



An
Coimisiún
Pleanála

Inspector's Report PL-501305-LK-26

Development	Construction of extension and installation of wastewater treatment system together with all associated site works.
Location	'Abhaile' Laught , Lisnagry , Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2561004
Applicant(s)	Matthias Allen & Anne Ryan
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Joe Ryan
Observer(s)	None
Date of Site Inspection	16 th July 2026
Inspector	Bernadette Quinn

1.0 Site Location and Description

- 1.1. The appeal site, with a stated area of 0.340ha, is located on the eastern side of a local road at Laught, Lisnagry, approximately 12km east of Limerick City. There is an existing single storey detached residential structure with a stated floor area of 60 sq.m and a number of agricultural outbuildings on the site. There are also partially demolished walls adjoining the existing residential structure on the site. There are two vehicular entrances from the public road serving the property.
- 1.2. There are detached dwellings to the north, south and east of the site and agricultural lands on the opposite side of the road.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a two storey extension measuring 179 sq.m. and installation of wastewater treatment system together with all associated site works

3.0 Planning Authority Decision

3.1. Decision

On 23rd April 2026 Limerick City and County Council (LCCC) issued notification of the decision to grant permission subject to 9 conditions.

3.1.1. Conditions

Condition 8: One vehicular entrance to the property from the L5007 shall be 'closed up'. Applicant to submit evidence of same prior to occupation of the dwelling.
Reason- In the interest of traffic safety.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report dated 21st November 2025 can be summarised as follows:

- It appears the original (two-storey traditional farmhouse) has been demolished without the benefit of planning permission and the existing single storey structure remaining on the site appears to have been constructed as an extension to the demolished two-storey farmhouse and does not have the benefit of planning permission.
- Objective HO O22 of the Development Plan 2022 – 2028 states it is an objective of the Council to seek the retention and sympathetic refurbishment, with adaptation, if necessary, of traditional dwellings in the countryside in sympathy with the character of the existing building. This will be encouraged in preference to their replacement.
- Drawings of the former two-storey building on the site and any supporting information regarding the reasons for the demolition (including any structural engineers report) are required.
- Documentary evidence of the date of construction of the extension to the former two-storey farmhouse is required.
- It is unclear if the proposed development is for an extension to the side of an existing dwellinghouse or a new dwelling house and therefore the applicant shall provide information to demonstrate compliance with the requirements of Objective HO O20, rural housing need in an area under strong urban influence.
- There are concerns regarding the scale and height of the proposed development, a revised design is required which is in keeping with the rural character of the area.
- Environment Department have raised no objection to the proposed wastewater treatment system.
- The proposed development will not result in a negative impact on any protected monument or NIAH site.

Following a request for further information the Planning Officers report can be summarised as follows:

- Historic photographs of the former property prior to demolition are noted. No drawings exist for this demolished section of the dwelling.
- A Demolition Order (ref DGS-14-24) was issued by Limerick City & County Council requesting demolition of the demolished section of the dwelling. On this basis, the demolition is accepted and justified.
- Reference numbers for planning applications relating to the extension have not been submitted.
- There remains a lack of clarity with regard to the status of the remaining structure, however, it is not considered that its status is material and it is considered that the proposal remains an extension to an existing dwelling.
- It is considered that the proposed development is more akin to an extension or a replacement house and there is no necessity for the applicant to demonstrate rural housing need or compliance with the requirements of Objective H0 020.
- Based on the previous building on site, it is considered that the proposals are acceptable from a design perspective. The height at 7.6m is generally typical of a traditional two-storey farmhouse and the proposal can be successfully accommodated within the plot and the proportions are overall acceptable. The location is not exposed and the adjacent house is also a two-storey dwelling.
- A grant of permission is recommended.

3.2.2. Other Technical Reports

Environment: No objection subject to conditions.

3.3. Prescribed Bodies

None on file

3.4. Third Party Observations

Two submissions received, the issues raised are similar to those raised in the third party appeal.

4.0 Planning History

There is no recent relevant planning history relating to the site.

5.0 Policy Context

5.1. Limerick Development Plan 2022-2028

The following sections are considered relevant:

Objective HO O20 relates to residential development in Rural Areas under Strong Urban Influence.

HO O4 relates to Re-use of Existing Buildings.

Objective HO O22 relates to Refurbishment/Replacement of Traditional Rural Dwellings.

Section 8.5.4 and Objective IN O11 relate to Private Waste Water Treatment Systems.

Section 11.4.4.1.2 relates to Rear/Side Extensions.

5.2. Natural Heritage Designations

The Lower River Shannon SAC (Site Code: 002165) is located approximately 0.8km east of the site.

6.0 EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended.

7.0 The Appeal

7.1. Grounds of Appeal

One no. third party appeal has been received from Joe Ryan. The grounds of appeal can be summarised as follows:

- The extension was built in 1994 over the footprint of the old shop and other outbuildings. The extension, measuring 60 sq.m., is above the exempted development threshold and no permission was granted for it.
- The old 1900's house was required to be demolished by LCCC.
- The area of the house remaining on site does not have permission. It is not possible to grant permission to extend an unauthorised structure and it is not appropriate to rely on an unauthorised development to justify the proposed dwelling.
- The residential extension which remains on site was constructed in 1994 and not in the 1960's. The photographs submitted by the applicant in response to the FI request are from the mid to late 1980s and have no validity in terms of establishing existence of an extension prior to coming into force of the planning acts.
- Retention permission should be sought for the extension prior to seeking permission for a new extension. Without doing this any development on the site will be unauthorised.
- There are inaccuracies in the further information submitted including in relation to evidence in photographs and claims relating to the extent of works that were carried out to the extension.
- The content of the demolition order cannot be relied upon to confirm that permission exists for the extension.
- Only a tiny portion of the old shop and outbuildings was retained and drawings are attached to the appeal in this regard. Claims that the only change to this structure was the addition of a pitched roof over the single storey section are untrue. Photographs are attached to support the appellants

case that the extension was constructed in 1994 and a drawing of the extension is also attached.

- The proposal relates to a new rural house and the applicants are required to demonstrate a housing need as per objective HO O20.
- The current planning permission relates to a discontinued use with no valid permission for a dwelling houses.
- The design fails to integrate with surrounding houses or outbuildings.
- There are concerns in relation to the proximity of the proposed percolation area to existing and proposed percolation areas in a location of a highly vulnerable aquifer.
- There are two wells in proximity to the percolation area.
- The existing septic tank location has not been shown.
- No proposals for surface water disposal to the rear are provided and surface drains and gullies are not shown on the site layout plan.
- The site layout plan is unclear regarding buildings to be retained and part of the site is within the appellant's property.
- It is proposed to demolish a cairn or mound at the property and this is not indicated on the site survey as required by the regulations.
- There are concerns in relation to potential impact on the appellants boundary hedge.
- If permission is granted a condition should be attached requiring natural slates be provided.
- There are inaccuracies on drawings relating to level differences and proposed floor area.
- The planning authority failed to address all issues in the further information request.
- A history of building works on the site is outlined.

7.2. Applicant Response

A response received from the applicant can be summarised as follows:

- The proposal has the support of family members and neighbours and letters are attached in this regard.
- The existing extension previously operated as a shop before becoming integrated into the dwelling in the mid 1960's. Works undertaken in the 1990's primarily consisted of refurbishment works, roof replacement and modest alterations and extensions. Any increase in floor area with later works remained below the exempted development thresholds.
- The appellants assertion that the entirety of the structure was demolished in 1994 is not correct, the original structure remained substantially intact and continued to function as part of the existing dwelling.
- The original dwelling and structures present are authorised and existed prior to 1963.
- There is no enforcement action relating to the site. responsibility for enforcement rests with the planning authority and there is no evidence before the commission demonstrating the structure constituted unauthorised development.
- The proposal to reconstruct and extend a long established dwelling complies with Objectives HO O4 and HO O22 and there is no requirement to comply with the rural housing policy.
- The proposed design reflects that of the previous dwelling on the site and the PA raised no concerns in this regard.
- The proposal includes upgrade of the existing waste water treatment arrangements on site and accords with Development Plan Objective INO11 and no concerns were raised by the PA Environment Section.
- Concerns raised regarding water quality are not supported by any technical evidence.
- The dwelling has not been abandoned or unused and is occupied and evidence in this regard is attached.

7.3. Planning Authority Response

No response received

8.0 Assessment

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

- Principle of Development
- Design
- Wastewater Treatment
- Other Issues

8.2. Principle of Development

- 8.2.1. The appellant raises concerns regarding the validity of the PA's decision to grant permission. It is stated by the appellant that the extension was constructed in 1994, it is not exempted development, that no application for permission was made for the extension and that it is not possible to grant permission to extend an unauthorised structure or rely on an unauthorised development to justify the proposed dwelling. The appellant argues that the applicant's contention that the extension does not require planning permission is incorrect and submits photographs and a drawing to support the case made that the extension was constructed in 1994.
- 8.2.2. In response to the appeal the applicant outlines that the existing extension previously operated as a shop before becoming integrated into the dwelling in the mid 1960's and that works undertaken in the 1990's primarily consisted of refurbishment works, roof replacement and modest alterations and extensions, and that any increase in floor area with later works remained below the exempted development thresholds.

- 8.2.3. The PA requested further information in relation to details of planning permission for the extension. Following receipt of further information, the planning officers report notes that there remains a lack of clarity with regard to the status of the remaining structure and noted that it is not considered that its status is material and that the proposal remains an extension to an existing dwelling.
- 8.2.4. I note that a two storey house existed on the site until it was demolished in 2024 following the issuing of a demolition order by LCCC and the details of this are included on the file. The remaining structure on the site is a single storey residential structure which formed an extension to the demolished two storey dwelling.
- 8.2.5. I note the case put forward by the appellant and the response by the applicant in relation to the planning status of this structure. I also note that the PA, whilst indicting a lack of clarity with regard to the status of this structure, was satisfied that the proposed development relates to an extension to a dwelling and considered it appropriate to grant permission.
- 8.2.6. I note that there is no planning history relating to the site and I am not aware of any enforcement relating to unauthorised development on the site and the PA did not raise concerns in this regard or outline any details of enforcement. Furthermore, the applicant in their response to the appeal states that there has been no enforcement action relating to the site. I also note that the existence of a dwelling on the site is not disputed by any party to the appeal.
- 8.2.7. Whilst I note the grounds by the appellant, I see no evidence to suggest that the extension is unauthorised and I do not therefore agree with the appellants case that retention permission is required for the extension prior to seeking permission for a new extension or that the proposed development, if permitted, would be unauthorised
- 8.2.8. The appellant also argues that the proposal relates to a new rural house and the applicants are required to demonstrate a housing need as per objective HO O20 of the Development Plan.
- 8.2.9. In relation to housing need, I agree with the PA assessment that the proposal can be considered an extension or a replacement house and there is no necessity for the applicant to demonstrate rural housing need in compliance with the requirements of Objective HO O20.

- 8.2.10. In relation to the requirement under Objective HO O22 which seeks the retention and sympathetic refurbishment in preference to replacement, having regard to the circumstances surrounding the demolition which was carried out following a demolition order, I am satisfied that the applicant is not required to submit a justification for demolition rather than refurbishment.
- 8.2.11. Having regard to the above I am satisfied that the development is acceptable in principle.

8.3. **Design**

- 8.3.1. The proposed development comprises a two-storey structure with an eaves height of 5.1m which is in line with the ridge of the existing single storey extension, a ridge height of 7.6m and an overall floor area of 179 sq.m. I note that the pattern of development in the vicinity of the appeal site comprises a mix of dwelling designs and I note that the proposal replaces a previously existing two storey dwelling of similar scale. I also note that the site is not located within a sensitive landscape nor does it contain a protected structure or other designation relating to built heritage. I consider the scale and design of the proposed development is acceptable and will not give rise to unacceptable visual impacts on the area.
- 8.3.2. In relation to the appellants request that natural slates should be required, I note that there are a variety of roof finishes in the area and I am satisfied that that the proposal to provide a roof finishes matching the existing is appropriate.
- 8.3.3. Having regard to the foregoing I am satisfied that the design is acceptable.

8.4. **Wastewater Treatment**

- 8.4.1. The appellant raises concerns in relation to the proximity of the proposed percolation area to existing and proposed percolation areas located in an area designated a highly vulnerable aquifer. Concerns are also raised in relation to two wells in proximity to the percolation area and that the existing septic tank location has not been shown.
- 8.4.2. In assessing the proposal the PA Environment report states no objection to the proposed development.

- 8.4.3. A Site Characterisation Report has been submitted which outlines the site is located in an area where there is a Regionally Important Aquifer with high groundwater vulnerability and a groundwater protection response (GWPR) of R21. I note that the trial hole was dug to a depth of 2.8m, the depth from ground surface to water table is 2.5m and no rock was present. The Site Characterisation Report indicates that 1.95m of unsaturated soil is available which is in excess of the minimum of 0.9m for a GWPR R21 as identified in table 6.3 of the EPA Code of Practice for Domestic Waste Water Treatment Systems. The results indicate that the site is suitable for treatment of wastewater with the proposed Tertiary Treatment System and Infiltration /treatment area. I note the location of the existing septic tank is shown on the site layout plan and that this is proposed to be decommissioned and that the proposed percolation area is in excess of 10m from identified neighbouring percolation areas.
- 8.4.4. In relation to concerns regarding the presence of wells on site, I note that no wells are indicated on the site layout plan and on inspection of the site I did not observe wells on site. The planning application indicates that water supply will be from an existing connection to the public mains. In the event that the Commission decides to grant permission I recommend the inclusion of a condition requiring the applicant to comply with the standards set out in the EPA Code of Practice - Domestic Waste Water Treatment Systems. I also recommend the inclusion of a condition relating to the decommissioning of the existing septic tank.

8.5. Other Issues

- 8.5.1. Concerns are raised that no proposals for surface water disposal to the rear are provided and surface drains and gullies are not shown on the site layout plan. I note that a soakpit to BRE 365 is indicated on the site layout plan and that the PA did not raise concerns in relation to surface water disposal or in relation to the information shown on drawings. If the Commission decides to grant permission I consider the disposal of surface water can be addressed by a condition.
- 8.5.2. Concerns are raised that the site layout plan is unclear regarding buildings to be retained and that part of the site is within the appellant's property. In this regard I note that the applicant has not sought permission for demolition of outbuildings and

the site layout plan indicates no change proposed to existing outbuildings. I am satisfied that the proposal is acceptable in this regard.

- 8.5.3. In relation to concerns that the appeal site is partially within the appellants property and in relation to potential impact on the appellants boundary hedge, I note for the Commission that matters relating to land ownership and damage to property are not relevant in the consideration of the appeal.
- 8.5.4. In relation to the site entrance, the appellant raises a concern that sightlines indicated on the site layout plan traverse the appellants property and that no agreement has been made with the applicant in this regard. I note that the appeal site is currently served by two existing vehicular access points and a condition attached by the PA requires omission of one vehicular entrance. The applicant proposes to set back an existing wall and hedge fronting the site and I note that the neighbouring boundary wall to the south is setback from the road edge such that the sightlines indicated to not require works outside of the appeal site. I also note that the established use on the site is residential and this is not proposed to be intensified. I am satisfied that the vehicular access is acceptable.
- 8.5.5. The appellant outlines that it is proposed to demolish a cairn or mound at the property and this is not indicated on the site survey as required by the regulations. I note that the Development Plan does not include any protected structures on the appeal site and there are no structures included in the Record of Monuments and Places or the National Inventory of Architectural Heritage at this location. I am therefore satisfied that this matter is not relevant to the assessment of the appeal.
- 8.5.6. The appellant argues that the residential use on the site has discontinued. Having inspected the site and noting the documents submitted with the response to the appeal I do not consider the residential use has been discontinued.
- 8.5.7. In relation to concerns regarding inaccuracies on drawings and failure to indicate features on the site survey as required by regulations, I consider the matter of compliance with regulations is a matter for the planning authority and I am satisfied that the drawings are adequate for the purpose of the assessment of this appeal.
- 8.5.8. In relation to concerns that the planning authority failed to address all issues in the further information request, I have assessed the proposal before me and I am satisfied that all issues raised in the appeal have been addressed.

9.0 AA Screening

9.1. Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive

9.2. I have considered the project in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The subject site is located approximately 0.8km from the Lower River Shannon SAC (Site Code: 002165). Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European site. The reason for this conclusion is as follows:

- The scale and nature of the proposed development.
- Having regard to the absence of any hydrological connection to any European site.
- To the distance from the nearest European sites regarding any other potential ecological pathways and intervening lands.
- To the screening determination of the PA.

9.3. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore AA, under Section 177V of the Act, is not required.

10.0 Water Framework Directive

10.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body

status, as required under the Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

11.1. I recommend that planning permission should be granted, subject to conditions.

12.0 Reasons and Considerations

Having regard to the design, nature and scale of the proposed development, to the established residential use of the site and the existing pattern of development in the area, and to the provisions of the Limerick Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the visual and residential amenities of the area or of property in the vicinity and would be acceptable with regard to design and wastewater treatment. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

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

Reason: In the interests of clarity.

2. Prior to first occupation of the proposed development, the existing septic tank on the site serving the existing dwelling, shall be decommissioned. A report, including photographs shall be submitted for the written agreement of the Planning Authority within one month of completion of works.

Reason: In the interest of orderly development, public health and elimination of a public nuisance.

3. One vehicular entrance to the property from the L5007 shall be closed up. The applicant shall submit evidence of same prior to occupation of the dwelling.

Reason- In the interest of traffic safety.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

6. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

7. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 02nd October 2025 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) ” – Environmental Protection Agency, 2021.
- (b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.
- (c) Within three months of the installation of the wastewater treatment system, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in 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 Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Note: in accordance with s.34(13) of the Planning and Development Act 2000 as amended, a person shall not be entitled solely by reason of a permission under this section to carry out any development

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.”

Bernadette Quinn
Planning Inspector

19th August 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501305-LK-26
Proposed Development Summary	Construction of extension and installation of wastewater treatment system together with all associated site works
Development Address	'Abhaile' Laught , Lisnagry , Co. Limerick
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	State the Class here

be requested. Discuss with ADP.	
☒ 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	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR 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 ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____