An Coimisiún Pleanála

Inspector's Report

PL-501275-MO-26

Development	Construction of a change of dwelling house type from that granted in planning reference number P21/1015 and associated site works.
Location	Rooghaun, Ballyglass, Claremorris, Co. Mayo.
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	2645
Applicant(s)	Emer Reilly
Type of Application	Permission
Planning Authority Decision	Grant Permission (4 no. conditions)
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Emer Reilly
Inspector	Conor McGrath

1.0 Introduction

1.1. This report relates to a first party appeal under s.48(10) of the 2000 Act, as amended, against condition no. 4 of the planning authority decision to grant permission for the proposed development.

2.0 Site Location and Description

2.1. The appeal site is located in a rural area at Rooghaun, Ballyglass, approx. 500m south of Carnacon, c.14.5km west of Claremorris and c.11km north of Ballinrobe. The site (0.37ha) comprises part of a larger agricultural field within the same family ownership, with levels rising to the west, away from the public road. There is one detached rural dwelling to the north of the site, while surrounding lands are otherwise in agricultural use. The roadside boundary comprises a low stone wall and grass verge, with semi-mature trees to the rear.

3.0 Proposed Development

3.1. The proposed development comprises a change to the design of a dwelling previously permitted by the planning authority under PA ref. P21/1015. The dwelling is to be served by a group water scheme connection and a proposed on-site wastewater treatment system.

3.2. The proposed dwelling comprises a single-storey L-shaped, gable-fronted bungalow with a stated floor area of 173.4-sq.m. The house is set back approx. 42m from the roadside boundary wall and the floor level is shown as 2.9m over ground levels on the adjoining public road.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission for the proposed development subject to 4 no. conditions, including:

No. 2 This grant of permission shall expire on the expiry date of P21/1015, which will be 22nd June 2027, unless before that date the house has been erected.

No. 3 All other conditions attached to grant of permission P21/1015 shall continue to apply except condition no. 4 hereunder which replaces condition no. 15 of grant of permission P21/1015.

No. 4 The following contributions shall be paid to Mayo Co. Co. prior to commencement of development. The development contributions may increase in accordance with the Wholesale Price Index for Building and Construction in January of each year from the date of grant of permission up to the date that payment is made to Mayo County Council.

€3,460

Reason: To comply with Mayo County Council's Development Contribution Scheme 2023.

4.2. **Planning Authority Reports**

4.2.1. Planning Reports

EIA and Habitats Directive Assessment were previously determined under P22/895.

It is now proposed to construct a similar but smaller dwelling house, the design of which does not give rise to any concerns for the planning authority. The garage size matches that previously permitted.

Contributions under P22/895 were not paid to the planning authority. Development contributions in accordance with the 2023 Development Contributions – 173-sq.m. x €20 = €3,460.

[**Note**: reference above to PA ref. P22/895 appears to be an error. That case appears to relate to an application by Ian Durkan and Mary Nolan at Carrowmore, Manulla, Castlebar, Co. Mayo].

4.2.2. **Other Technical Reports**

Environment, Climate Change and Agriculture: This site is located in flood zone C. No further flood assessment required.

Area Engineer: No objection. All surface water to be collected on site and not allowed to discharge onto the public road.

4.3. **Prescribed Bodies**

None on file.

5.0 Planning History

PA ref. 21/1015: Permission granted in 2022 for construction of a dwelling house, domestic garage, effluent treatment unit and percolation area and associated site works. Condition no. 15 required the payment of a development contribution of €357 for amenities. The stated reason was to comply with Mayo County Council's Development Contribution Scheme. This application was accompanied by an AA Screening Report.

6.0 Policy Context

6.1. **Mayo County Development Plan 2022 - 2028**

2.3 Strategic Aims

Housing - To facilitate the sustainable growth of all rural areas, towns, villages and countryside throughout the county by seeking to accommodate, as far as possible, all persons in their choices to live in our rural areas, towns and villages ……

Section 3.4.8 addresses Single Rural Housing. The subject area is identified as:

Category 2 - Remaining Rural Areas: All other rural areas outside of the identified pressure areas under strong urban influence, wherein it is appropriate to encourage rural housing in accordance with the principles of proper planning and sustainable development.

Volume 4 includes Supporting Documents including Landscape Appraisal for County Mayo and the Mayo Rural Housing Design Guidelines 2008

6.2. **Mayo Development Contribution Scheme** (adopted 30th of June 2023)

2.0 Duration of Scheme

This scheme shall apply from the date of its adoption by the members and will apply for a minimum period of six years.

9.0 Level of Contributions

Table 1 – Level of Contribution for residential development incl).

Class	Description	Rate
1	Residential Unit	€3000 or €20/m2 whichever is the greater

10.0 Floor Space, Footprint Area & Site Area

The floor space area of proposed development shall be calculated as the gross floor space area.

10.5 Amendments to Previously Permitted Developments

In the case of planning permissions for amendments to developments permitted prior to the adoption of this scheme, development contributions will be levied on the current charges set out in Appendix 1 where the development has not been commenced.

In all other cases, the development contribution charges previously applied to the previous permission will still be payable subject to indexation set out in Section 13 below. Where additional floor space / foot print has been created in the amended proposal, or where there is a demand for new, upgraded or additional infrastructure or services, additional development contributions will be levied in respect of the gross additional development in addition to that levied upon the original development in accordance with the charges set out in Appendix 1.

Applications for permission for modification/revision to a permitted development including a change of building design or amendment to a site layout will be treated as an independent permission for development for the purposes of calculating development contributions and will be assessed on the floor area, foot print or site area of the full proposal on the date of issue of the decision to grant permission with a deduction/substitution for any contributions paid on any previously permitted development.

Section 10.7 identifies reductions and exemptions from contributions payable.

6.3. Relevant National or Regional Policy / Ministerial Guidelines

6.3.1. Development Contributions: Guidelines for Planning Authorities DECLG (2013)

These Guidelines provide non-statutory guidance on the drawing up of development contribution schemes. One of the outputs of the guidance should be a greater level of consistency in development contribution schemes on a national basis

6.3.2. Sustainable Rural Housing Guidelines (2005)

Chapter 3 (Housing) sets out the rural housing policies and objectives for County Mayo. These policies and objectives incorporate the recommendations of the guidelines

6.4. Natural Heritage Designations

Towerhill House SAC - (Lesser Horseshoe Bat) – c.750m southeast of the site.

Lough Carra/Mask Complex SAC / pNHA and Lough Carra SPA – c/1.8km west of the site.

7.0 EIA Screening

7.1. This case relates to a first party appeal against a financial contribution condition attaching to the planning authority decision to grant permission. Having regard to the nature of the appeal and the provisions of s.48(10)(c), I conclude that the appeal does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of this report.

8.0 The Appeal

8.1. Grounds of Appeal

The first party make the following points in their appeal against condition no. 4 of the planning authority decision to grant permission:

- The original contribution payable under ref. P22/895 was €350 (sic).
- An application for a change of house design has resulted in an increased fee of €3,460.
- This is unfair. All other original conditions remain the same, except that of the house design which is smaller.
- Both sewerage and water connections will be provided privately.
- The site is in a rural location, adjoining their birthplace, and no council facilities will be availed of.
- The costs involved in new build are substantial and they are willing to pay the original contribution.

[**Note**: As noted above, reference to PA ref. P22/895 here appears to be an error. This is understood to refer to P21/1015].

8.2. **Planning Authority Response**

No response to the first party appeal was received from the planning authority. A s.132 request subsequently issued to the planning authority, however, no further response was received thereto.

9.0 Assessment

9.1. This is a first party appeal under S.48(10) against a development contribution condition (no. 4) attaching to the planning authority decision to grant permission. There has been no other third-party appeal against the decision. In this regard and in accordance with s.48(10)(c), this report confines its consideration to whether the terms of the development contribution scheme were properly applied by the planning authority and will not consider the merits or otherwise of the proposed development or of the adopted development contribution scheme itself.

9.2. Permission was granted under P21/1015, subject to a contribution of €375 in accordance with the terms of the development contribution then in force. The current development contribution scheme was adopted in June 2023. Section 10.5 thereof contains specific provision for amendments to developments previously permitted, prior to the adoption of the current scheme. This provides:

- where the permitted development has not been commenced, development contributions will be levied on the current (2023) charges.
- Applications relating to a modification / revision to a permitted development including a change of building design or amendment to a site layout will be treated as an independent permission for the purposes of calculating development contributions.
- They will be assessed on the floor area, foot print or site area of the full proposal on the date of issue of the decision to grant permission with a deduction/substitution for any contributions paid on any previously permitted development.

9.3. Development on the site has not commenced and the planning authority have stated that no contributions were paid in respect thereof. In accordance with the terms of the current development contribution scheme above, this amending application is to be regarded as an independent / stand alone permission subject to the charges under the now current development contribution scheme. This would equate to the following:

Floor area of 173-sq.m. x €20 = €3,460.

9.4. The scheme does provide for a reduction for any contributions previously paid, however, such a reduction does not arise in this instance.

9.5. Correspondence on the file indicates that the design changes results in a reduction from the previously permitted floor area of the dwelling, however, this reduction is not quantified or otherwise evident from the documentation. Notwithstanding, the terms of the scheme does not take account of any such reduction. While the arguments of the applicant are noted, the terms of the scheme have been applied as written and there is no discretion for the Commission to alter those terms. It is recommended therefore that the planning authority be directed to attach condition no. 4, with no amendment to the contribution payable thereunder.

10.0 **AA Screening**

10.1. I note the screening determination of the planning authority in this case, and under PA ref. P21/1015, and the finding of no significant effect in respect thereof.

10.2. This first party appeal has been made under the provisions of section 48(10)(b) of the Planning and Development Act, 2000, as amended. In this regard, the Commission shall therefore determine only the matters relating solely to a condition dealing with a development contribution. As such, the requirements S177U of the Planning and Development Act 2000, as amended, do not apply.

11.0 **Water Framework Directive**

11.1. The appeal has been made under the provisions of section 48(10)(b) of the Planning and Development Act, 2000, as amended. The Commission shall therefore determine only the matters relating solely to a condition dealing with a development contribution. As such, the requirements under the Water Framework Directive do not apply in this instance.

12.0 **Recommendation**

12.1. I recommend that the PA be directed to attach condition no. 4 as per the Notification of decision.

13.0 **Reasons and Considerations**

The Mayo County Development Contribution Scheme was adopted 30th of June 2023. Section 10.5 of the scheme provides that in the case of planning permission for amendments to developments permitted prior to the adoption of that scheme, where the development has not been commenced, contributions will be levied on the basis of the charges set out therein. It further states that applications for permission for modification/revision to a permitted development including a change of building design, will be treated as an independent permission for development for the purposes of calculating development contributions with a deduction/substitution for any contributions paid on any previously permitted development.

The consideration by the Commission of this appeal under s.48(10) of the 2000 Act, as amended, is confined solely to whether the terms of the scheme have been properly applied by the planning authority. The proposed development relates to a change of dwelling house type from that granted in planning reference number P21/1015, and associated site works. Notwithstanding condition no. 15 of ref. P21/1015 which required the payment of a development contribution toward amenities, the terms of the 2023 Development Contribution Scheme as outlined above, remain applicable in this case. There is no other reduction or exemption under section 10.7 of the Development contribution scheme which would apply to this development.

It is concluded that the planning authority have properly applied the terms of the adopted Development Contribution Scheme, and the planning authority are therefore directed to attach condition no. 4 as set out in the Notification of Decision to grant Permission dated 21/04/2026.

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.

Conor McGrath ADP

29/06/2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501275-MO-26
Proposed Development Summary	Development Construction of a change of dwelling house type from that granted in planning reference number P21/1015 and associated site works.
Development Address	Rooghaun, Ballyglass, Claremorris, Co. Mayo.
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?	☐ Yes, it is a 'Project'. Proceed to Q.2. ☒ No, No further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	

☐ Yes, it is a Class specified **in Part 1.** **EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.**	**State the Class here**
☐ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ 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.**	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	**State the Class and state the relevant threshold**
☐ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)** **OR**	**State the Class and state the relevant threshold**

If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
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 ☐	**Screening Determination required (Complete Form 3)**
No ☒	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: _____Conor McGrath________ Date: ______29/06/2026_______