



An
Coimisiún
Pleanála

Inspector's Report PL-501217-LH-26

Development	Retention permission for dwelling and permission for upgrading of roof and external walls, installation of wastewater treatment system (WWTS), and stormwater drainage system
Location	Begrath, Monasterboice, Co. Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	26/60070
Applicant	Andrew Mooney
Type of Application	Retention Permission and Permission
Planning Authority Decision	Refuse Retention Permission and Permission
Type of Appeal	First Party v Refusal of Retention Permission and Permission
Appellant	Andrew Mooney
Observer(s)	None

Date of Site Inspection

6th July 2026

Inspector

Anthony Kelly

1.0 Site Location and Description

- 1.1. The site is located to the rear of an existing single-storey house off a local road (L-6308) approximately 2.2km northwest of Tullyallen in south Co. Louth.
- 1.2. The site is accessed via a driveway which also serves the existing house along the roadside¹. The subject single-storey modular dwelling is not visible from the public road. There is a grassed garden area and hardstanding for vehicular circulation. There is a post and wire fence along the west and north site boundaries and there are extensive views in these directions. The site appears to have originally comprised the southeast corner of the field from which it has been separated. The area immediately adjacent to the south of the modular dwelling has significantly higher ground levels than the rest of the site. There is vegetation along the northeastern boundary. There are a number of houses in the vicinity.
- 1.3. The site has an area of 0.331 hectares. The two-bed modular dwelling has a floor area of 116.22sqm and a height of 3.47 metres. It is externally finished in black painted timber cladding with a shallow metal roof pitch.

2.0 Proposed Development

- 2.1. Retention permission is sought for the dwelling as constructed. Permission is sought for upgrading the specification of the roof covering and external walls, a wastewater treatment system (WWTS), and a surface water drainage system.

¹ It is stated that this is the applicant's grandfather's house. The house to the west of the vehicular entrance is cited as the applicant's original family home.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 27th March 2026 Louth County Council (LCC) refused permission for the following four reasons²:

1. Having regard to the siting and backland nature of development to be retained, together with the cumulative impact of existing dwellings in the immediate hinterland, the development would represent an overdevelopment of one-off dwellings in this rural area and is therefore considered to be contrary to Section 13.9.4 (site selection) of the Louth County Development Plan, 2021-2027 (as varied) which requires that applications consider the existing number of one-off dwellings in the area and the ability of the landscape to absorb further development without further eroding the rural character of the area. The development is also considered to be contrary to Section 13.9.6 (backland development) as it constitutes a piecemeal form of backland development, fragmenting agricultural lands and further eroding the rural character of this locality and resulting in road safety issues by virtue of the associated vehicular access.

In addition, the design of the building (as proposed to be amended) is not considered to be reflective of traditional rural dwelling form and would not comply with the provisions of Sections 13.9.8 and 13.9.9 of the Louth County Development Plan, 2021-2027 (as varied). Accordingly, the development is considered to contravene Policy Objectives HOU 44 and HOU 49 which require that new dwellings do not negatively impact or erode the rural character of the area and for applications for one-off rural housing to comply with the standards and criteria set out in Section 13.9 of Chapter 13, respectively. The development is therefore considered to be contrary to the proper planning and sustainable development of the area.

2. Given the overall extent of hedgerow removal required to facilitate the minimum sightline visibility at the vehicular access, the proposed development would adversely impact the rural amenity and character of the area and be contrary to

² The reasons are set out as they appear on the Notification of Decision to Refuse.

Policy Objective ENV 38 of the Louth County Development Plan, 2021-2027 (as varied) and would consequently, be contrary to the proper planning and sustainable development of the area.

3. The applicant has failed to demonstrate that the required minimum sightline visibility can be achieved and accordingly, the development in its current form contravenes Sections 13.9.14, 13.16,17 and Table 13.13 of the Louth County Development Plan 2021-2027 (as varied) and would, if permitted, endanger public safety by reason of traffic hazard and the obstruction of other road users.
4. The applicant has failed to demonstrate that the proposed wastewater treatment system and polishing filter is in compliance with the EPA Code of Practice, 2021, nor is there sufficient information to demonstrate that if retention permission was granted, that there would be no potential risk of the development being prejudicial to public health or that it would not give rise to diminishment of ground water quality in this area. In this regard, the existing and proposed development contravenes Policy Objective IU 18 of the Louth County Development Plan 2021-2027, as varied and would therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of this rural area.

3.2. Planning Authority Reports

- 3.2.1. One Planning Report was prepared by LCC. It included a site location and description, a planning history, a policy framework, and an overview of the development. It was considered that neither environmental impact assessment (EIA) nor appropriate assessment (AA) was required. A planning assessment was also set out. Relevant excerpts from this are as follows:

- It is accepted that the applicant has both a demonstrable social requirement to live in the area and a demonstrable housing need. The applicant qualifies, in principle, for a dwelling.
- It is stated that there is a high proliferation of single houses in the locality. The structure constitutes backland development which erodes rural character and the traditional rural settlement pattern. No details have been provided to address these issues. The Planning Officer is not persuaded that the subject site is suitable or that the exemption to backland development (if satisfied) would overcome

concerns in relation to an over-proliferation of single dwellings and the impact on the rural settlement pattern and overall character.

- Although the application attempts to address design concerns, concerns remain regarding the overall form and design, including features not characteristic of traditional rural dwelling form such as the open entrance porch, horizontally aligned openings, protruding metal flue, and the overall modular form and fenestration. There is no verification that the proposed modifications can be carried out. The proposed alterations do not fully address the wider issue of inappropriate design.
- On the basis of an internal report, it has not been demonstrated that a safe access is achievable.
- The surface water proposals are considered to be acceptable.
- The source of water supply is undetermined. Whilst not in itself a reason for refusal, clarification would be required.
- On the basis of submitted details, the proposed WWTS has not demonstrated compliance with the EPA Code of Practice, 2021. Whilst this could be addressed through a further information request, given the fundamental concerns which cannot be overcome it would not be reasonable to incur further expenditure upon the applicant.
- Whilst concerns in relation to Policy ENV 39 have arguably been addressed, the development would still contravene Policy Objective ENV 38 of the Plan.
- Should permission be granted, formal legal agreements to ensure ongoing maintenance of sightlines would be required.

3.2.2. In the conclusion it is stated that, although the applicant qualifies under the rural housing policy, there are fundamental concerns with the development in relation to the selected site, design, and access. While the application attempts to address previous concerns these have not been successfully addressed and a grant of permission is not justified given these prevailing issues.

3.2.3. **Other Technical Reports**

Major Capital Projects and Infrastructure Delivery Directorate – This report related to sightlines and further information was recommended in relation to this issue.

Environment Section – Additional information was requested.

3.3. **Prescribed Bodies**

3.3.1. None received.

3.4. **Third Party Observations**

3.4.1. None received.

4.0 **Planning History**

4.1.1. The relevant planning history of the site can be summarised as follows:

4.1.2. P.A. Reg. Ref. 22/582 / ACP Reg. Ref. ABP-314698-22 – In 2023, following a first-party appeal of a refusal by LCC for retention permission for a single-storey house, site, and WWTS as laid out and constructed, and permission for alterations to the shared vehicular access and neighbouring roadside boundaries, retention permission and permission was refused by the Board for two reasons. The first reason was that, having regard to the siting and backland nature of the of the development, together with the cumulative impact of existing dwellings, the proposal would represent an overdevelopment of one-off dwellings in the rural area contrary to the Louth County Development Plan (LCDP) 2021-2027. The dwelling design is also not reflective of a rural dwelling and is also contrary to the Plan. The second reason for refusal related to the proposed WWTS.

4.1.3. P.A. Reg. Ref. 20/184 / ACP Reg. Ref. ABP-307600-20 – In 2020, following a first-party appeal of a refusal by LCC for permission for a two-storey house, garage, and WWTS, permission was refused by the Board for one reason which stated that the proposed development would constitute inappropriate backland development which would be out of character with the established pattern of development in the rural area,

would militate against the preservation of the rural environment, would be unduly dominant in the landscape, and would be contrary to policy requirements.

- 4.1.4. P.A. Reg. Ref. – 22U014 – The LCC Planning Report states that this is a live case relating to an alleged unauthorised dwelling (wooden structure).

5.0 Policy Context

5.1. Project Ireland 2040 National Planning Framework First Revision (2025) (NPF)

- 5.1.1. The NPF is the long-term 20-year strategy for strategic planning and sustainable development of Ireland's urban and rural areas to 2040, with the core objectives of securing balanced regional development and a sustainable 'compact growth' approach to the form and pattern of future development. It is focused on delivering 10 National Strategic Outcomes.

- 5.1.2. Relevant National Policy Objectives (NPOs) include:

NPO 28 – ' ... In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements ...'

5.2. Sustainable Rural Housing Guidelines for Planning Authorities (2005)

- 5.2.1. The guidelines set out how the government's policies on rural housing are to be implemented by planning authorities in making their development plans and in the operation of the development control system.

5.3. Sustainable Rural and Gaeltacht Housing Draft National Planning Statement (NPS)(2026)

- 5.3.1. I draw the Commission's attention to the draft NPS. Its purpose is to set out national policy and provide guidance in relation to the proper planning and sustainable

development of rural housing. It is intended to replace the 2005 Guidelines. However, the 2005 Guidelines remain in place until such time as the NPS is adopted.

5.4. Environmental Protection Agency (EPA) Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) (2021)

- 5.4.1. The Code of Practice (CoP) provides guidance on domestic waste water treatment systems for single houses or equivalent developments with a population equivalent (PE) of less than or equal to 10. It sets out a methodology for site assessment and selection, installation and maintenance of an appropriate systems.

5.5. Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES) 2019-2031

- 5.5.1. The RSES provides for the development of nine counties / twelve local authority areas, including LCC. It is a strategic plan which identifies regional assets, opportunities, and pressures, and provides appropriate policy responses in the form of Regional Policy Objectives (RPOs). It provides a framework for investment to better manage spatial planning and economic development throughout the region.
- 5.5.2. RPO 4.80 states 'Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements'.

5.6. Louth County Development Plan (LCDP) 2021-2027

- 5.6.1. The following is a brief summary of the relevant provisions of the Plan and the policy objectives and subsections cited in the reasons for refusal. These are expanded upon within the Planning Assessment, where relevant.

Rural housing

- 5.6.2. Section 3.17 (Housing in the Open Countryside) is relevant. The site is in an area designated Rural Policy Zone (RPZ) 2 on Map 3.2. RPZ 2 areas are areas under strong urban influence³. Subsection 3.17.4 (Rural Generated Housing Need) sets out the policy for rural housing in the open countryside. Table 3.5 sets out eight different local housing need qualifying criteria in RPZ 2. The applicant indicates that permission is being sought under Qualifying Criteria 4 i.e.

‘A person who is seeking to build their first house in the area and has a demonstrable economic or social requirement to live in that area. Social requirements will be someone who has resided in the rural area of Louth for at least 18 years prior to any application for planning permission. Any applicant under this category must demonstrate a rural housing need and shall not own or have sold a residential property in the County prior to making an application’.

- 5.6.3. A number of housing policy objectives are set out in subsection 3.17.7. Two of these are cited in the first reason for refusal. These are:

HOU 44 – To manage the development of rural housing in the open countryside by requiring that any new or replacement dwelling is appropriately designed and located so it integrates into the local landscape and does not negatively impact or erode the rural character of the area in which it would be located.

HOU 49 – To require applications for one off rural housing to comply with the standards and criteria set out in Section 13.9 of Chapter 13 Development Management Guidelines ‘Housing in the Open Countryside’ or Section 13.19.9 if the site is located within the Brú na Bóinne UNESCO World Heritage Site, the Tentative World Heritage Site of Monasterboice, or the Battle of the Boyne Sites.

- 5.6.4. Detail on the criteria and considerations for the siting and design of one-off rural houses are set out in Section 13.9 (Housing in the Open Countryside). A number of subsections are cited in the first reason for refusal i.e. 13.9.4 (Site Selection), 13.9.6 (Backland Development), 13.9.8 (House Design – New Build), and 13.9.9 (Design, Detailing and Material Finishes).

³ Subsection 3.17.3 of the LCDP 2021-2027 states that the the entire county is ‘under strong urban influence’. RPZ 1 areas are areas under strong urban influence and of significant landscape value.

Environment

- 5.6.5. The second reason for refusal states that the proposed development would be contrary to Policy Objective ENV 38. This is:

‘To retain and protect significant stands of existing trees/ hedgerows/woodlands, and seek increased planting of native trees, where appropriate, in new developments’.

Sightlines

- 5.6.6. The third reason for refusal states that the proposed development would contravene Sections 13.9.14 (Access), 13.16.17 (Entrances and Sightlines), and Table 13.13 (Minimum visibility standards for new entrances).

WWTS

- 5.6.7. The fourth reason for refusal states that the proposed development contravenes Policy Objective IU 18, which is:

‘To require that private wastewater treatment systems for individual houses where permitted, comply with the recommendations contained within the EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent ≤ 10 (2021)’.

5.7. Natural Heritage Designations

- 5.7.1. The nearest area of natural heritage designation is River Boyne and River Blackwater special area of conservation (SAC) approximately 2.5km to the southeast. This is also a proposed natural heritage area (pNHA; King William’s Glen pNHA). The closest special protection area (SPA) is River Boyne and River Blackwater SPA approximately 3.5km to the south. All distances are in a direct line.

6.0 Environmental Impact Assessment (EIA) Screening

- 6.1. The development has been subject to preliminary examination for EIA (refer to Appendices 1 and 2 of this Inspector’s Report (IR)). 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 development, therefore, does not trigger a requirement for EIA screening and an Environmental Impact Assessment Report (EIAR) is not required.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The first-party grounds of appeal can be summarised as follows:

- The applicant's background and link to the area is set out, as is a planning history.
- The grounds of appeal note, among other things, government policy in relation to modular housing, modern methods of house construction, and plans to relax planning regulations for one-off rural houses.
- The grounds of appeal focus on an interrogation of the LCC Planning Report. It provides observations and commentary on the content of the Report. Some of these (under the subheadings used in the grounds of appeal) are as follows:

Item 2. Site Location and Description

- The Report sets a negative tone from the outset in describing the modular home as being a pitched roof linear building of timber cladding finish with a visual appearance akin to a temporary cabin type structure.
- To address previous concerns it is proposed to cover the roof with slates and clad the external walls with render. The author of the grounds of appeal considers the modular home to be architecturally pleasing, sits well in the area, and is in harmony with the colouring of the surrounding landscape.
- The site is located to the rear of one house, not four houses.

Item 6. Overview of Development

- The Report fails to note that the leylandii hedge to be removed is a non-native species and it will be replaced behind the proposed sightline by a native species hedgerow.

Item 9. Internal Referrals

- Both the Major Capital Projects and Infrastructure Delivery and Environmental Compliance reports recommended further information be sought. These recommendations were not actioned by the Planning Section, denying the applicant the opportunity to address the matters raised and contributing to the decision to refuse permission.

Item 13. Layout and Design

- LCC do not consider this area as having a proliferation of one-off housing because permission for a house was granted across the road⁴. There is no reference to any issue relating to a high proliferation of houses in that report. The Commission is requested to review this element of the refusal and afford the applicant the same level of access to a grant of permission.
- Notwithstanding that the applicant meets the exemption criteria for backland development as set out in the LCDP 2021-2027, as acknowledged in the IR for ABP-314698-22, backland development is being used as a reason to refuse permission.

Item 16. Traffic and Transportation Considerations

- The commentary in the Report is not a true reflection of what is set out in the Major Capital Projects and Infrastructure Delivery report. It recommended further information. The applicant was denied the opportunity to address matters raised.

Item 17. Environmental Considerations

- The Environmental Compliance report recommended further information. This was not sought, denying the applicant the opportunity to address matters raised. The statement in the Report relating to fundamental concerns with the development is blatantly incorrect. Reference to not incurring further expense on the applicant is not a planning matter and is not a concern for the planner⁵.

⁴ In 2026, under P.A. Reg. Ref. 25/60568, the planning authority granted permission for a 1 ½ storey house, WWTS, and new vehicular entrance on a site opposite the applicant's grandfather's house.

⁵ I would note in this regard the provisions of Section 5.7 of the Development Management Guidelines (2007) which state 'Requests for further information under Article 33 on one aspect of a proposal should

Item 18. Other

- It is difficult to understand how the Report considers a leylandii hedge as having amenity value in preserving the remaining rural character of an area.

7.2. Planning Authority Response

7.2.1. The LCC response can be summarised as follows:

- While LCC accepts the applicant qualifies under Policy Objective HOU 43 of the LCDP 2021-2027⁶, there are further policy requirements to be met, which have not been addressed.
- Each application is assessed on a case-by-case basis and the planning authority does not consider that the grant of permission for 25/60568 addresses the reasons for refusal, reasons one and two in particular.
- Further information was recommended by two internal sections. The Planning Report stated that it would be unreasonable to seek further information and incur further expense on the applicant, given the fundamental concerns with the development that cannot be overcome.
- The Commission is requested to take the Planning Report into consideration and uphold the planning authority decision.

7.3. Observations

7.3.1. None received.

not be sought where there is a fundamental objection to the proposed development on other grounds; applicants should not have to suffer unnecessary delay or expense if a refusal is likely’.

⁶ Policy Objective HOU 43 – ‘To manage the development of rural housing in the open countryside by requiring applicants to demonstrate compliance with the Local Needs Qualifying Criteria relative to the Rural Policy Zone set out in Tables 3.4 and 3.5’.

8.0 Planning Assessment

Having examined the application and appeal details and all other documentation on file, and having inspected the site, I consider that the substantive issues in this appeal are as follows:

- Compliance with the Rural Housing Policy
- The Planning Authority's First Reason for Refusal
- The Planning Authority's Second Reason for Refusal
- The Planning Authority's Third Reason for Refusal
- The Planning Authority's Fourth Reason for Refusal

8.1. Compliance with the Rural Housing Policy

- 8.1.1. One of the main issues with a house in a rural area is whether the applicant does or does not comply with the planning authority's rural housing policy.
- 8.1.2. The site is in Rural Policy Zone (RPZ) 2 i.e. an area under strong urban influence. The applicant has indicated qualification under Qualifying Criteria 4 (demonstrable social or economic need), as set out in paragraph 5.6.2. The application was accompanied by a number of items of documentation such as a birth certificate, letters from a GAA club and national school, an insurance certificate, and a declaration that he has not owned or sold a property in the county.
- 8.1.3. The Planning Report accepted that the applicant qualified under the rural housing policy and this was not stated as a reason for refusal under either of the previous planning applications on site.
- 8.1.4. Having regard to the foregoing, I am satisfied that the applicant qualifies under the rural housing policy for RPZ 2.

8.2. The Planning Authority's First Reason for Refusal

- 8.2.1. The planning authority's first reason for refusal is set out in full in paragraph 3.1.1. The reason contains a number of separate but interconnected issues which I address as follows.

Backland development

- 8.2.2. The LCDP 2021-2027 provisions in relation to backland development are set out in Section 13.9.6. It states that development located to the rear of established buildings, along a private lane and which introduce a piecemeal form of backland development will not generally be favoured because, among other things, it results in a scattered arrangement of housing, is not respectful of the traditional settlement pattern, and creates a built-up appearance thereby eroding the rural character. The section does state that backland development will be considered where the applicant's site has been owned by the family for at least 15 years, the landholding is at least 1.5 hectares⁷, only one dwelling will be permitted per landowner, and any backland development should be accompanied by a deed of right of way to the proposed dwelling and must not have a negative impact on traffic safety.
- 8.2.3. The grounds of appeal (page 10) states that the applicant meets the exemption criteria under Section 13.9.6. While I agree, I note that the section states that backland development 'will only be *considered*' (italics added) where the criteria has been met. Therefore, meeting the criteria does not automatically exclude backland development from being an issue of concern.
- 8.2.4. Given that the previous decisions made by the Board under ABP-307600-20 and ABP-314698-22 (the latter being decided under the current LCDP 2021-2027) specifically cite the backland location of the site in the reasons for refusal I do not consider that there is any compelling reason or material change in circumstances under this current application to consider the backland development issue to be resolved, addressed, or overcome.

Siting / cumulative impact / overdevelopment

- 8.2.5. The reason for refusal cites Section 13.9.4 (Site Selection) of the LCDP 2021-2027 which states that, when identifying a site for a rural house, an appraisal should be carried out of its physical features, ecology, heritage, access, visibility, and the ability of the landscape to absorb additional one-off housing. It also states that if there is an existing proliferation of one-off houses, the local landscape may be at a point where

⁷ The letter of consent from the landowner (applicant's grandfather) refers to two folios. The folio relating to the subject site has an area of 21.09 hectares as per the government's publicly available landdirect.ie website.

any further development would completely erode the rural character of the area and areas of the county where the character of the countryside is under severe pressure or being extensively eroded will generally not be suitable for any further development of one-off housing.

- 8.2.6. The original planning application for a house, garage, and WWTS under ABP-307600-20 was refused by the Board for one reason which, among other things, stated that the proposed development would be out of character with the established pattern of development in the surrounding rural area, would result in an intrusive encroachment of physical development into the open rural landscape, and would militate against the preservation of the rural environment. These issues relate to site selection. Notwithstanding the refusal of permission the modular dwelling subject of this application, and of 22/582 / ABP-314698-22, was constructed on site.
- 8.2.7. The first part of the LCC reason for refusal is very similar to the first part of the Board's first reason for refusal under ABP-314698-22 which also stated that the development would be contrary to Section 13.9.4 of the Plan.
- 8.2.8. In relation to cumulative impact / overdevelopment, there are eight existing houses within an approximate 150 metres radius of the subject modular dwelling. In addition, LCC granted permission under 25/60568 on the opposite side of the local road which would bring the number of houses within approximately 150 metres to nine. I note the comments in the grounds of appeal that concern in relation to the number of houses was not mentioned in the Planning Reports for that planning application. However, specifically in relation to this application, the fact remains that the Board decided under ABP-314698-22 that the proposal would represent an overdevelopment of one-off dwellings in the rural area.
- 8.2.9. In relation to the general siting / cumulative impact / overdevelopment issue I consider that the subject development is effectively the same as that previously considered and refused permission by the Board, in part because of these issues. As with the backland development issue I do not consider that there is any compelling reason or material change in circumstances under this current application to consider these issues to be resolved, addressed, or overcome.

Road safety issues

- 8.2.10. This is addressed in Section 8.4 of this IR.

Dwelling design

- 8.2.11. The second part of the first reason for refusal relates to the dwelling design. The subject dwelling is a modular structure with horizontal timber cladding and a metal sheet roof. It is proposed to upgrade the structure with a slate roof and render to the external walls. However, the non-traditional rural house features would remain e.g. open entrance porch, metal flue, and modular form. Page 11 of the LCC Planning Report noted that no detail was provided with the application to verify that the proposed upgrades could be carried out. This has not been addressed in the grounds of appeal.
- 8.2.12. The refusal reason refers to Sections 13.9.8 (House Design – New Build) and 13.9.9 (Design, Detailing, and Material Finishes) of the LCDP 2021-2027 as well as Policy Objectives HOU 44 and HOU 49, which are set out in paragraph 5.6.3. Section 13.9.8 states, among other things, that the design, scale, and form of a dwelling shall be sensitive to the landscape and that local traditional house builds are examples of how best to integrate buildings into the landscape. Section 13.9.9 states that it is important that traditional form, detailing and material finishes are respected in new houses in the countryside with due regard given to, for example, form and proportions, respecting the character and appearance of the land, having a scale appropriate to its setting, and encouraging traditional roof form with a pitch of 30 to 40 degrees. Policy Objective HOU 44 requires dwellings to be appropriately designed and located so it integrates into the local landscape and does not negatively impact or erode the rural character of the area in which it would be located. Policy Objective HOU 49 requires applications for one-off dwellings to comply with the standards and criteria set out in Section 13.9.
- 8.2.13. I agree with the LCC reason for refusal that the subject modular dwelling, notwithstanding the proposed upgrades and assuming they can actually be carried out, would not comply with the provisions of the Plan in terms of appropriate rural housing. The features referred to above are not characteristic features of a traditional rural house and it would not, in my view, make a positive contribution to the local landscape. The Board decided under ABP-314698-22 that ‘the design of the dwelling is not considered to be reflective of a rural dwelling’. The application of render to the external walls and placing slates on the low roof pitch would not, in my opinion, overcome this issue. I do not consider the development to be in accordance with Plan requirements for one-off dwellings in terms of design.

Conclusion

8.2.14. Having regard to the foregoing, I consider that the planning authority's first reason for refusal is reasonable. The issues relating to backland development, siting, and cumulative development that were cited in the first reason for refusal under ABP-314698-22 remain applicable and in my opinion there is no compelling reason or material change in circumstances to consider these issues to be resolved, addressed, or overcome in this planning application. In terms of dwelling design, and notwithstanding the proposed alterations to the walls and roof, I do not consider that the structure can be considered to be consistent with traditional rural housing as per the provisions of the LCDP 2021-2027.

8.3. The Planning Authority's Second Reason for Refusal

- 8.3.1. The planning authority's second reason for refusal is set out in full in paragraph 3.1.1. Policy ENV 38 of the LCDP 2021-2027 states that it is a policy objective 'To retain and protect significant stands of existing trees/hedgerows/woodlands, and seek increased planting of native trees, where appropriate, in new developments'.
- 8.3.2. The hedgerow that it is necessary to remove to achieve the required sightline to the southwest comprises an approximately 40 metres length of a leylandii hedge along the roadside boundary of the applicant's family home. Leylandii is not a native species, as referenced in the grounds of appeal, and it is proposed to be replaced with a native species hedgerow behind the sightline. A letter of consent relating to this from the applicant's parents has been submitted with the application.
- 8.3.3. The reason for refusal states that the removal of the existing (leylandii) hedge would adversely impact the rural amenity and character of the area. I do not agree that this hedge offers such value to the rural character of the area that its removal would necessitate a reason for refusal. The replacement native species hedgerow would likely result in a net improvement in the rural amenity and character of the area and, in the interest of biodiversity, be more appropriate. I also do not consider that Policy Objective ENV 38 is applicable given that it specifically refers to significant stands of existing hedgerows, and this domestic non-native roadside hedge cannot, in my opinion, be considered as such.

- 8.3.4. Having regard to the foregoing, I do not consider that the planning authority's second reason for refusal is warranted.

8.4. The Planning Authority's Third Reason for Refusal

- 8.4.1. The planning authority's third reason for refusal is set out in full in paragraph 3.1.1. Section 13.9.14 (Access) of the LCDP 2021-2027 sets out factors to be taken into account when designing an access for a rural house e.g. the adequacy of the receiving road network and achievement of a safe access. I note that one of the factors states that 'Sites shall preferably be accessed off existing laneways where possible or by a shared entrance rather than providing a new access/creating a proliferation of accesses directly onto the public road'. In this application the subject vehicular access is being shared with the applicant's grandfather's house. Section 13.16.17 (Entrances and Sightlines) relates to design criteria. Table 13.13 sets out visibility standards. For a local road a sight distance of 75 metres is cited.
- 8.4.2. The Major Capital Projects and Infrastructure Delivery internal section report related to sightlines. It stated that, while the 75 metres have been indicated, 'the applicant has not shown how this visibility will be achieved, nor the extent of roadside clearance required to facilitate the new entrance. Existing roadside features appear to obstruct the required sight visibility of 3 m x 75 m, measured between 1.05 m and 0.6 m above road level, in both directions from the proposed entrance. The visibility line must extend to the road edge'. It is stated in the planning application that the removal of the hedge to the southwest would be carried out and a letter of support from the applicant's parents in relation to this was submitted. To the northeast the sightline traverses other third-party land i.e. the applicant's grandfather. It appears that some work has been carried out to the roadside boundary to improve the sightline in this direction. However, there is no guarantee that this boundary would not regrow and there is a telegraph pole alongside it. I note that the applicant's grandfather's property also has a second vehicular access to the northeast of the subject access so that house is not dependant on this access point.
- 8.4.3. The grounds of appeal state that an opportunity to address the further information issues recommended in the internal report was not afforded to the applicant. Page 13 states that the visibility issue is simply addressed with minimal costs. However, these

visibility issues were not addressed in the grounds of appeal and therefore the Commission does not have available to it the revised site plan with required information or the formal legal agreements relating to maintenance of sightlines (as provided for in Note 3 of Section 13.16.17) that are referenced in the internal report.

- 8.4.4. The local road (L-6308) is a narrow road and achievable speeds are therefore not high. Notwithstanding, it is a road where 75 metre sightlines are required. Although Table 13.13 refers to 'new entrances' and this is an existing entrance, it serves the subject dwelling which does not have the benefit of planning permission. As mentioned previously, the house with which it shares the entrance has the benefit of a second, separate vehicular access. Therefore I am satisfied that the standard for a new entrance should apply in this case. From the content of the application I consider that adequate sightlines can be achieved. However, the required documentation to confirm this, including on an ongoing basis into the future, as set out in the Major Capital Projects and Infrastructure Delivery Section report, has not been provided. Therefore, in the absence of this detail, I consider it appropriate that this issue be included as a reason for refusal.

8.5. The Planning Authority's Fourth Reason for Refusal

- 8.5.1. The planning authority's fourth reason for refusal is set out in full in paragraph 3.1.1. Policy Objective IU 18 of the LCDP 2021-2027 requires that WWTSs comply with the EPA CoP 2021.
- 8.5.2. Under the previous application on site, 22/582 / ABP-314698-22, the retention permission sought included a WWTS. The LCC Planning Report for that application stated that no site characterisation form setting out the type of treatment system installed or the test results obtained were submitted. No detail was submitted with the grounds of appeal. The Board's second reason for refusal related to this issue. From my site inspection a WWTS is in place in the general location of the proposed WWTS.
- 8.5.3. Under the current application the application form and public notices state that a new WWTS is to be provided. It is unclear why a new system is proposed rather than retention of the existing system. An internal report was prepared by the LCC Environment Section which recommended further information. As with the sightline issue referred to in Section 8.4 of this IR, page 13 of the grounds of appeal state that

the further information requested in relation to wastewater treatment is simply addressed with minimal costs. However, the further information requested by the Environment Section i.e. a site-specific cross section and clarification on the source of drinking water, has not been submitted with the grounds of appeal.

- 8.5.4. A Soil Characterisation and Site Suitability Assessment Report (SCSSAR) dated 12th February 2026 was submitted with the application. The water table was encountered at a depth of 1.4 metres in the 2.1 metres deep trial hole. Bedrock was not encountered. The top 300mm of the trial hole is described as brown silt/clay with a crumb soil structure with the depth between 300mm and 1.4 metres described as brown clay intermixed with stone with a blocky soil structure. Both P (surface) and T (subsurface) percolation tests were carried out with resulting values of 38.55 and 54.96 respectively. Photographs are included in the SCSSAR. There was no trial hole or percolation test holes excavated on site at the time of my site inspection. The garden area indicated as the location of the trial hole and percolation test holes was firm and dry at the time of the inspection.
- 8.5.5. The slope of the site is identified in the SCSSAR as being shallow, with a slope of between 1:5 and 1:20. Minimum separation distances are set out in Table 6.2 of the EPA CoP 2021. The SCSSAR states that all minimum separation distances are met. A 'Radius Drawing' (drawing no. TE25.609.100) states that there are no wells within 100 metres. However, as referenced in the Environment Section internal report, the SCSSAR (Section 1.0) states that the proposed water supply is from a private well/borehole. If this is the case then certain separation distances must be met. Therefore, there is seemingly contradictory information on file in this regard which has not been clarified in the grounds of appeal.
- 8.5.6. The minimum depth of unsaturated soil required as per the R2¹ groundwater protection response is 0.9 metres. As per the internal LCC Environment Section report there is another contradiction in the SCSSAR. The section on page 16 shows the groundwater level at 0.9 metres below existing ground level and the invert of distribution gravel at existing ground level. By contrast, the trial hole showed the water table at a depth of 1.4 metres and it was stated that the invert level would be at 0.3 metres below ground level. The planning authority concern in relation to this was noted within the grounds of appeal but no documentation was forwarded to the Commission to address this issue.

- 8.5.7. Although it is quite possible that these issues i.e. the source of water and the site-specific cross-section, can be adequately addressed, the required documentation to confirm this, as set out in the Environment Section report, has not been provided. Therefore, in the absence of this detail, I consider it appropriate that this issue be included as a reason for refusal.

9.0 Appropriate Assessment (AA) Screening

- 9.1. AA screening has been carried out in Appendix 3 to this IR.
- 9.2. In accordance with Section 177U of the Planning & Development Act, 2000 (as amended), and on the basis of the information considered in the AA screening, I conclude that the development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the River Boyne and River Blackwater SAC (site code 002299) or River Boyne and River Blackwater SPA (site code 004232), or any other European site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. AA is not required.
- 9.3. This determination is based on:
- The nature, scale, and location of the development.
 - The distance of the subject site from the nearest European sites and the absence of connectivity.
- 9.4. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

10.0 Water Framework Directive (WFD)

- 10.1. The provisions of Appendix 4 apply to this section.
- 10.2. The site is a domestic site in a rural area. There are no surface water bodies in the vicinity.
- 10.3. No water deterioration concerns were raised during the planning application process.

10.4. I have assessed the development and have considered the objectives as set out in Article 4 of the WFD which seek to protect and, where necessary, restore surface and 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, very limited scale, and location of the project, and notwithstanding the recommended refusal reason relating to the proposed WWTS, 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.

10.5. The reasons for this conclusion are as follows:

- the limited nature and scale of the proposed works,
- the absence of any surface water course in the vicinity,
- should permission be granted, a condition that could be attached requiring the development be carried out in accordance with the requirements of the EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) (2021), and,
- the standard condition that can be attached to any grant of permission that surface water shall comply with the requirements of the planning authority for such works and services with details to be submitted for written agreement.

10.6. On the basis of objective information, the development would 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. I recommend that planning permission be refused.

12.0 Reasons and Considerations

1. Having regard to the siting and backland nature of the development to be retained and upgraded, together with the cumulative impact of existing dwellings in the immediate vicinity, the development is considered to be contrary to the provisions of Sections 13.9.4 (Site Selection) and 13.9.6 (Backland Development) of the Louth County Development Plan 2021-2027 which state, among other things, that if there is an existing proliferation of one-off houses the local landscape may be at a point where any further development would completely erode the rural character of the area and development located to the rear of established buildings which introduce a piecemeal form of backland development will not generally be favoured. In addition, the design of the subject dwelling, notwithstanding the proposed upgrades, is not considered to be reflective of a traditional rural dwelling form and is not considered to be in accordance with the requirements of Sections 13.9.8 (House Design – New Build) and 13.9.9 (Design, Detailing and Material Finishes) of the Louth County Development Plan 2021-2027, and would also be contrary to Policy Objectives HOU 44 and HOU 49 of the Plan. Therefore, the development would be contrary to the proper planning and sustainable development of the area.
2. It has not been adequately demonstrated that the required minimum sightline visibility standards, as per Section 13.16.17 (Entrances and Sightlines) of the Louth County Development Plan 2021-2027, can be achieved. Therefore, the development, if permitted, would endanger public safety by reason of traffic hazard or obstruction of road users and would be contrary to the proper planning and sustainable development of the area.
3. It has not been adequately demonstrated that the development would comply with the EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) (2021). Therefore, the development would be contrary to Policy Objective IU 18 of the Louth County Development Plan 2021-2027, would be prejudicial to public health, and would 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Anthony Kelly

Senior Planning Inspector

20th July 2026

Appendix 1 – Environmental Impact Assessment (EIA) Pre-Screening

Case Reference	PL-501217-LH-26
Proposed Development Summary	Retention of dwelling and permission for upgrading roof covering and external walls, WWTS, and surface water drainage system
Development Address	Begrath, Monasterboice, Co. Louth
In all cases check box or leave blank	
1. Does the proposed development come within the definition of a ‘Project’ for the purposes of EIA? (For the purposes of the Directive, ‘Project’ means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources	☒ Yes, it is a ‘Project’. Proceed to Q.2.
	☐ No. No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning & Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning & Development Regulations, 2001 (as amended), OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

☐ No, the development is not of a Class specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No screening required.	N/A
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No screening Required	N/A
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required OR If Schedule 7A information submitted proceed to Q4.	Schedule 5 Part 2 Class 10 (b) (i) – Construction of more than 500 dwelling units. Schedule 5 Part 2 Class 11 (c) – Waste water treatment plants with a capacity greater than 10,000 population equivalent as defined in Article 2, point (6), of Directive 91/271/EEC not included in Part 1 of this Schedule.
4. Has Schedule 7A information been submitted AND is the development a Class of development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	N/A
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2 – Environmental Impact Assessment (EIA) Preliminary Examination

Case Reference	PL-501217-LH-26
Proposed Development Summary	Retention of dwelling and permission for upgrading roof covering and external walls, WWTS, and surface water drainage system
Development Address	Begrath, Monasterboice, Co. Louth
This preliminary examination should be read with, and in the light of, the rest of the IR 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 subject development is very modest in scale. It is a standalone development. No demolition works are involved. It does not require the use of substantial natural resources and would not give rise to significant risk of pollution or nuisance (notwithstanding the recommended reason for refusal relating to the proposed WWTS). By virtue of the type of development it does not pose a risk of major accident and/or disaster and it is not vulnerable to climate change. It presents no risks to human health. The site is in a rural area and is similar to other development in the vicinity. The WWTS has been considered in section 8.5 of this IR. It is to accommodate a single house and waste generation would be very limited.
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	The development is situated in a rural area on former agricultural land which is abundant in the area. The development is removed from sensitive natural habitats, centres of population, surface water features, protected structures, archaeological features, and designated

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).	sites and landscapes of identified significance in the LCDP 2021-2027.
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 modest nature of the development, its location removed from sensitive habitats/features, the extent of similar development in the vicinity, likely limited magnitude and spatial extent of effects, absence of in-combination effects, and being so significantly below the relevant thresholds, there is no potential for significant effects on the environmental factors listed in section 171A of the Planning & Development Act, 2000 (as amended).
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____

Date: _____

Appendix 3 – Appropriate Assessment (AA) Screening Determination

Screening for Appropriate Assessment (AA) Test for likely significant effects	
Case Reference Number: PL-501217-LH-26	
Step 1: Description of the project and local site characteristics	
Brief description of project	Retention of dwelling and permission for upgrading roof covering and external walls, WWTS, and surface water drainage system
Brief description of development site characteristics and potential impact mechanisms	The site contains a modular dwelling in a rural area. It is in a backland location to the rear of a single-storey house and there are a number of other houses in the vicinity. There is no surface water course on site or in the vicinity⁸. It is proposed to discharge surface water to a soakpit and wastewater to a new WWTS. There is already a Kingspan wastewater system on site. The source of drinking water is not clear. The Planning Application Form stated that there is an existing connection to the public mains whereas Section 1 of the Site Characterisation Form stated it is from a private well. The nearest European site is River Boyne and River Blackwater SAC approximately 2.5km to the southeast. The nearest SPA is River Boyne and River Blackwater SPA approximately 3.5km to the south. Both distances are in a direct line.
Screening report	No screening report was submitted with the application.

⁸ The government's publicly available catchments.ie website shows the nearest watercourse approximately 500 metres to the west.

	Section 11 (Appropriate Assessment) of the LCC Planning Report states that, subject to addressing the WWTS requirements, AA is not required.			
Natura Impact Statement (NIS)	No NIS was submitted with the application.			
Relevant submissions	None			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
In my opinion, given the nature of the subject site and the development, the absence of ditches/watercourses on site or in the immediate vicinity, and the location and nature of European sites in the area, the proposed development would not result in any likely significant effect on any European site. Notwithstanding, in the interest of completeness I have briefly considered the closest European sites in the following table.				
European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
River Boyne and River Blackwater SAC (002299)	Alkaline fens [7230] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] River lamprey [1099] Salmon [1106] Otter [1355]	Approximately 2.5km to the southeast	None	No. There is no source-pathway-receptor link between the site and the SAC.
River Boyne and River Blackwater	Kingfisher [A229]	Approximately 3.5km to the south	None	No. There is no source-pathway-receptor link

SPA (004232)				between the site and the SPA.
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites				
In my opinion, the development, which is limited in scale, would not have any potential direct or indirect impact on any European site. The nearest sites are a relatively significant distance away and there is no source-pathway-receptor link. Having regard to the provisions of the foregoing table I do not consider that the development could have any likely significant impact on any European site. As there is no likelihood of significant effects arising to European sites from the proposed development alone, I do not consider the proposed development could act in combination with any other plan or project to result in any significant effect.				
Step 4: Conclude if the development could result in likely significant effects on a European site				
I conclude that the development (alone) would not result in likely significant effects on the River Boyne and River Blackwater SAC or River Boyne and River Blackwater SPA, or any other European site. The development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.				
Screening Determination				
Finding of no likely significant effects				
In accordance with Section 177U of the Planning & Development Act, 2000 (as amended), and on the basis of the information considered in this AA screening, I conclude that the development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the River Boyne and River Blackwater SAC (site code 002299) or River Boyne and River Blackwater SPA (site code 004232), or any other European site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. AA is not required.				

This determination is based on:

- The nature, scale, and location of the development.
- The distance of the subject site from the nearest European sites and the absence of connectivity.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

Appendix 4 – Water Framework Directive (WFD)

WFD Impact Assessment Stage 1: Screening			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála Ref. No.	PL-501217-LH-26	Address	Begrath, Monasterboice, Co. Louth
Description of project	Retention of dwelling and permission for upgrading roof covering and external walls, WWTS, and surface water drainage system		
Brief site description relevant to WFD screening	The site is in a rural area and is a domestic site containing a modular dwelling and WWTS. The nearest watercourse is approximately 500 metres to the west. The subsoil is a till type.		
Proposed surface water details	Surface water is to discharge to a soakpit		
Proposed water supply source and available capacity	The water supply source is unclear. The SCSSAR states that it is a private well/borehole, whereas the Planning Application Form states it is an existing public mains.		
Proposed wastewater treatment system (WWTS) and available capacity	Proposed WWTS. This is addressed in Section 8.5 and it is included in the recommended reasons for refusal.		
Other issues	None		

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body		Distance	Water body name (code)	WFD status (2019-2024)	Risk of not achieving WFD status	Identified pressures on that waterbody	Pathway linkage to water feature
Groundwater waterbody		Underlying site	Wilkestown (IE_EA_G_010)	Poor	At risk	Agricultural	Drainage to 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	Potential for impact / what is the possible impact	Screening stage mitigation measure	Residual risk (Y/N)	Determination to proceed to Stage 2
1.	Groundwater waterbody	Wilkestown (IE_EA_G_010)	Dissipation through ground	Construction activity	Very limited works involved only relating to a WWTS and soakaway. No specific mitigation required.	No	Screened out. Proposed works are very limited in scale.

Operational Phase							
1.	Groundwater waterbody	Wilkestown (IE_EA_G_010)	Discharge to ground	Discharge from WWTS	The proposed WWTS has been assessed in sub-section 8.5 of this IR. There are concerns with the detail provided with the application and a refusal of permission is recommended in this regard.	No	Screened out. Notwithstanding the recommended refusal reason the proposed development is of such limited scale that it would not have any significant WFD implications in my opinion.
Decommissioning Phase							
N/A							