



An
Coimisiún
Pleanála

Inspector's Report

PL-500217-LS-25

Development	Retention for garage and stables with associated works, and permission for house with associated site works.
Location	Forest Lower, Mountmellick , Co. Laois
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	2560282
Applicant(s)	Shane & Kieva Holohan
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Shane & Kieva Holohan
Observer(s)	None
Date of Site Inspection	27/01/2026
Inspector	David Freeland

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Form 2: EIA Preliminary Examination

Appendix 3 - Water Framework Directive Screening and Assessment

1.0 Site Location and Description

- 1.1. The subject site (c.1.2ha) is located within the rural townland of Forest Lower, approximately 3.7km north of Mountmellick. The surrounding area is characterised by agricultural lands, forestry and areas of bogland. The site is accessed via a private laneway from the Local Tertiary Road L-20978-0. The immediate vicinity comprises a number a number of one-off rural dwellings with a dispersed settlement pattern in the wider area.
- 1.2. There is an existing gravel track extending from the entrance of the site northwards providing access to an existing shed structure adjacent to the rear boundary. the boundary to the laneway is defined by a hedgerow save for the existing entrance comprising a farm gate and timber stood rail. The site adjoins a one-off rural dwelling to the west and a forestry plantation to the north.
- 1.3. The site forms part of a larger agricultural field to the east under the ownership of the applicant's brother. Evidence of structure works area present within the adjacent site. The lands are generally flat rising gently towards the western boundary and falling slightly towards the north. The lands are currently in agricultural use with horse present.

2.0 Proposed Development

- 2.1. The application comprises:
 - Retention of the existing Garage including Stables with new site Entrance and
 - Permission for a proposed Dwelling House, Secondary Treatment System & soil polishing filter and all associated site works

3.0 Planning Authority Decision

3.1. Decision

Following receipt of Further Information, Meath County Council made a decision to refuse permission for the following reason:

The subject site is located in an area designated as an Area Under Strong Urban Influence as per Table 4.4 of the Laois County Development Plan

2021-2027. As such the onus is on the Applicant to demonstrate that they comply with the rural housing policy of the Laois County Development Plan 2021-2027. On the basis of the information submitted, the Applicant has not demonstrated satisfactory compliance with the local need criteria as set out in Table 4.4 of the Laois County Development Plan 2021-2027. Furthermore, exceptional health circumstances have not been demonstrated in accordance with Rural Housing Policy Objective RH14 of the Laois County Development Plan 2021-2027. Accordingly, the proposed development would materially contravene the policies and objectives of the Laois County Development Plan 2021-2027 and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. There are two planning reports on file.

The first planning report on file dated 01/07/2025 is summarised as follows:

- Local Need:
- The Planner's report noted that the applicant's had not previously been granted permission for a rural dwelling. However it was considered the applicant failed to demonstrate that they are a local rural person who have family and/or work reasons to live in the rural area.
- The Planner's report notes the applicant's emphasis on compliance with Policy Objective RH 14 relating to exceptional health circumstances. Based on the applicant's letter relating to a medical condition within the family, the Planning Authority did not consider that it was supported by letters from a medical professional and did not consider the applicant demonstrated exceptional health circumstances.
- Siting and Design: the planning report determined that the design and siting (being well articulated and sited appropriately) is in general compliance with the Rural Design Guidance set out in Appendix 7 of the Development Plan.
Residential Amenity: Considering the separation distance, it was not

considered that the dwelling would give rise to overshadowing and or overly dominant visual appearance and as such would not have adverse impacts on amenities of neighbouring properties. The planning report noted inclusion of a balcony to rear of the dwelling and considered this should be omitted on the basis of potential for overlooking of the neighbouring dwellings.

- Structure to be Retained: the planning report noted the extensive scale of the existing garage/stables structure proposed to be retained and indicated that stables were not in situ within the building. It was considered that further information be requested in this regard to justify the scale of the building and its potential intended use.
- Services: The planning report indicated no objection to the proposed water supply (private well), surface water and waste water treatment system.
- Access: The planning report indicates that the site is located on a private lane and there is no requirement for minimum sightlines to be achieved to access onto the private laneway. It is determined that the junction from the private laneway onto the local road achieves sight distance of 3m x 60m which is in accordance with the LCC Roads and Parking standards 2007 and is therefore acceptable. It was however noted that the subject site and the private laneway appeared to be outside of the ownership of the applicant and it was considered appropriate to request formal consent from the relevant landowner.

3.2.3. Other Technical Reports

Municipal District Engineer: Report dated 04/06/2025 – No objection.

SSA Technician: Report dated 27/05/2025 - No objection.

3.2.4. Further Information was requested on 01/07/2025 relating to the following four items:

- Local/Rural Housing Need: the applicant has not demonstrated compliance with the criteria set out under Table 4.4 of the Laois CDP 2021-2027 and Rural Housing Policy Objective RH14 relating to exceptional health circumstances. The applicant was advised in the event that they cannot achieve compliance with policy RH14, compliance with the above criteria would be required.

- Design: The planning authority indicate that the balcony to rear shall be omitted to avoid overlooking. The planning authority requested the applicant justify the need for the scale of the garage/stable outbuilding and clarify if intended to be associated with applicant's business of steel erecting.
- Land ownership: applicant is requested to provide a letter of consent from the landowner of the subject site and from the owner of the private laneway which provides access to the site.

Further Information was received on 15/09/2025 and included a letter of response prepared by the applicant's agent, a letter prepared by the applicant (detailing locals needs and information relating to the existing shed onsite) and associated local needs documents, medical records (to demonstrate compliance with Policy RH14), revised plans, sections and elevations (omitting the rear balcony) and two letter of consents relating to the subject site and the private laneway.

3.2.5. The second planning report on file is dated 09/10/2025 is summarised as follows:

- Item 1: the planning report noted the connections to the area to support local needs which included a letter from Mountmellick Parish, details of family who lived in proximity to the site and the impending purchase of the land. The report did not consider the applicant as a long-term landowner.

The planning report noted the submitted medical records including a GP letter and documents from a specialist consultant. The planning officer considered the information was not sufficient to suggest that the applicant needs to live in a rural environment.

- Item 2: The Planning report was satisfied that the applicant complied with the requests of Item 2.
- Item 3: The Planning Report noted that the letters of consent were acceptable.

3.2.6. No further technical reports.

3.3. Prescribed Bodies

None.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

P.A. Ref. 2460191: Site Adjoining to the East (Brother of Applicant) – Permission Granted for a new dwelling house, entrance, on-site effluent treatment system, percolation area and all associated site works.

The Planning Authority was satisfied that the applicant had demonstrated a rural housing need by way of compliance with Policy Objective RH 14 relating to exceptional health circumstances.

5.0 **Policy Context**

5.1. **National Policy**

- Project Ireland 2040 – National Planning Framework First Revision (April 2025)
- Climate Action Plans (2024 & 2025)
- National Biodiversity Action Plan (NBAP) 2023-2030
- EPA Code of Practice: Domestic Wastewater Treatment Systems (2021)
- Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes and Sustaining Communities (DoHLGH, 2007)
- Design Manual for Quality Housing (DoHLGH, 2022)
- Sustainable Rural Housing Guidelines for Planning Authorities (DoHLGH, 2005).

5.2. **Regional Policy**

- Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019- 2031.

5.3. Development Plan

Laois County Development Plan (LCDP) 2021-2027

Zoning

Map 4.1 – Rural Area Designations of the Laois County Development Plan 2021-2027 indicates that the site of the subject development is located in a ‘Areas Under Strong Urban Influence’.

Chapter 4 – Housing Strategy

Section 4.6 Open Countryside and Rural Housing

Table 4.4 – ‘Rural Area Designation’ within in the Development Plan provides a definition for ‘Areas Under Strong Urban Influence’ as follows:

Those rural areas within easy commuting distance of the main urban centres in County Laois and adjacent counties including the GDA 6 which are experiencing pressure from the development of urban generated housing in the open countryside. These areas are essentially:

- *The north and eastern areas in the County*
- *5 km buffer zones around the Principal town, Key service Town and Service Towns of Graiguecullen and Mountmellick*
- *National, Strategic Regional Routes and Regional Routes as defined in Section 7*

Continued high levels of single rural houses in these locations would inhibit the growth of the County’s urban areas which would result in a failure to achieve the growth targets. It would also cause further deterioration of rural amenities. The key development plan objectives in these areas seeks to facilitate the genuine housing requirements of the rural community as identified by the planning authority in the light of local conditions while on the other hand directing urban generated development to areas zoned for new housing development in towns and village

The Development Plan sets out the following criteria for housing within ‘Rural Areas Under Strong Urban Influence’.

It is an objective to recognise the individual housing needs of people intrinsic to the rural areas located within the areas defined as 'rural areas under strong urban influence'. Such needs may be accommodated on lands within the rural area under strong urban influence, subject to the availability of a suitable site and normal proper planning and sustainable development criteria.

It is an objective of the Council only to permit single houses in the area under strong urban influence to facilitate those with a local rural housing need in the area, in particular those that have lived in a rural area.

In order to demonstrate a genuine rural housing need, any of the following criteria shall be met:

- a) the application is being made by a long-term landowner or his/her son or daughter seeking to build their first home on the family lands; or*
- b) the applicant is engaged in working the family farm and the house is for that persons own use; or*
- c) the applicant is working in rural activities and for this reason needs to be accommodated near their place of work; or*
- d) the application is being made by a local rural person(s) who have spent a substantial period of their life living in the local rural area, and, who for family and/or work reasons need to live in the rural area.*

The Development Plan includes the following footnotes relevant to the above:

- An applicant who satisfies a 'Local Rural Housing Need' is defined as a person who does not or has never owned a house in the 'local rural area' and has the need for a permanent dwelling for their own use in the rural area.*
- Such rural activities will normally encompass persons involved in full time farming, forestry, in land water ways or related occupations as well as part time occupations where the predominant occupation is farming/ natural resource related. Such circumstances could also encompass persons whose work is intrinsically linked to rural areas such as teachers in rural schools or other persons whose work predominantly takes place in rural areas.*
- A 'Local Rural Person' is a person who is living or has lived in the local rural area for a substantial period of time prior to making the planning application*

- *The ‘Local Rural Area’ for the purpose of this policy is defined as the area generally within a 10km radius of the applicant’s family home*

The following Rural Housing Policy Objective is also considered to be relevant in respect of the subject development:

- *Policy Objective RH 2: Having regard to the need to protect the natural resources, environment, landscape and infrastructure, it is Council policy to consider a single dwelling in the countryside subject to meeting the criteria in Table 4.4 in relation to Area of Strong Urban Influence.*
- *Policy Objective RH 4: Provide for sustainable rural housing in the county in accordance with the Sustainable Rural Housing: Guidelines for Planning Authorities (DEHLG, 2005) ‘, EPA Code of Practice: Wastewater Treatment Systems for Single Houses (2009) and ensure that any plan or project associated with the provision of new housing is subject to Appropriate Assessment Screening in compliance with the Habitats Directive, and subsequent assessment as required.*
- *Policy Objective RH 5: Require all applicants seeking to live in the open countryside to submit proposals with regard to climate action and measures to reduce carbon emissions in this regard.*
- *Policy Objective RH 6: Ensure that the provision of rural housing will not detract from the county’s natural and built heritage, economic assets and environment and the planning authority will have regard to the relevant development plan objectives.*
- *Policy Objective RH 10: Promote good rural design through the implementation of Rural House Design Guidelines prepared by Laois County Council in Appendix 7.*
- *Policy Objective RH 14: Recognise that exceptional health circumstances, supported by relevant documentation from a registered medical practitioner, may require a person to live in a particular environment. Housing in such circumstances will generally be encouraged in areas close to existing services and facilities and in Rural Settlements. All planning permissions for such*

housing granted in rural areas shall be subject to a seven year occupancy condition

Development Management Standards for Rural Housing are set out under DM RH 1 which includes a range of criteria which will be used to assess if a rural site is acceptable in principle for a dwelling house. The criteria are detailed within Appendix 7: Rural Design Guidance.

Chapter 9 – Rural Laois

Section 9.2 Agriculture

- *Policy Objective RL 1 - Maintain a vibrant and healthy agricultural sector based on the principles of sustainable development whilst at the same time finding alternative employment in or close to rural areas to sustain rural communities.*

Development Management Standards for agricultural buildings are set out under DM RL 1 which includes a range of criteria which will be used to assess suitability of the structure and the site.

Section 9.6 Commercial Developments in Rural Areas

- *Policy Objective RL 4 - Support the expansion, diversification and intensification of agriculture and the agri-food sector by facilitating appropriate related development subject to environmental and planning considerations.*

Development Management Standards for commercial development in rural areas are set out under DM RL 2 which includes a range of criteria which will be used to assess suitability of the structure and the site.

Chapter 10 - Infrastructure

Chapter 10 sets out the relevant policy objectives and approach of Laois County Council relating to transportation, surface water, drainage and flooding and water & wastewater infrastructure.

Transportation

Relevant development Management Standards for Transportation are set out under DM TRANS 2: Sightlines which states *Where sightlines are inadequate and would give rise to a traffic hazard, development will not be permitted.*

Flooding

Map 10.3 Flood Map indicates that the subject site is not located within Flood Zone A or Flood Zone B.

Wastewater

- Policy Objective ES 19 seeks to Minimise the impact on groundwater of discharges from domestic wastewater treatment systems and other potentially polluting sources.

Chapter 11 – Biodiversity and Natural Heritage

Chapter 11 contains a number of policies relevant to removal of hedgerows, landscape character and views and prospects.

Hedgerows

- Policy Objective *BNH 28: Ensure that hedgerow removal to facilitate development is kept to an absolute minimum and, where unavoidable, a requirement for mitigation planting will be required comprising a hedge of similar length and species composition to the original, established as close as is practicable to the original and where possible linking in to existing adjacent hedges. Native plants of a local provenance should be used for any such planting.*

Development Management Standards for hedgerows are set out under DM BNH 5 which contains a number of criteria the planning authority will have regard to.

Landscape

Map 11.7 – Landscape Character Assessment indicates that the subject site is located within a Lowland Agricultural Area. Table 11.6 notes that such character areas have low sensitivity with capacity to absorb a wide range of uses.

Policy Objectives for Landscape Character Areas

- Policy Objective LCA 2 Protect and enhance the county's landscape, by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the existing local landscape and conserve valuable habitat including any European and National Designations.

- Policy Objective LCA 3 Seek to ensure that local landscape features, including historic features and buildings, hedgerows, shelter belts and stone walls, are retained, protected and enhanced where appropriate, so as to preserve the local landscape and character of an area, whilst providing for future development.

Views and Prospects

Map 11.8 indicates that there are no scenic views or prospects at the proposed development site or in the vicinity.

Chapter 12 Built and Cultural Heritage

There is no record any structures of built and cultural heritage within the subject site is close proximity including protected structures, national monuments or zones of archaeological potential.

Appendix 7 – Rural Design Guidance

The aim of the Guidance is to set out the site planning and design issues that need to be addressed and to clearly set out what is acceptable and what is not acceptable in terms of one-off houses in County Laois

5.4. Natural Heritage Designations

- 5.4.1. The closest natural heritage designations to the subject site includes Clonreher Bog NHA (Site Code: 002357) located 7.1km to the south, Ridge of Portlaoise pNHA (Site Code: 000876) located 7.7km to the south, Emo Court pNHA (Site Code: 000865) located 9.1km to the south-east, Raheen Louth pNHA (Site Code: 000917) located 7.3km to the north and Slieve Bloom Mountains pNHA located 9.4km to the south-west.
- 5.4.2. The closest European site to the subject site includes the Barrow and River Nore SAC (Site Code: 002162) located 1.2km to the south, the Slieve Bloom Mountains SPA (Site Code: 004160) located 6.4km to the west and the Slieve Bloom Mountains SAC (Site Code: 000412) located 9.4km to the south-west.

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). The proposed development is of a CLASS specified in Part 2, Schedule 5 of the Planning and Development Regulations 2001 (as amended) but is sub-threshold being a Class 10(b)(i) '*Construction of more than 500 dwelling units*'. 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.

5.6. Water Framework Directive

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. Please refer to WFD forms in the Appendices of this document.

6.0 Grounds of Appeal

- The appellant contends that they meet the necessary criteria for Local/Rural Housing Need. The appellant states that they have spent a substantial/entire period of their life living in the local rural area and refer to its definition.
- The appellant refers to a attached map which highlights each applicant's current and original family homes which are within a 10km radius.
- Their current home has been continuously occupied for the last 21 years.
- Having regard to criteria relating to need to live in the rural area, the appellant notes that they have an interest in equine breeding, hence the stables within the property and not being resident on the site would cause difficulty with the long-term operation.

- The appellant indicates that they have entered into a seven year term to rent the grazing land next door from the landowner for the purposes of the equine operation.
- The appellant indicates that a 6 acre site was purchased by the applicant and there brother with the plan of living next door to each other. The appellant refers to a grant of permission to the neighbouring site under Reg. Ref. 2460191 on foot of Policy Objective RH14.
- With regards to the reasons for refusal relating to RH14, the applicant's state that they meet the criteria of 'exceptional health circumstances'. The appellant has provided details of a medical need of a family member to live in a rural location.
- The appellant clarifies that they are the owners of the subject site and indicated that the land registry had not been updated since purchase of the lands indicating that it was a technicality.

6.1. **Planning Authority Response**

No response.

6.2. **Observations**

None.

6.3. **Further Responses**

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 Needs Assessment
- Design, Visual Impact and Residential Amenities

- Site Services
- Traffic and Access
- Garage Proposed to be Retained

7.2. Principle of Development – Local Needs Assessment

- 7.2.1. The appeal site is located within An Area Under Strong Urban Influence as defined within the Laois County Development Plan 2021-2027. In such areas, the Development Plan adopts a restrictive approach to one-off rural housing with key objective to facilitate the genuine housing requirements of the rural community while on the other hand directing urban generated development to areas zoned for new housing development in towns and village.
- 7.2.2. Policy provisions applicable to ‘Areas under Strong Urban Influence’ require the applicant demonstrate a genuine local rural housing need by satisfying one of the criteria set out in Table 4.4 of the Table Plan. The proposed development is assessed against those criteria below.
- 7.2.3. It is an objective of the Council only to permit single houses in the area under strong urban influence to facilitate those with a local rural housing need. An applicant who satisfies a ‘Local Rural Housing Need’ is defined as a person who does not or has never owned a house in the ‘local rural area’ and has the need for a permanent dwelling for their own use in the rural area. Based on the documentation provided at application and appeal stages, I am satisfied that the applicants have not previously owned a house in the ‘local rural area’.

The application is being made by a long-term landowner or his/her son or daughter seeking to build their first home on the family lands

- 7.2.4. The grounds of appeal (specifically relating to Shane Holohan) clarified that the land was purchased with his brother with the intention of each constructing a house. As such I consider the lands do not form part of a long-established family holding. Shane’s brother was granted permission for the adjoining site and the dwelling is currently under construction. No further documentation or evidence has been provided to suggest that the appellants have prolonged ownership or generational connection to the lands. I do not consider that the applicants are long-term landowners of the subject lands or are a son/daughter seeking to build their first

home on the family lands. As such, the applicant's do not meet local housing needs under this criteria.

The applicant is engaged in working the family farm and the house is for that persons own use

- 7.2.5. No documentation/evidence had been provided to suggest that the applicant's are engaged in working on the family farm. I do not consider that the applicant's meet local housing needs under this criteria.

The applicant is working in rural activities and for this reason needs to be accommodated near their place of work

- 7.2.6. The grounds of appeal indicates that the appellant's have an interest in equine breeding and state not residing on site would cause difficulty for the long-term operation of the stables. The appellant submits they have entered into a 7-year term to rent adjoining grazing lands and are seeking retention for the existing shed which will accommodate stables.

- 7.2.7. No evidence has been provided to demonstrate that the equine activity constitutes as full time agricultural enterprise. The correspondence submitted suggests that the activity is undertaken alongside the appellant's primary employment relating to steel erection and cladding. The equine activity therefore appears ancillary in nature rather than constituting a primary rural occupation.

- 7.2.8. While I acknowledge the stated intention to provide stables and leasing of adjoining lands, the information submitted does not demonstrate that permanent residential presence within the subject site is necessary for the operation of the activity, nor is it demonstrated that the welfare of the animals requires 24-hour on-site supervision.

- 7.2.9. In the absence of evidence that the appellant is engages in a rural activity of a scale or nature that necessitates residence at this location, I am not satisfied that the proposed development satisfies criteria (c) of Table 4.4.

The application is being made by a local rural person(s) who have spent a substantial period of their life living in the local rural area, and, who for family and/or work reasons need to live in the rural area.

7.2.10. Criteria (d) of Table 4.4 requires that an applicant demonstrate both that they (i) qualify as a Local Rural person and (ii) that, for family and/or works reasons, there is a need to reside in the rural area.

(i) Local Rural Person

7.2.11. The documentation submitted indicates that one appellant, Shane Holohan was raised within a dwelling within Mountmellick town and has resided approximately 21 years in his current dwelling within the settlement. The second appellant, Kieva Holohan, was raised in a dwelling outside the defined Development Plan settlement boundary of Mountmellick albeit within the wider CSO settlement boundary. It is submitted that Kieva's grandmother's home was located c. 1km from the subject site which was last occupied in 2002 with the shell of the dwelling remaining.

7.2.12. While Shane's residence history relates predominantly to the urban area of Mountmellick, it would appear that Kieva resided outside of the settlement boundary in an area which would be considered as rural under the Development Plan. While the location of Kieva's homeplace is indicated, the period of time in which she resided has not been indicated.

7.2.13. Based on the information provided, I am unable to state with certainty that a sufficient rural connection has been demonstrated to meet the definition of a Local Rural Person for the purposes of Table 4.4.

(ii) Need to live in the rural area for family and/or work reasons

7.2.14. Notwithstanding the above, criteria (d) further requires that it is demonstrated that, for family and/or work reasons, there is a need to reside in the rural area.

7.2.15. The appellants refer to equine activities associated with the lands and to family proximity in the area. However, as set out above, the equine activity has not been demonstrated to constitute a rural enterprise of a scale or nature requiring permanent residential presence on the site.

7.2.16. The documentation submitted identifies the location of Kieva's grandmother former dwelling approximately 1km from the subject site. I note that this dwelling was last occupied in 2002 and only the shell remains. Considering the stated last occupancy and no evidence to suggest that it forms part of any current family holding or living

arrangement, I consider that this historical family association carries limited weight in the assessment of rural housing need under criteria (d) of Table 4.4.

- 7.2.17. The main grounds of appeal focus on compliance with Policy Objective RH14 which provides for exceptional health circumstance supported by documentation from a registered medical practitioner where a particular living environment is required. The policy further indicates that housing in such circumstances will generally be encouraged in areas close to existing services and facilities within rural settlements. I note that the appellant's brother was granted permission under P.A. Ref. 24/60191 for a dwelling within the adjoining site to the east following demonstration of exceptional health circumstances and compliance with Policy Objective RH 14.
- 7.2.18. While medical correspondence has been submitted indicated that a rural environment would support stability of health and is essential, no detailed explanation has been provided as to why the appeal site, located in open countryside is necessary as opposed to alternative accommodation within the serviced settlement of Mountmellick. On the basis of the information provided, I am not satisfied that exceptional health circumstances have been demonstrated to necessitate residing in the open countryside as distinct from within the settlement under the meaning of criterion (d) of Table 4.4.
- 7.2.19. The proposed development would therefore contravene Policy Objective RH2 which requires the applicant to meet the criteria as set in the Table 4.4 of the Development Plan and Policy Objective RH 14 which recognises that exceptional health circumstances may require a person to live in a particular environment. I recommend to the Commission that permission is refused on this basis.

7.3. Design, Visual Impact and Residential Amenities

Design and Visual Impact

- 7.3.1. The proposed development comprises a two-storey dwelling (240sq.m) of simple linear form with balanced proportions and a pitched roof profile. The scale massing and architectural treatment are generally consistent with other contemporary rural dwellings in the wider area.
- 7.3.2. The dwelling is set back from the frontage and incorporates landscaping and tree planting throughout the site. Boundaries are proposed to comprise timber post and rail fencing supplemented by native hedgerow planting.

- 7.3.3. To facilitate the proposed entrance and achieve appropriate sightlines, removal of an existing hedgerow is indicated to be replaced with post and rail fencing and native planting. Having regard to the private nature of the laneway and its limited traffic volumes, I consider that the full removal of the hedgerow may not be necessary to achieve adequate visibility. In the event of a grant of permission, details of boundary treatment and landscaping could be agreed by condition.
- 7.3.4. Having regard to the site's location on a private laneway and its set-back from the primary frontage together with the proposed landscaping, I am satisfied that the dwelling will integrate satisfactorily into the receiving landscape. The rural character of the area will be maintained, and the development will not give rise to significant adverse visual impact.
- 7.3.5. Having regard to the site context and pattern of development in the vicinity, I am satisfied that the proposed development represents an appropriate design response in a rural setting and is consistent with the guidance within Appendix 7 – Rural Design Guide of the Development Plan. The proposed development would not result in ribbon development given the dispersed nature of existing one-off housing along this stretch of roadway.

Dwelling Standards

In terms of the quality of the dwelling, the floor plans indicate that that dwelling meets and exceeds the minimum floor areas and room size standards set out in the Quality Housing for Sustainable Communities Design Guidelines (2007) and the Design Manual for Quality Housing (DoHLGH, 2022). I am satisfied that the dwelling will provide a high standard of residential accommodation.

Impact on Residential Amenity

- 7.4. The proposed dwelling will be set-back by c. 43m from the front (south) boundary and will be positioned towards the eastern side of the application site. The new dwelling will be c. 27m from the west boundary shared with the adjoining residential dwelling and c. 80m. from that dwelling. The proposed dwelling will be c. 40.3m from the eastern boundary with the brother of the appellant who has been granted permission for a dwelling.

7.5. I do not consider the proposed development will have any significant or adverse impacts on the residential amenity of neighbouring properties based on the information provided.

7.6. **Roads and Access**

7.7. The application includes for retention permission of the existing entrance onto the private laneway which is accessed off the L-20978-0 to the west which will serve the new dwelling and existing shed/stables. The route which leads to the centre of Mountmellick (N80) is generally flat with gentle inclines, with winding and narrow carriageway with dense hedgerows limiting forward vision at sections. The route generally provides access to farm holdings and agricultural fields and is not characterised by a proliferation of one-off dwellings.

7.7.1. The existing vehicular entrance proposed for retention as indicated on the site layout plan indicate sightlines of 60m with 3m recess.

7.7.2. The MD Engineer indicated that they were satisfied with the access onto a private laneway. The Planning Report did not consider that there was any requirement for minimum sightlines for an access onto a private laneway and did not have any objection to the access route from the local road. Following a request for further information, the applicant clarified the ownership of the land and provided a relevant letter of consent. Having regard to the sightlines achieved onto a private laneway, the nature, condition and number of one-off dwellings served by the local road providing access, I consider that the vehicular access is acceptable in this instance. In the event of a grant of permission, it may be appropriate to include conditions to ensure development meets relevant standards and in the context of Policy Objective RH 5 which requires proposals to include measures for the reduction of carbon emissions for dwellings in the open countryside, ensure that the development provides for electrical vehicle charging points.

7.7.3. As indicated above, I am satisfied that the retention of the garage is appropriate. In this regard, I consider that the retention of the existing access off the private laneway to be acceptable to provide for agricultural access to the site.

7.8. **Site Services**

Water Supply

7.8.1. The proposed development will be serviced by a private well. Should the Commission decide to grant permission, I consider it appropriate to include a condition requiring the developer to ensure that a clean, potable water supply is provided prior to first occupation which complies with the E.U. (Drinking Water) Regulations, S.I. No. 99/2023

Wastewater Treatment

- 7.8.2. It is proposed to install a secondary treatment system and soil polishing filter.
- 7.8.3. In assessing wastewater treatment proposals, the EPA Code of Practice 2021: “Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)”. (The EPA Code) is the relevant guidance document.
- 7.8.4. The Technical Officer’s report within LCC indicated that the proposal was in accordance with EPA Code of Practice. The subsequent Planning Report did not indicate any objection to the proposed wastewater treatment and did not include the proposed wastewater as a reason for refusal. No observations were received by the planning authority.
- 7.8.5. The proposed dwelling will accommodate 4no. bedrooms. The Site Characterisation Form indicates that the estimated Population Equivalent is 6 (PE).
- 7.8.6. From the Site Characterisation Form, the aquifer is stated as regionally important, with high vulnerability. A review of Geological Survey Ireland’s GIS Mapping confirms same.
- 7.8.7. The Groundwater Protection Response Category is identified as ‘R1’, which is detailed in Table E1 (Response Matrix for DWWTSs) of the EPA Code of Practice Domestic Wastewater Treatment Systems, as being ‘acceptable subject to normal good practice’.
- 7.8.8. The depth of the trial hole was -2.2 metres and soil types consisted of uncompacted clay with a granular structure. The water table was recorded at -1.9m.
- 7.8.9. In respect of the percolation characteristics of the soil, the subsurface test result is indicated as 47.64/25mm. The surface test result is stated as 38.06min/25mm.
- 7.8.10. Observations during the site visit did not indicate any drainage or surface water issues. Based on the information contained within the Site Characterisation Form, I

am satisfied that the site is suitable for wastewater and percolation works to serve the proposed dwelling.

- 7.8.11. Having considered the separation distances required between the WWTS and relevant adjoining features as per the guidance set out within Table 6.2 of the 2021 EPA Guidelines, I am satisfied that the proposal meets the minimum requirements in respect of same.
- 7.8.12. Based on the information as submitted, and in the event that the Commission decide to grant permission, I am satisfied that the site can accommodate waste water on site, and that the proposed development would not be prejudicial to public health.

Surface Water Drainage

- 7.8.13. Details of surface water drainage has not been provided. Considering the nature of the site and separation distance from a public road, I am satisfied that there is potential that surface water drainage may be suitably contained within the subject site. I consider that it would be appropriate to attach a condition to ensure the development complies with B.S. 8301:1985 and BRE Digest 365 in the event of a grant of permission.

7.9. Garage Proposed to be Retained

- 7.9.1. The application includes for retention of the existing garage (210sq.m) located to the rear (north) of the site. The structure has a height of 4.6m rising to 5.1m to the ridge and is finished with corrugated metal sheeting. Following initial concerns of the Planning Authority relating to the potential use of the shed for the applicant's steel erection and cladding business, the applicant indicated that they have no intention to utilise the shed structure for the applicant's business. The planning authority were satisfied with the applicant's response to further information.
- 7.9.2. At the time of site visit I observed that there were horses present on the lands. I further note, at further information stages, the applicant provided documentation confirming an intended delivery date of stable dividers and sliding doors for installation from a supplier. Based on the site visit and submitted documentation, I am satisfied that the primary use of the structure will be for equine/agricultural uses. I do not consider that such agricultural use to be a significant intensification of use in a rural area with the main purposes of such roads to provide for agricultural uses.

- 7.9.3. While the structure is relatively large, its appearance is consistent with common agricultural structures and its positioning to the rear of the site and primary frontage of the site onto a private laneway result in limited visibility from the wider area. I do not consider that the structure has any significant visual impact or is harmful to the landscape character of the area. I note that the overall area of the structure is below the maximum permissible floor space under a Class 6 of Part 3, Schedule 2 of the Planning and Development Regulations, 2001, as amended.
- 7.9.4. I consider that the retention of the garage structure is consistent with the rural policy objectives RL 1 and RL4 which seeks to maintain vibrant and healthy agricultural sector and support the expansion, diversification and intensification of agriculture and development management criteria for agricultural buildings set out under DM RL 1. A recommendation for a grant of retention permission would require a split decision to permit the garage and refuse permission for the proposed dwelling.
- 7.9.5. Having regard to the Laois Development Contributions Scheme 2025-2031 and specifically relating to agriculture, roofed conventional agricultural and horticultural buildings are to be charged at a rate of €6 per sq.m excess of an initial 500 sq.m size threshold, with only one exemption will apply under this scheme. As such, I do not consider that development contributions are applicable to the existing structure proposed to be retained.

8.0 Recommendation

Having considered the contents of the application, the provisions of the County Development Plan, grounds of appeal and my assessment of the planning issues, I recommend a split decision in this case,

(a) GRANT RETENTION permission for the existing Garage including Stables with new site Entrance, and

(b) REFUSE permission for the construction of a proposed Dwelling House, Secondary Treatment System & soil polishing filter and all associated site works for the reasons and considerations set out hereunder:

9.0 Reasons and Considerations (1)

Having regard to the agricultural use of the subject site, Policy Objective RL 1 which seeks to 'maintain a vibrant and healthy agricultural sector' and the criteria for agricultural buildings set out under DM RL 1 of the Laois County Development Plan 2021-2027, it is considered that the retention of the existing garage including stables with new site entrance would not be visually discordant or obtrusive on the site or in the landscape, would be in keeping with the character of the area, would not result in significant negative impacts on residential amenity and would not result in a traffic hazard. It is considered that, subject to the conditions set out below, that the proposed stables would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

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

Reason: In the interest of clarity

2. The use of the structure shall be for agricultural purposes only.

Reason: In the interest of clarity and to regulate the development.

3. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-

(a) uncontaminated surface water run-off shall be disposed of directly in a sealed

system to ground in appropriately sized soakaways.

(b) all soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended, or to a slatted tank. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interest of environmental protection and public health.

4. All foul effluent and slurry generated by the proposed development and in and around the stables shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

Reason: In the interest of public health.

10.0 Reasons and Considerations (2)

It is recommended that planning permission be REFUSED for the construction of a proposed Dwelling House, Secondary Treatment System & soil polishing filter and all associated site works, for the following reasons and considerations:

The site is located within an area designated as an Area Under Strong Urban Influence (Section 4.4 of the Laois County Development Plan 2021-2027). Based on the information provided, the Applicants have not demonstrated compliance with the local needs criteria as set out in Table 4.4 (Section 4.6.1) of the Development Plan. Furthermore, the documentation submitted does not demonstrate exceptional health circumstances in accordance with Policy Objective RH14 of the Laois County Development Plan 2021-2027 so as to justify a dwelling in this rural location. In the absence of compliance with a local need criteria on exceptional health circumstances, the proposed development would materially contravene Policy Objective RH 2 and RH 14 of the Laois County Development Plan 2021-2027 which requires the applicant to meet the criteria as set in the Table 4.4 of the Development Plan, and would therefore be contrary to the proper planning and sustainable development of the area.

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

David Freeland

25/02/2026

Appendix 1 - Form 1

EIA Pre-Screening [EIAR not submitted]

An Coimisiún Pleanála Case Reference	PL-500217-LS-25		
Proposed Development Summary	The application comprises, the retention of the existing Garage including Stables with new site Entrance and Permission for a proposed Dwelling House, Secondary Treatment System & soil polishing filter and all associated site works		
Development Address	Forest Lower, Mountmellick , Co. Laois		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment (if relevant)	Conclusion
No	N/A		No EIAR or Preliminary Examination required
Yes	X	10(b)(i): Construction of more than 500 dwelling units.	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No	X		Preliminary Examination required
Yes			Screening Determination required

Inspector: _____ **Date:** _____

Form 2 - EIA Preliminary Examination

Case Reference	PL-500217-LS-25
Proposed Development Summary	The application comprises, the retention of the existing Garage including Stables with new site Entrance and Permission for a proposed Dwelling House, Secondary Treatment System & soil polishing filter and all associated site works
Development Address	Forest Lower, Mountmellick , Co. Laois
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).	The proposed development comprises the construction of a new dwelling and a new on-site wastewater treatment system. The development comes forwards as a standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health
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).	The site is not located within or immediately adjacent to any designated site. The proposed development would include a private well and installation of a new wastewater treatment system. It is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.
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 nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
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.
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Inspector: _____ **Date:** 25/02/2026

Appendix 3

Water Framework Directive Screening and Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
<p>Step 1: The application comprises (a) The retention of the existing Garage including Stables with new site Entrance and (b) Permission for a proposed Dwelling House, Secondary Treatment System & soil polishing filter and all associated site works</p> <p>Site Area 1.2ha</p> <p>Total floor area of proposed dwelling: 240sqm.</p> <p>Total floor area of shed proposed to be retained: 210sq.m</p> <p>An on-site secondary wastewater treatment system and soil polishing filter is proposed. It has been demonstrated that the wastewater treatment system will accord with EPA Code such that no untreated wastewater may escape to groundwater.</p>			
An Bord Pleanála ref. no.	500217-LS-25	Townland, address	Forest Lower, Mountmellick , Co. Laois
Description of project		The application is for retention permission of the existing garage/stables (210sq.m) and new site entrance and permission for a proposed dwelling (240sq.m). It is proposed to install a secondary treatment system and soil polishing filter.	
Brief site description, relevant to WFD Screening,		The existing garage is located to the north (rear) end of the site. The proposed dwelling will be positioned near central within the site with the wastewater and percolation area to the immediate rear (north) of the dwelling (c. 70m from rear/north boundary).	

	<p>The topography of the site is generally flat with some undulation to the western side which slopes towards the rear (north).</p> <p>The site is located adjacent to a forestry plantation to the north with the wider area predominantly consisting of agricultural fields with a number of rural one-off dwelling and. The River Waterbody Cottoner Brook_010 (IE_SE_14C150500) is located 90m to the north-east of the site. The site is within the Portlaoise Ground waterbody (IE_SE_G_107).</p> <p>The water supply for the development will be a private well.</p> <p>The Site Characterisation Report indicated the water table at -1.9m below ground level and the site is located within an area with a high vulnerable aquifer.</p>
Proposed surface water details	Not specified.
Proposed water supply source & available capacity	Private well. Location indicated on site layout plan.
Proposed wastewater treatment system & available capacity, other issues	It is proposed to install a secondary treatment system and soil polishing filter.
Others?	No.
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection	

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	90m to the north	Cottoner Brook_010 (Code: IE_SE_14C150500)	Moderate	Review.	No pressures.	Surface run-off and groundwater.
Groundwater Waterbody	Underlying site	Portlaoise (Code: IE_SE_G_107)	Good	Not at risk.	No pressures.	Surface run-off and groundwater.

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or
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							'uncertain' proceed to Stage 2.
1.	Surface	Cottoner Brook_010 (Code: IE_SE_14 C150500)	Via land sloping towards watercourse on site and adjacent lands	Hydrocarbon spillages	Standard construction practice	No	Screened out
2.	Ground	Portlaoise (Code: IE_SE_G_107)	Pathway exists	Hydrocarbon spillages	As above	No	Screened out
OPERATIONAL PHASE							
3.	Surface	Cottoner Brook_010 (Code: IE_SE_14 C150500)	Via land sloping towards watercourse on site and adjacent lands	Surface Water to watercourse WWTS discharge to groundwater	Standard Construction Measures / Conditions	No No	Screened out
4.	Ground	Portlaoise (Code: IE_SE_G_107)	Pathway exists	WWTS discharge to groundwater	Standard Construction Measures / Conditions	No	Screened out

DECOMMISSIONING PHASE							
5.	NA						
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives							
Groundwater							
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u>	<u>Objective 2 : Groundwater</u>	<u>Objective 3:Groundwater</u>			Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)	
	Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity				

	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
Development Activity 3: Operation phase, surface water	Required to demonstrate proposed WWTP and soil polishing filter to comply with EPA Code as potential transmission via groundwater to watercourses	Required to demonstrate proposed WWTP and soil polishing filter to comply with EPA Code.	WWTP to EPA Code.	Yes
Development Activity 4: Operation phase, groundwater	Required to demonstrate proposed WWTP and soil polishing filter to comply with EPA Code	Required to demonstrate proposed WWTP and soil polishing filter to comply with EPA Code.	WWTP to EPA Code.	Yes

