≤ 10)” – Environmental Protection Agency, 2021.

(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 septic tank/ 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.

Reason: In the interest of public health and to prevent water pollution.

7. Prior to the commencement of the development a detailed landscape plan and planting schedule shall be submitted for the written agreement of the planning authority illustrating the following;

- Maintenance of all trees and hedged boundaries to the site, except for those required to be removed to provide access and visibility splays, all boundaries shall be demarcated by indigenous hedge and tree line.
- A new hedgerow of equal length should be established in close proximity to any hedge lines removed to comply with required road sightlines and along the site boundary. It should be comprised of native species including at least 5 of the following: blackthorn (*Prunus spinosa*), whitethorn (*Crataegus monogyna*), ash (*Fraxinus excelsior*), crab apple (*Malus sylvestris*), downy birch (*Betula pubescens*), guelder rose (*Viburnum opulus*), hazel (*Corylus avellana*), holly (*Ilex aquifolium*), pendunculate oak (*Quercus robur*), rowan (*Sorbus aucuparia*), spindle (*Euonymus europaeus*), whitebeam (*Sorbus aria*), wild cherry (*Prunus avium*), elm (*Ulmus glabra*).

(ii) The approved landscaping scheme shall be undertaken in the first planting season following the occupation or substantial completion of the dwelling, whichever is the sooner. The planting shall thereafter be maintained and any plants that die, become diseased or are removed within 5 years shall be replaced within the following planting season by plants of a similar size and species.

Reason: In the interests of the amenities of the area

8. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be located underground.
9. **Reason:** In the interest of orderly development and the visual amenities of the area
10. The proposed development shall be serviced by a private well. (a) The proposed well shall be located, relative to the proposed wastewater treatment system, in strict accordance with Annex E of the 'Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses' (p.e. ≤ 10) published by EPA. (b) All water service pipes shall be laid a minimum depth of 600mm below final finished ground level.

Reason: In the interests of public health and orderly development.

11. All uncontaminated surface water, including roof water, shall be separately collected and discharged to drain or to on-site soakaway, and shall not in any circumstances be allowed discharge to the septic tank or proprietary foul sewage treatment system. Surface Water from the development shall be collected into on site soakaways. All soakaways shall be designed and constructed and maintained to BRE Digest 365 or CIRIA 156. Where the development land is higher than the public road a linear drainage channel or gully shall be placed at the entrance to the development, connected back to an additional dedicated soakaway.

Reason: In the interests of public health and orderly development.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development

Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Terence McLellan
Senior Planning Inspector

7th November 2025

Form 1 - EIA Pre-Screening

Case Reference	ACP-323208-25
Proposed Development Summary	House and associated site works.
Development Address	Carrick , Gaybrook , Co. Westmeath.
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.	
<input 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 type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	Class 10 (b) (i) >500 dwellings.

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 <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ACP-323208
Proposed Development Summar	House and associated site works
Development Address	Carrick , Gaybrook , Co. Westmeath.
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).	<p>The proposed development would provide a new dwelling. It would generally be consistent with the scale and appearance of other dwellings in the area, albeit two storeys.</p> <p>No demolition works would be required. Construction materials and activities would be typical for a residential development of this nature and scale.</p> <p>The use of fuels and materials would be typical for construction sites. Construction impacts would be local and temporary in nature, could be suitably managed through a Construction Environmental Management Plan.</p> <p>In terms of accidents, no significant risk is anticipated having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature.</p> <p>No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.</p>
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).	<p>The site is not located within, or immediately adjoining, any protected areas. The development would not have the potential to significantly impact on any ecologically sensitive site or location. The proposal would not give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The site is not considered to be an environmentally sensitive site.</p> <p>It is considered that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European Site. The proposed development would not give rise to waste, pollution or</p>

	<p>nuisances that differ significantly from that arising from other small scale residential development s for single dwellings.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>All development has the potential for a degree of disturbance/nuisance during the construction phase such as noise, vibration, dust, air quality and traffic. However, these impacts would be short term and temporary and can be appropriately managed and mitigated by way of conditions.</p>
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)