



An
Bord
Pleanála

Inspector's Report

PL-500779-LH-26

Development	Retention permission for detached playroom/home office with WC, domestic store. Permission for on site soakaway
Location	Tallowood, Grangebellew, County Louth, A92Y5N0
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2560779
Applicant(s)	Elizabeth Manville
Type of Application	Permission and retention
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	Third Party
Appellant(s)	Leonard Lavery
Observer(s)	None
Date of Site Inspection	28 th April 2026

Inspector

Shane McGlynn

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The site, which has a stated area of 0.12 ha, is located on the eastern side of the L2250 road within the rural node of Grangebellew, Co. Louth. It is some 4km east of Dunleer and 9km north of Drogheda.
- 1.2. The site comprises a semi-detached single storey dwelling. Access is provided from the L2250 road to the front. The rear garden is irregular in shape and partly includes land to the rear of the adjacent dwelling to the south. The rear garden is bounded on all sides by fencing, supplemented by extensive hedging along the northern and eastern boundaries. The site is generally bounded by existing dwellings to the north, east and south.
- 1.3. The rear garden contains several freestanding buildings/structures, one of which is the subject of this application and appeal, namely a single storey timber-clad building at the eastern end of the garden with stated floor area of c. 40 sq.m. The applicant describes this building as a playroom/home office with WC and domestic store.
- 1.4. The garden also contains a smaller outbuilding abutting the southern boundary fence. This outbuilding was substantially demolished at the time of my site inspection, with only its foundation remaining. Finally, a small wooden garden shed is located at the western end of the garden adjacent to the rear boundary fence of the adjacent dwelling to the south.
- 1.5. The Commission is advised that both the former outbuilding and garden shed were not illustrated on the submitted application drawings or referred to in the application documents.

2.0 Proposed Development

- 2.1. The proposed development comprises: the retention of the existing freestanding playroom/home office with WC and domestic store within the rear garden; and permission for a new on-site soakaway serving the building to be retained.
- 2.2. The following documentation was submitted with the application together with all standard and statutory drawings and public notices etc:
 - Photographic Record

- Soakaway Design Report

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Louth County Council decided to GRANT permission for the proposed development subject to 7no. conditions. Notable conditions include:

Condition 3 The kitchen facilities associated within the playroom/ home office/ store as identified in drawing 209225-2 shall be removed within 3 months of the date of grant of permission.

Condition 5 The unauthorised structure located along the southern boundary of the application site in Photo 4 of this planning report shall be removed within 3 months of the date of grant of permission unless otherwise agreed in writing by the Planning Authority.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer's report is consistent with the decision of the Planning Authority and can be summarised as follows:

- There is no requirement for appropriate assessment or environmental impact assessment.
- Principle of development is acceptable, subject to attachment of condition ensuring the building remains ancillary to the existing dwelling.
- Removal of separate unauthorised structure within rear garden should be required by way of condition, given concerns at its potential unauthorised use as separate living unit / dwelling.
- Structure proposed for retention does not impact on character of main dwelling or adjacent dwellings, and does not negatively impact on amenity of any neighbouring properties.

3.2.2. Other Technical Reports

- Placemaking and Physical Development Section: No objection subject to 1no. condition regarding surface water attenuation and discharge.
- Environment Section: No objection subject to Conditions.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. 1no. third party observation was received from Leonard Lavery (the appellant) raising the following matters:

- Structure currently being used as dwelling, stated use as playroom / office is inaccurate.
- Retention permission unsuitable given use as dwelling, as permission should instead be sought in advance.
- Encroachment on privacy and devaluing of adjacent dwelling.
- Close proximity to septic tanks and soak holes.

4.0 Planning History

4.1. There is no relevant planning history on the subject site.

4.2. Enforcement

4.2.1. Enforcement ID ref. UD/25/040 – the planning officer’s report notes that this relates to 3no. alleged unauthorised structures in rear garden of appeal site in use as habitable accommodation. Warning letter served 19/08/2025.

5.0 Policy Context

5.1. Louth County Development Plan 2021-2027 (as varied)

5.1.1. The above (hereafter, ‘the County Development Plan’) includes the following relevant policies and objectives:

- Zoning (Map 5.9, Volume 2, Section 3): The appeal site is not subject to any specific land-use zoning but is located within the settlement boundary of the Grangebellew Rural Node.
- Section 2.18 Rural Nodes
- Section 10.2.5 Sustainable Drainage Systems
- Section 13.9.10 Garages and Outbuildings

5.2. Relevant National / Regional Policy

- 5.2.1. The Environmental Protection Agency, Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤10), (2021).

5.3. Natural Heritage Designations

- 5.3.1. The appeal site is not located within or immediately adjacent to a designed area. The site is not located near any SAC or SPA. In relation to designated sites, the subject site is located approximately:

- 0.6km south of Barmeach Woods pNHA (site code 001801).
- 4.3km northwest of Blackhall Woods pNHA (site code 001293).
- 5.7km northwest of Castlecoo Hill pNHA (site code 001458).

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

- Subject structure has been used for residential purposes including overnight accommodation, therefore granting the current proposal to retain as non-

residential ancillary use would reward non-compliance and undermine integrity of planning system.

- Proposed retention represents inappropriate backland development in established residential area. Scale, siting and intensity of development represent overdevelopment of site. Contrary to CDP policies in this regard.
- Results in loss of privacy, visual intrusion and disturbance impacts to appellant's residential amenity. Contrary to CDP policies in this regard.
- Alleges there is another existing structure in rear garden (along southern boundary) which is also in use as residential accommodation. Further alleges a third rear garden structure had been commenced but that construction has since ceased. Cumulative impact of multiple rear garden structures together with on-site storage of construction materials results in a level of intensification wholly inappropriate in a residential setting and alters character of area.
- Loss of property value and adverse effect on marketability of home due to negative amenity impacts and perception of further future development at appeal site.
- Proposal for retention, in particular given its prior use and presence of additional structures on site, would be contrary to CDP policies to ensure ancillary structures remain subordinate to main dwelling, to prevent incremental erosion of residential environments through overdevelopment, and to resist inappropriate backland and piecemeal development.
- Conditions prohibiting residential use and requiring removal of kitchen facilities are not enforceable.
- Granting retention establishes undesirable precedent for future unauthorised residential development.
- Other matters raised in the appeal are noted and are beyond the scope of assessment of the subject application.

7.2. Applicant Response

- None received.

7.3. Planning Authority Response

- The Planning Authority is satisfied that the issues raised have been addressed in their decision and on the reports on file.

7.4. Observations

- None received.

8.0 Assessment

8.1. Having examined the application details and all other documentation on file, having regard to relevant local/regional/national policies and guidance, and having inspected the site, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Residential Amenity
- Unauthorised Development

8.2. Principle of Development

8.2.1. The appeal site is located within the existing rural node of Grangebellew as illustrated on Map 5.9, Volume 2, Section 3 of the County Development Plan. Policy Objective SS 56 of section 2.18 of the County Development Plan seeks *“To require the design, scale, and layout of residential development to be proportionate to and respect the character of the settlement in which it is located and to avoid any layout that would result in a suburban style development alien to the local environment.”*

8.2.2. Section 13.9.10 of the County Development Plan provides that *“Outbuildings that will have a use incidental to the dwelling will be considered on a case-by-case basis and will be dependent on the location, the nature of the use and the design and scale of the building.”*

- 8.2.3. I conclude that development ancillary to the main dwelling including outbuildings can be considered at the appeal site, subject to meeting all other relevant planning standards, including impacts on residential amenities. These matters will be considered below.
- 8.2.4. I note that various issues relating to the use of the subject structure proposed for retention have been raised in the grounds of the appeal. The appellant states that the structure has been in use as a separate residential unit. During my site inspection, I noted that the interior of the structure proposed for retention is consistent with domestic use as a playroom/home office with domestic storage and WC, as described in the public notices and detailed on the submitted application drawings / documents. I therefore consider that the subject structure comprises development ancillary to the main dwelling and I have assessed it on this basis.
- 8.2.5. I note the planning officer's report notes the existence of kitchen facilities within the subject structure and considers that these facilities would not be compatible with this proposed use of the structure. A condition requiring removal of the existing kitchen facilities was attached by the planning authority as a means to prevent the structure from returning to use as an independent residential unit.
- 8.2.6. At the time of my site inspection, no cooking facilities were in situ within the subject structure. I would again highlight that the structure appeared at the time of inspection to be consistent with the uses as stated in the public notices. In any event, I consider that enforcement of the present and future use of the subject structure falls within the jurisdiction of the planning authority and is not within the remit of the Commission's assessment of this appeal. I propose that condition 3 of the planning authority's decision is accordingly omitted in the event that the Commission is minded to grant permission.

8.3. **Residential Amenity**

- 8.3.1. With regard to residential amenity, the central issues raised by the appellant are overlooking, overbearance / visual impact and the cumulative impacts of multiple freestanding structures within the rear garden.
- 8.3.2. Section 13.9.10 of the County Development Plan provides that the purpose of outbuildings within the curtilage of a dwelling is normally for storage needs incidental

to the dwelling. Such outbuildings will be considered on a case-by-case basis dependent on location, nature of the use and design/scale of the building.

(i) Overlooking

8.3.3. The single storey detached rear garden structure proposed for retention is located at the end of the rear garden near the site's planted eastern (rear) boundary and within 3m of the common rear garden boundaries of the adjacent dwellings to the north and south respectively. A patio area with seating is provided within the rear garden to the front (west) of the structure.

8.3.4. Regarding the appellant's property (adjacent to the south of the appeal site), I note that the rear gardens of both properties are generally at the same level with a wooden fence forming the common property boundary. I consider that the orientation and position of the doors and windows of the subject structure to not enable excessive overlooking of the appellant's property, in particular given the existing boundary treatment, site levels and setback distance of the structure from the southern property boundary.

(ii) Overbearance / Visual Impact

8.3.5. The subject structure is a maximum of c. 6.1m in width and c. 8.8m in depth, with a stated floor area of 39.9 sq.m. The structure has a shallow hipped roof with a maximum height of c. 3.9m above ground level. I consider that the height and dimensions of the structure are consistent with the domestic rear garden setting in which it is located. The external material finishes are in my view appropriate for this setting. I do not consider that the scale of the structure is overbearing relative to the main dwelling, the rear garden in which it is located or any adjacent properties.

8.3.6. Having regard to the height and scale of the structure proposed for retention, the location and orientation of its doors and windows, degree of setback from property boundaries, height and condition of property boundaries and site levels relative to neighbouring properties, I am satisfied that the structure does not negatively impact on the existing residential and visual amenities of the existing dwelling or any surrounding property.

(iii) Cumulative Impact of Rear Garden Structures

8.3.7.

8.3.8. The appellant raises concerns regarding the impact of other rear garden structures located at the appeal site, cumulatively with the subject structure, on the residential amenity and character of the area. The appellant refers to the enforcement proceedings initiated by the planning authority in respect of the various structures within the rear garden and their uses, however I would again highlight that the matter of enforcement falls under the jurisdiction of the planning authority.

8.3.9. For the reasons set out above, I do not consider that condition no. 5 of the planning authority's decision is appropriate in this instance and I recommend that it is omitted in the event that the Commission is minded to grant permission.

8.4. Wastewater Drainage (New Issue)

8.4.1. I noted that the structure proposed to be retained includes bathroom facilities (toilet, shower and sinks). The submitted Site Layout Plan illustrates an on-site septic tank within the rear garden and existing wastewater connection to the septic tank system is confirmed in the submitted Planning Application Form. No details of the size and design of the septic tank system have been provided and compliance with the EPA Code of Practice 2021 has not been demonstrated. The planning authority reports do not provide any technical commentary in respect of wastewater drainage. I cannot therefore determine on the basis of the information before me whether the existing septic tank system is adequate to cater for the development to be retained.

8.4.2. As this matter has not been specifically raised in the ground of appeal, I consider that this is a new issue and the Commission may wish to seek the views of the parties. Notwithstanding this, I would highlight that the subject structure is in my view otherwise acceptable and that the existing bathroom facilities could reasonably be removed while retaining the remainder of the structure. I consider that a suitable condition requiring removal of the toilet, shower and sinks within the structure can be attached by condition should the Commission consider a grant of retention permission appropriate.

8.5. Soakaway

8.5.1. I note the Soakaway Design Report submitted by the applicant demonstrates that the proposed design of the soakaway has had regard to site conditions for soil infiltration. I did not observe any drainage issues within the rear garden during my site inspection. I note the Planning Authority's Placemaking and Physical

Development section did not raise any concerns regarding the proposed soakaway and recommended grant of permission subject to standard conditions. A suitable condition can be attached requiring compliance with the Planning Authority's requirements in this regard.

8.6. Other Issues

- 8.6.1. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The appeal site is located within 7km of Dundalk Bay SPA and within 8km of Clogher Head SAC, the nearest European Sites. The proposed development comprises retention of a small domestic structure ancillary to the main dwelling and proposed on-site soakaway serving the structure to be retained. No nature conservation concerns were raised in the planning appeal.
- 9.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.3. The reason for this conclusion is as follows:
- The relatively small-scale nature of the development.
 - The separation distance of more than 6km from the nearest European Sites and lack of ecological connections thereto.
 - Taking into account the screening determination by the P.A.

- 9.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.5. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 **Water Framework Directive**

- 10.1. 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. 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.
- 10.2. The reason for this conclusion is as follows:
- Nature of the project, site and receiving environment
 - Location-distance from nearest water bodies and/or lack of hydrological connections.
- 10.3. On the basis of objective information, I consider 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.

11.0 **Recommendation**

- 11.1. It is recommended that permission and retention permission be granted subject to the conditions set out hereunder.

12.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development and development to be retained, the relevant provisions regarding outbuildings as set out in the Louth County Development Plan, 2021-2027, and to the nature, scale and use of the structure on site, it is considered that, subject to compliance with the conditions set out below, the proposed development and development to be retained are acceptable and would not seriously injure the residential or visual amenities of the area. The proposed development and development to be retained are, therefore, considered to be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development shall be retained and carried out in accordance with the plans and particulars lodged with the application, except as may be otherwise required in order to comply with the following conditions. Reason: In the interest of clarity
2.	This permission relates solely to the retention of the playroom/home office and domestic store and permission for an on-site soakaway. Reason: In the interest of clarity.
3.	The existing shower, toilet and sinks within the structure shall be omitted, in accordance with details (including a timeframe) which shall be submitted to, and agreed in writing with, the planning authority within 3 months of the date of grant of permission. Reason: In the interest of wastewater management.
4.	Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services. Reason: In the interest of public health and surface water management.

5.	The playroom/home office and domestic store shall not be sold, let or otherwise conveyed as an independent residential unit and shall be limited to use as part of the main dwelling. The existing garden and curtilage of the overall residential property on this site shall not be subdivided Reason: In the interest of residential amenity.
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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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

.Shane McGlynn
Planning Inspector

7th May 2026

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	PL-500779-LH-26		
Proposed Development Summary	Retention permission for detached playroom/home office with WC, domestic store. Permission for on-site soakaway.		
Development Address			
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	✓	
	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)?			
Yes			
No	✓		No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No			
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			
5. Has Schedule 7A information been submitted?			

No	✓	Screening determination remains as above (Q1 to Q4)
Yes		

Inspector: _____

Date: _____