



<b>Development</b>	Change of house type from a 2-storey dwelling, as permitted under P.24/60117, to a single storey bungalow with associated works.
<b>Location</b>	Park, Ballacolla, County Laois.
<b>Planning Authority</b>	Laois County Council
<b>Planning Authority Reg. Ref.</b>	2560836
<b>Applicant(s)</b>	Leonard & Satomi Martin
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission + Conditions
<b>Type of Appeal</b>	First Party Normal Planning Appeal
<b>Appellant(s)</b>	Leonard & Satomi Martin
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	None required
<b>Inspector</b>	Ronan Murphy

## 1.0 Site Location and Description

- 1.1. This is a first party appeal against financial contribution conditions which were attached to the Planning Authority's notification of decision to grant permission. As this is an appeal in respect of conditions requiring a financial contribution, the provisions of section 48 of the Planning and Development Act 2000 apply, and the Coimisiún is restricted to considering this matter alone and cannot consider the matter de novo. I have therefore confined my assessment to the condition in question.
- 1.2. Having regard to the nature of the S.48 appeal before the Commission and the information available on file, a site inspection was not deemed necessary in this instance.

## 2.0 Proposed Development

- 2.1. Permission is sought for a change of house type from a 2-storey dwelling as previously permitted under Reg. Ref. 24/60117 to a single storey bungalow. The dwelling now proposed would have a height of c. 4.9m and a floor area of c. 139m<sup>2</sup>.
- 2.2. The proposal also includes a new secondary treatment system & soil polishing filter percolation area), new entrance gates and associated siteworks including a garage and carport.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1 By order dated 10/2/26 the Planning Authority decided to grant planning permission subject to 4 No. Conditions. Condition 4 is pertinent to this appeal and requires that the applicant pay a development contribution of €5,000.

### 3.2. Planning Authority Reports

- 3.2.1 There is one planning report on file dated 9/2/26. The area planner notes that the design alterations are acceptable and there are no objections to same.
- 3.2.2 Other Technical Reports
  - I make the Coimisiún aware that page 3 of the area planners report states that a report was received from the MD Engineer. There is no copy of this report on file.

However, such a report was not considered to be central to the consideration of this appeal and therefore I have assessed this appeal without the MD Engineer report.

### 3.3. **Prescribed Bodies**

None on file

### 3.4. **Third Party Observations**

3.4.1 No third-party observations were made.

## 4.0 **Planning History**

4.1. **Reg. Ref. 24/60117.** Application to construct a new 2 storey dwelling, revised elevations, a new secondary treatment system & soil polishing filter (percolation area), new entrance gates and associated siteworks. Permission granted, subject to conditions.

## 5.0 **Policy Context**

5.1 Section 48 of the Planning and Development Act 2000, as amended provides as follows:  
48.—(1) A planning authority may, when granting a permission under section 34, include conditions for requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority and that is provided, or that it is intended will be provided, by or on behalf of a local authority (regardless of other sources of funding for the infrastructure and facilities). (2) (a) Subject to paragraph (c), the basis for the determination of a contribution under subsection (1) shall be set out in a development contribution scheme made under this section, and a planning authority may make one or more schemes in respect of different parts of its functional area. (b) A scheme may make provision for payment of different contributions in respect of different classes or descriptions of development. (c) A planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development.

(3) (a) A scheme shall state the basis for determining the contributions to be paid in respect of public infrastructure and facilities, in accordance with the terms of the scheme.

- (b) In stating the basis for determining the contributions in accordance with paragraph (a), the scheme shall indicate the contribution to be paid in respect of the different classes of public infrastructure and facilities which are provided or to be provided by any local authority and the planning authority shall have regard to the actual estimated cost of providing the classes of public infrastructure and facilities, except that any benefit which accrues in respect of existing development may not be included in any such determination.
- (c) A scheme may allow for the payment of a reduced contribution or no contribution in certain circumstances, in accordance with the provisions of the scheme.

Section 48(10) provides:

- (10) (a) Subject to paragraph (b), no appeal shall lie to the Board in relation to a condition requiring a contribution to be paid in accordance with a scheme made under this section.
- (b) An appeal may be brought to the Board where an applicant for permission under section 34 considers that the terms of the scheme have not been properly applied in respect of any condition laid down by the planning authority.
- (c) Notwithstanding section 34(11), where an appeal is brought in accordance with paragraph (b), and no other appeal of the decision of a planning authority is brought by any other person under section 37, the authority shall make the grant of permission as soon as may be after the expiration of the period for the taking of an appeal. provided that the person who takes the appeal in accordance with paragraph (b) furnishes to the planning authority security for payment of the full amount of the contribution as specified in the condition.

Section 48 (12)(a) provides:

*Where payment of a special contribution is required in accordance with subsection (2)(c), the following provisions shall apply—*

- (a) the condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates.*

## **5.2 Laois Development Contribution Scheme 2025-2031**

5.2.1 The operative Development Contributions Scheme is the Laois Development Contribution Scheme 2025-2031 which provides for the following:

5.2.2 Section 9.10 which states that An application for permission for modification or revision to a permitted development, including a change of house type or amendment to a site layout

will, where material, be treated as an independent/separate permission for development, and will be assessed on the full proposal for the floor area permitted in such a permission, at the rate of development contributions in operation on the date of issue of the decision to grant permission.

5.2.3 Section 15 sets out the development contributions for developments including rural residential as follows:

**Rural Residential** in County Laois, a dwelling house of up to 200 square metres in a rural location will incur a base charge of €5,000 [comprising €3,000 for Transport and Drainage Infrastructure and €2,000 for Social and Community Infrastructure and Amenities. This represents a 60/40 proportionality similar to the current scheme. Additional charges for larger sized dwelling units to apply as follows:

- 201-249 sq.m band, €25 per sq.m over 200sq.m
- 250-299 sq.m band, €27 per sq.m over 200 sq.m
- 300> sq.m band, €29 per sq.m over 200 sq.m

### **5.3 Development Plan**

5.3.1 Appendix 7 of the Laois County Development Plan 2021 – 2027 relates to rural design guidance and is relevant in the assessment of this application.

### **5.4 Relevant National or Regional Policy / Ministerial Guidelines**

5.4.1 National Planning Framework

National Policy Objective 19

National Policy Objective 20

### **5.5 Natural Heritage Designations**

5.5.1 Not relevant.

## **6 EIA Screening**

6.1 Not relevant.

## 7 The Appeal

### Grounds of Appeal

7.1 A first party appeal has been received from Leonard and Satomi Martin. The appeal can be summarised as follows:

- This application represents a change of house type only to our previously granted planning permission Ref: 24/60117 for the same site (granted March 2024), where a total development contribution of €2,252 was applied.
- Under Planning Ref: 25/60836, a development contribution of €5,000 has been applied. This increase arises from the implementation of the Development Contribution Scheme 2025–2031, effective from 13 October 2025.
- The revised application relates to the same red line site boundary and the same single family home project as previously permitted under Ref: 24/60117. The revised proposal does not represent a new planning application on a revised site.
- The revised design reduces the floor area by approximately 36%. It is therefore disproportionate that a substantially smaller dwelling is subject to a contribution more than double that applied to the previously approved larger dwelling.
- Having already received planning permission for the same site with a defined development contribution, we formed a reasonable and legitimate expectation regarding the approximate level of financial obligations associated with this project.
- The increased contribution arises solely due to the timing of the revised application relative to the introduction of the Development Contribution Scheme 2025–2031, The project itself has remained continuous, and the change in policy has resulted in a materially higher financial burden despite a reduction in development scale.
- At no point in the public notices did we stray from all other elements of the 24/60117 permission albeit the footprint. At that the dwelling sitting in the original location.
- The Local Authority correctly treated the permission as a simple change of use referring to the previous conditions of P.24/60117. Furthermore, they state that the application for the material change of use, lodged in December 2025 shall not extend the date of the grant of permission dated 9th July 2024 for P.24/60117. Therefore, if

the Local Authority were not extending the date of the grant of permission, then it was reasonable that the previous conditions in total would apply.

## **7.2 Planning Authority Response**

7.2.1 There is no response from the Planning Authority on file.

## **7.3 Observations**

7.3.1 There are no observations on file.

## **7.4 Further Responses**

7.4.1 There are no further responses on file.

# **8 Assessment**

### *Background*

- 8.1 This appeal relates solely to Condition 4 of the planning authority's decision under Reg. Ref. 2560836 which requires the payment of a financial contribution in the sum of €5,000 being the appropriate contribution to be applied to this development in accordance with the Development Contribution Scheme adopted by Laois County Council on 20th October 2023. in accordance with Section 48 of the Planning and Development Act 2000 as amended. Section
- 8.2 Having regard to Section 48(10)(b) of the Planning and Development Act, 2000, as amended, the remit of the Coimisiún is confined to considering whether the terms of the scheme have been applied in this case.
- 8.3 Section 48 of the Planning and Development Act provides for the attachment of financial contributions conditions, the basis for which must be set out within a Development Contribution Scheme. Section 9.10 of the Laois Development Contribution Scheme states that an application for permission for modification or revision to a permitted development, including a change of house type or amendment to a site layout will, where material, be treated as an independent/separate permission for development, and will be assessed on the full proposal for the floor area permitted in such a permission, at the rate of development contributions in operation on the date of issue of the decision to grant permission.

### *Appeal*

- 8.4 In their first party appeal, the appellant relies on the fact that the application represents a change of house type only to the previously granted planning permission Ref: 24/60117 for the same site (granted March 2024), where a total development contribution of €2,252 was applied and that the proposal represents a reduction in floorspace of c.36% from that permitted. The application of the development contribution is therefore considered to be disproportionate and that a substantially smaller dwelling is subject to a contribution more than double that applied to the previously approved larger dwelling.

### *Assessment*

- 8.5 I acknowledge the concerns of the first party as set out in their appeal. I also note that the proposed development comprises of a reduction in the area of a permitted residential development.
- 8.6 The current Development Contribution Scheme is the *Laois Development Contributions Scheme 2025-2031* which has been effective since 13/10/25. The planning application for the reduction in area of a permitted dwelling (Reg. Ref.25/60836) was made on 10/12/25. Therefore, I am satisfied that the Planning Authority has applied the correct development contribution scheme.
- 8.7 Section 9.10 of the *Laois Development Contributions Scheme 2025-2031* is clear that an application for permission for modification or revision to a permitted development, including a change of house type or amendment to a site layout will, where material, be treated as an independent/separate permission for development and will be assessed on the full proposal for the floor area permitted in such a permission, at the rate of development contributions in operation on the date of issue of the decision to grant permission.
- 8.8 The first question I have considered is should the proposal be considered as a material alteration to the permitted development. Having considered the plans and particulars submitted with the application and the wording of Section 9.10 of the *Laois Development Contributions Scheme 2025-2031*, I am satisfied that the proposal does not constitute a material alteration. I have come to this conclusion having regard to the fact that the dwelling as proposed would reduce the height and the floor area of the permitted dwelling.
- 8.9 The second question which I have considered is whether the wording of the *Laois Development Contributions Scheme 2025-2031* provides any direction of how to assess non-material alterations in terms of Development Contributions. In this regard, in addition to

Section 9.10 I have also considered Sections 12 and 13 of the *Laois Development Contributions Scheme 2025-2031* as set out below.

- 8.10 Section 12 of the *Laois Development Contributions Scheme 2025-2031* sets out categories of developments which will be exempted from the requirement to pay development contributions under the scheme. The development as proposed is not included as a category of development for which an exemption applies.
- 8.11 Section 13 of the *Laois Development Contributions Scheme 2025-2031* sets out reductions from required development contribution. The development as proposed is not included as a category of development for which a reduction in development contribution fees applies.
- 8.12 Having considered all the foregoing, I am not satisfied that the *Laois Development Contributions Scheme 2025-2031* provides any direction of how to assess non-material alterations in terms of Development Contributions. Therefore, Section 15 of the scheme must be considered.
- 8.13 Section 15 of the *Laois Development Contributions Scheme 2025-2031* states that **Rural Residential** in County Laois, a dwelling house of up to 200 square metres in a rural location will incur a base charge of €5,000 [comprising €3,000 for Transport and Drainage Infrastructure and €2,000 for Social and Community Infrastructure and Amenities. This represents a 60/40 proportionality similar to the previous scheme.
- 8.14 I note that the Development Contribution Sheet submitted by the Local Authority (as set out in the Planners report) shows that the contribution was calculated for Outside Development Boundaries and less than 200m<sup>2</sup> as follows: €3,000 for Transport and Road Infrastructure and €2,000 for Social and Community Infrastructure for a total of €5,000.
- 8.15 I note that the proposed development is located outside the development boundary of Ballacolla and would have an area of 136m<sup>2</sup> and therefore the figure is in line with the Section 15 of the *Laois Development Contributions Scheme 2025-2031*.

### *Conclusion*

- 8.16 I have considered the first party appeal, the plans and particulars submitted with the application, the area planners report and the *Laois Contributions Scheme 2025-2031* and while I am fully cognisant of the concerns of the first party, and that the proposal for which permission significantly reduces the height and floor area of the previously permitted dwelling, I note that the *Laois Contributions Scheme 2025-2031* does not provide any direction on how deal with non-material alterations to permitted developments.

8.17 Therefore, I am satisfied that the *Laois Contributions Scheme 2025-2031*, has been correctly applied and that the Coimisiún should attach condition no. 4 to the permission as set out below.

## **9 AA Screening**

9.1 Not relevant

## **10 Water Framework Directive**

10.1 Not relevant

## **11 Recommendation**

11.1 The Coimisiún, in accordance with Section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area have been properly applied in respect of condition number 4 and directs that the said Council to RETAIN condition number 4.

## **12 Reasons and Considerations**

12.1 Having regard to:

(a) the *Laois Development Contributions Scheme 2025-2031*, specifically Section 15; and

(b) the submissions made in the first party appeal.

it is considered that the terms of the Development Contribution Scheme were correctly applied in respect of Condition no. 4 of Reg. Ref. 2560836 in that Section 9.10 of the *Laois Development Contributions Scheme 2025-2031* states that an application for permission for modification or revision to a permitted development, including a change of house type or amendment to a site layout will, where material, be treated as an independent/separate permission for development that the Planning Authority is directed to attach condition no. 4 as set out below:

7. The developer shall pay to the Planning Authority a financial contribution of €5000.00 (Five thousand Euro) in respect of public infrastructure and facilities benefiting development within 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 *Laois Development Contribution Scheme 2025 - 2031*, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended). The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

**REASON:** The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting.

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.”

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Ronan Murphy  
Planning Inspector

8 June 2026

