



An
Coimisiún
Pleanála

Inspector's Report PL-501775-SO-26

Development	Retention of change of use from domestic garage to independent residential unit and associated site works.
Location	Ladys Well, Scardenmore, Strandhill, Co. Sligo
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	2660177
Applicant(s)	Roy Kilfeather
Type of Application	Retention
Planning Authority Decision	Refuse Retention
Type of Appeal	First Party Normal Planning Appeal
Appellant	Roy Kilfeather
Observer	None
Date of Site Inspection	10 th September 2026
Inspector	John Duffy

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1.0 Site Location and Description

- 1.1. The site, with an overall stated area of c.0.310ha and which has an inverted triangular configuration, is located in the Townland of Scardan More, on the northern side of a local road (L-7503-0), which runs adjacent to the R292. The site is situated approximately 3.5kms east of Strandhill and immediately west of the carriageway from the R292 that leads to Coney Island Causeway, and which is part of the Wild Atlantic Way in Co. Sligo.
- 1.2. The overall site, which is relatively flat in configuration, accommodates a detached two storey dwelling, set back c.50m from the public road with well-maintained and sizable gardens to the front and rear. Proximate to the north-eastern boundary, a single storey pitched roof structure with attic accommodation, which is the subject of this appeal, is located and set back c.92m from the public road.
- 1.3. Agricultural fields adjoins the landholding to the north and east; to the west there are a number of rural houses accessed from the local road.

2.0 Proposed Development

- 2.1. Retention permission is sought for a separate independent residential unit (131.6 sqm) consisting of the conversion and change of use from the permitted existing domestic garage, together with all associated site works and landscaping.
- 2.2. The submitted floor plans indicate an open plan lounge/bedroom at ground floor level, a kitchen area, a utility room and bathroom. At attic level, there is one bedroom, a bathroom and a storage area / room. The ridge roof height of the structure is given as 6.075m.
- 2.3. Documentation provided with the planning application and the appeal indicates the building is used as residential accommodation for an extended family member. All associated information in this regard is on file for viewing by the Commission.

3.0 Planning Authority Decision

3.1. Decision

Retention permission was refused on 2nd July 2026 for 3 no. reasons, summarised as follows:

1. The development is located along a designated scenic route and it is policy to manage development in such areas and restrict provision of one-off rural housing in accordance with policy SP-S-12. It is considered the proposed development does not comply with this policy. The proposal would constitute inappropriate housing in a rural area lacking certain public services, would militate against preservation of the rural environment, would set an undesirable precedent and give rise to an uneconomic demand for public services and facilities.
2. The retention of the conversion of a domestic garage to a separate dwelling house would be out of character and inconsistent with the pattern of development in the immediate area and would result in a residential unit inappropriately positioned on a back land site which would set an undesirable precedent for further such development and accordingly is contrary to the proper planning and sustainable development of the area.
3. The effluent from the subject separate dwelling house is currently treated by the existing septic tank unit and existing percolation area serving the main residential property on the site. The existing effluent treatment disposal situation on site is therefore contrary to policy P-WWT-4 which states that communal on-site wastewater treatment systems for multiple housing developments (i.e. systems servicing more than one residential unit) will not be permitted. The development accordingly is prejudicial to public health by reason of environmental pollution and is contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planning Officer's report, dated 1st July 2026, provides an assessment of the proposal. Points of note are as follows:

- Rural housing policy SP-S-12 applies. On the basis of housing need information submitted, the proposal would be contrary to the aforementioned policy.

- Retention of the conversion of a garage to a separate dwelling within the back garden of an existing house would be out of character and inconsistent with the established pattern of development, resulting in backland development and the potential to set an undesirable precedent.
- Effluent from the independent residential unit is treated by the existing septic tank and percolation area serving the main house on the site. This is contrary to policy P-WWT-4.

3.2.2. Other Technical Reports

Area Engineer's report dated 8th June 2026 recommends a grant of permission subject to conditions.

Report from Environment dated 17th June 2026 indicates no objection in principle. Further Information (FI) is recommended, summarised as follows:

- Provide a report from a technical professional, relating to the existing Domestic Waste Water Treatment System (DWWTS) serving both units to include design details, capacity and full details of percolation area / soil polishing filter.
- Provide detailed plans and proposals for an upgrade of the onsite DWWTS in line with the EPA Code of Practice (CoP) for Domestic Waste Water Treatment Systems (2021).
- Submit revised details relating to disposal of surface water.

3.3. Prescribed Bodies

No reports received.

3.4. Third Party Observations

None.

4.0 Planning History

Subject site

Reg. Ref. 08/530 refers to an August 2008 decision made by Sligo County Council to grant permission to retain and complete alterations to domestic garage to rear of dwelling.

Relevant conditions (summarised):

1. The proposed development to be carried out in accordance with the plans and particulars submitted to the planning authority with the planning application.
2. Except for the revisions as granted under the current permission, the development shall otherwise accord with permission granted under PL04/936.

Reg. Ref. 07/211 refers to an April 2007 decision made by Sligo County Council to grant permission for construction of a domestic type garage to rear of dwelling.

Relevant conditions (summarised):

1. Proposed garage shall be used for purposes only incidental to the enjoyment of the dwelling house and shall not be used for any residential / commercial purposes.
2. Height of proposed garage shall be reduced to 5.5m.

Reg. Ref. 04/936 refers to a February 2005 decision made by Sligo County Council to grant permission for two houses (the applicant's house and the neighbouring house to the west).

Adjoining to west

Reg. Ref. 23/60229 refers to an October 2023 decision by Sligo County Council to grant retention permission for new domestic driveway and entrance gateway, modifications to site front boundary wall, together with all associated site works at Scardenmore, Strandhill, Co. Sligo.

5.0 Policy Context

5.1 Sligo County Development Plan (SCDP) 2024-2030

The Sligo County Development Plan 2024-2030 took effect on the 11th November 2024 except for those parts of the Plan which are subject to a Draft Ministerial Direction. The Draft Ministerial Direction was issued on the 8th November 2024 and relates to land use zonings in a number of settlements and separately to text relating

to access onto national primary roads. I am satisfied that the Draft Ministerial Direction has no direct implications for the appeal site.

Chapter 5 (Volume 1) relates to Settlement Strategy. **Policy SP-S-12** is the strategic settlement policy for Green Belts and Sensitive Areas (Scenic Routes, Sensitive Rural Landscapes, Visually Vulnerable Areas), and states the following:

It is the policy of Sligo County Council to:

Accommodate proposals for one-off rural houses in Green Belts and Sensitive Areas, subject to normal planning considerations and compliance with the guidance set out in Section 33.4 Housing in rural areas (development management standards), where a housing need is demonstrated by the following categories of applicants:

A. landowners and farmers, including their sons and daughters, who wish to build a first home, in this area, for their permanent occupation on the landholding associated with their principal family residence;

B. persons whose primary employment is in a rural-based activity with a demonstrated genuine need to live in the locality of that employment base, for example, those working in agriculture, aquaculture, forestry, horticulture or other natural resource-based employment;

AND where such persons can demonstrate that the home they propose is in the interests of the proper planning and sustainable development of the area.

Chapter 23 - Landscape Character, Chapter 26 - Residential Development, Chapter 30 – Water Infrastructure and Chapter 33 - Development Management Standards, all within Volume 3 of the SCDP are also considered relevant.

Chapter 23 (Landscape Character) The Landscape Characterisation Map contained within the County Development Plan identifies the following designations:

- Normal Rural Landscapes: areas with natural features (e.g. topography, vegetation) which generally have the capacity to absorb a wide range of new development forms – these are farming areas and cover most of the County. Certain areas located within normal rural landscapes may have superior visual qualities, due to their specific topography, vegetation pattern, the presence of traditional farming or residential structures. These areas may have limited capacity

for development or may be able to absorb new development only if it is designed to integrate seamlessly with the existing environment.

- Sensitive Rural Landscapes: areas that tend to be open in character, highly visible, with intrinsic scenic qualities and a low capacity to absorb new development – e.g. Knocknarea, the Dartry Mountains, the Ox Mountains, Aughris Head, Mullaghmore Head etc.
- Visually Vulnerable Areas: distinctive and conspicuous natural features of significant beauty or interest, which have extremely low capacity to absorb new development – examples are the Ben Bulbin plateau, mountain and hill ridges, the areas adjoining Sligo's coastline, most lakeshores etc.
- Scenic Routes: public roads passing through or close to Sensitive Rural Landscapes, or in the vicinity of Visually Vulnerable Areas, and affording unique scenic views of distinctive natural features or vast open landscapes. In addition to remote views, scenic routes have often a distinctive visual character conferred by old road boundaries, such as stone walls, established hedgerows, lines of mature trees, adjoining cottages or farmyards together with their traditional, planted enclosures etc., all of which warrant protection. A footnote on the map (Note 2) states that 'Scenic routes are public roads from which the views and prospects to Visually Vulnerable features are to be preserved'.

The appeal site is located to the north of the R292 and it is within a Designated Scenic Route with views of Sligo Harbour, Sligo Bay and Ben Bulbin possible. See Route No. 14 (R-292 at Larass, Strandhill, immediately north of St. Annes's Church and Rectory, to junction with road L-3502 at Scarden) in Appendix C of the SCDP.

Policy P-LCP-1 Protect the physical landscape, visual and scenic character of County Sligo and seek to preserve the County's landscape character. Planning applications for developments that have the potential to impact significantly and adversely upon landscape character, especially in Sensitive Rural Landscapes, Visually Vulnerable Areas and along Scenic routes, may be required to be accompanied by a visual impact assessment using agreed and appropriate viewing points and methods for the assessment.

Policy P-LCP-2 Discourage any developments that would be detrimental to the unique visual character of designated Visually Vulnerable Areas.

Policy P-LCP-3 Preserve the scenic views listed in Appendix C and the distinctive visual character of designated Scenic Routes by controlling development along such Routes and other roads, while facilitating developments that may be tied to a specific location or, in the case of individual houses, to the demonstrated needs of applicants to reside in a particular area. In all cases, strict location, siting and design criteria shall apply, as set out in Section 33.4 Housing in rural areas (development management standards).

Chapter 26 includes policies relating to rural house design and siting.

Chapter 30 relating to water infrastructure outlines, inter alia, wastewater treatment policies including:

P-WWT-4: Require all new developments to connect to the public wastewater treatment infrastructure, where available, subject to a connection agreement with UÉ. In cases where a settlement is not served by a public wastewater treatment plant, or where no spare capacity exists in the relevant wastewater treatment plants, proposals for single houses using on-site wastewater treatment will be considered subject to appropriate scale, site assessment, design and ground conditions, taking groundwater vulnerability into account and subject to compliance with the Habitats Directive.

Any such permitted development shall be subject to legally binding maintenance arrangements agreed with the Planning Authority and shall be required to connect to the public wastewater treatment plant when adequate capacity becomes available.

However, communal on-site wastewater treatment systems for multiple housing developments (i.e. systems servicing more than one residential unit) will not be permitted.

P-WWT-5: All proposals for on-site treatment systems shall be designed, constructed and maintained in accordance with the Environmental Protection Agency's 2021 Code of Practice: Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) and/or Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (EPA, 1999) as amended, and any guidance documents issued by the County Council.

Chapter 33 relates to Development Management Standards.

33.2.16 relates to extensions to dwellings

33.2.17 Independent living unit for a family member

The Planning Authority will consider the provision of an independent living unit for a family member subject to the following requirements:

- *there is a demonstrated need to provide an independent unit for a family member (or more);*
- *the accommodation shall generally not exceed a gross floor area of 70 sqm;*
- *the unit shall be attached to and linked internally with the main dwelling, unless a more practical solution would involve the conversion of an existing ancillary building;*
- *the accommodation shall remain in a single ownership and shall revert to use of the main dwelling on the cessation of such use (normally secured by condition);*
- *the existing garden and curtilage of the main dwelling on the site shall not be subdivided;*
- *the applicant shall demonstrate the adequacy of the on-site wastewater treatment and disposal system to cater for the additional occupancy.*
- *where adequacy cannot be demonstrated, the applicant will be required to upgrade the existing wastewater treatment system to comply with the requirements of the EPA's Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (PE≤10) (2021);*

The requirements of Section 33.2.16 (i)-(iii) above also apply.

33.4 Housing in rural areas

New development in rural areas should be absorbed and integrated successfully into the rural setting, i.e. development should harmonise or 'read' with the existing traditional pattern of development and not intrude on unspoilt landscapes.

Normal planning considerations, including:

- Whether the site is in a sensitive area, e.g. adjoining a scenic route, located in a sensitive rural landscape, in a visually vulnerable area, in a coastal zone or in a known flood risk zone;

- Whether the site is in an exposed location where the proposed development would be visually obtrusive;
- Whether the siting, design and scale of the proposed development are appropriate to the surrounding natural and built environment;
- Whether a large number of mature trees or an excessive length of roadside hedgerow need to be removed to provide an entrance;
- Whether there are any effluent disposal, surface water drainage or water supply concerns;
- Whether the proposed development would unduly affect other properties in the area (e.g. by overlooking, loss of daylight or overshadowing).

5.2 National Guidance

Revised National Planning Framework (NPF)

The First Revision of the NPF was approved by the Houses of the Oireachtas following the decision of Government on 8th April 2025 to approve the Final Revised NPF. Relevant objectives include:

National Policy Objective 24: *Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.*

5.3 Natural Heritage Designations

The proposed development is not located within or immediately adjacent to any European Site. The nearest European Sites are as follows:

- Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (Site Code: 000627), c.580m to the north-west.
- Cummeen Strand SPA (Site Code: 004035), c.580m to the north-west.

The following proposed Natural Heritage Areas are also located in the vicinity:

- Cummeen Strand/Drumcliff Bay (Sligo Bay) pNHA (Site Code 000627) c.680m to the north

- Knocknarea Mountain and Glen pNHA (Site Code 001670) c.1.7km to the southwest.

6.0 EIA Screening

The proposal has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposal 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 to be retained, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

This is a first party appeal against the planning authority's decision to refuse retention permission and is submitted by AOK Design Studio on behalf of the applicant.

7.1. Grounds of Appeal

The grounds of appeal may be summarised as follows, generally under the headings used in the appeal.

Introduction

- The subject unit is not an independent dwelling, but is ancillary family accommodation, subordinate to and functionally interdependent with the existing main dwelling, occupied by a member of the applicant's family. The applicant is willing to accept planning conditions that place the ancillary status beyond doubt.

The site, planning history and characterisation of the development

- The garage was constructed in 2008. The application seeks to retain the conversion of the permitted garage to habitable accommodation. The physical form of the building is not unauthorised; rooflights, fenestration, doorways and chimney are all permitted under the permission. The only material change to the building is the change to residential use.

- The technical consultees in the planning authority did not object to the proposal.

Section 33.2.17 of SCC Development Plan – Independent living unit for family

- This policy expressly provides for an independent living unit for a family member and it is considered that the proposal was assessed under the incorrect policy framework i.e. one off rural housing policy.
- Under Section 33.2.17 of the Plan, the development complies or can be conditioned to comply. The accommodation is occupied by the applicant's brother in law and support is provided as necessary within the applicant's household. Since its conversion in 2008 the structure has been occupied solely by members of the applicant's family. It has never been let or used for any business or commercial purposes. A Section 47 restriction to family-only use would formalise the position.
- Regarding the requirement that the accommodation should generally not exceed 70sqm, the applicant acknowledges that it measures c.130sqm. The standard also indicates the conversion of an ancillary existing building is possible, as an alternative to an attached unit. The additional floor area gives rise to no additional built form or footprint, and no additional visual impact. The applicant is willing to accept a condition regulating the extent of the accommodation put to independent living use.
- Applicant happy to accept a condition restricting the unit to family use in perpetuity, with no private rental, commercial or business use and providing for its reversion to the main dwelling on cessation of that use.
- The site comprises a single and undivided curtilage and this would remain the position.
- The applicant offers to install a new wastewater treatment plant and percolation area to serve the site. The applicant had requested the opportunity to provide this detail by way of a response to a FI request.

First refusal reason (Scenic route and rural housing policy)

- The management of one-off rural housing along designated scenic routes and Policy SP-S-12 of the SCDP are directed at controlling the introduction of new dwellings into sensitive rural landscapes. No new building or built form is

introduced into the landscape in this case. From the public road the structure reads as an established building.

- A scenic route designation aims to protect views of distinctive natural features and open landscapes. These are not compromised by the structure which is low-lying and screened by mature trees. Its contribution to any view available from the public road is negligible.
- The building has been a feature of the site since 2008 and has been permitted. The change of use has had no outward visual effect or manifestation.
- The proposal does not constitute a new one-off rural dwelling. The unit relies on the existing services and shared access already serving the established dwelling and generates no new demand for public infrastructure. For the same reasons the proposal does not set an undesirable precedent. The development to be retained is readily distinguishable from a proposal for a new independent house on an undeveloped rural site.
- Based on the foregoing, it is considered that the first refusal reason is not sustained.

Second refusal reason (Character, backland development and precedent)

- The building is an existing element of the property, with alterations permitted under Reg. Ref. PL08/530.
- The retention of use does not materially alter the established pattern of development or the form of the site as viewed from the public road. The unit is served by the same access as the house on the site and it sits within the same undivided curtilage as the main dwelling.
- The conversion of the domestic outbuilding, in place since 2008, to ancillary family use is consistent with and subordinate to the established residential use of the property.
- The ancillary status of the unit, capable of being secured by condition, distinguishes it from any proposal for an independent dwelling.

Third refusal reason (On-site DWWTS and Policy P-WWT)

- Policy P-WWT-4 is directed at communal systems serving independent housing units. The correct characterisation of the development is a single residential holding comprising the main dwelling and ancillary family accommodation. The shared system does not fall within the parameters of the policy it is intended to address.
- The refusal reason does not reflect a demonstrated environmental failure but an absence of detail. Environment Section had no objection in principle to the proposal but recommended FI be sought regarding the adequacy of the existing DWWTS and surface water disposal. Nonetheless permission was refused and it is considered that the third refusal reason was premature and disproportionate.
- The applicant is willing to resolve the matter by submission of a site specific report relating to the existing DWWTS prepared in accordance with the EPA CoP 2021, and to upgrade or provide a dedicated compliant treatment system and percolation area. The applicant would also provide surface water disposal details. These matters could be conditioned in any grant of retention permission.

National policy on independent living

- National policy supports the provision of independent living accommodation within the curtilage of existing homes
- New exempted regulations introduce an exemption for a detached auxiliary habitable dwelling of between 32-45sqm, linked to the services of the principal house, without the need for planning permission.
- It is acknowledged that the present unit at c130sqm exceeds the 45sqm threshold, however the point is one of principal and consistency.
- To refuse permission for the change of use of an existing building would sit uneasily with a national policy that now permits construction of new auxiliary units in rear gardens for the very same purpose as proposed in this application.

Conclusion

- None of the three refusal reasons are sustained.
- A grant of retention permission is requested.

- The applicant is willing to accept any reasonable conditions, including that the accommodation is restricted to family use only and that no private rental or commercial/business use would be undertaken.

The following information is attached to the appeal:

- Extract from section 33.2.17 of the SCDP.
- Floor plans and elevations of the garage as previously applied for.
- Copies of correspondence between the applicant and Sligo County Council (SCC) relating to file ref. ENF 1114 (subject garage).
- Letter from SCC to the applicant dated November 2008 noting that retention permission was granted in October 2008 (PL08/530 refers) advising that no further enforcement action is proposed.
- Site photographs.

7.2. Planning Authority Response

A response to the appeal was received on 7th August 2026 and may be summarised as follows:

- The development description submitted was for 'a separate independent residential unit.' No reference was made in the development description that the unit is for a family member and therefore the proposal was assessed as a separate house in accordance with the provisions of the SCDP.
- The application relates solely to the conversion and change of use of the domestic garage to separate independent residential use.
- It is considered that the structure constitutes a separate dwelling house and was assessed as such. The application was not assessed under section 33.2.17, however it exceeds 70sqm and is not attached or linked to the parent dwelling house on site, which is contrary to section 33.2.17 of the SCDP.
- The subject site is located adjacent to the R292, a designated scenic route and therefore rural housing policy SP-S-12 is applicable. The proposal would be contrary to that policy as the planning authority consider it to constitute a separate dwelling house.

- The effluent from the development is treated by the existing septic tank and percolation area serving the main house on the site. The effluent treatment system on site is therefore contrary to policy P-WWT-4
- The application was lodged under section 34 of the Planning and Development Act 2000 as amended, and was assessed accordingly. The proposal was not submitted in respect of exempted development provisions.
- Requests that the planning authority's decision be upheld.

7.3. **Observations**

None.

8.0 **Assessment**

8.1. Having examined the application details and all other documentation on file, including the reports of the local authority, and having inspected the site, and having regard to the relevant local and national policies and guidance, consider the substantive issues in this appeal to be considered as follows:

- Nature and principle of development
- Examination of the proposal in terms of Section 33.2.17
- Other issue
- AA Screening
- Water Framework Directive - Screening

8.2. **Nature and principle of development**

8.2.1. The proposal as outlined in the public notices submitted with the application to the planning authority relates to retention permission for a separate independent residential unit, which includes the conversion and change of use from original existing domestic garage (permitted under Reg. Ref. PL08/530) together with all associated site works and landscaping. The application form noted that the use proposed for retention is an 'Independent Living Unit' solely for a family relative with disability needs, and not for commercial use. The application is supported by correspondence from a

medical professional and a letter/submission from the applicant's agent which explicitly notes the provisions of section 33.2.17 of the current SCDP (titled 'Independent living unit for a family member') and proceeds to assess the proposal against the various criteria outlined therein. The appellant contends that the planning authority mischaracterised the nature of the development in proceeding to assess it against the strategic settlement policy SP-S-12 for Green Belts and Sensitive Areas (Scenic Routes, Sensitive Rural Landscapes, Visually Vulnerable Areas) rather than section 33.2.17 of the SCDP.

8.2.2. I note that, in its response to the appeal, the planning authority states the development description refers to 'a separate residential unit,' with no reference to its proposed use by a family member. It appears that, on this basis, the proposal was assessed by the planning authority as a separate / new dwelling house in accordance with the rural housing policy provisions outlined in the SCDP and referred to above.

8.2.3. Having regard to the nature of the proposal as set out above, my examination of the totality of documentation lodged with the planning application, including the public notices, the agent's submission / cover letter and all drawings including the floor plans, coupled with the relevance of and applicability of section 33.2.17 of the SCDP to this proposal which relates to provision of an independent living unit for a family member, I consider that it is entirely appropriate and reasonable to assess the proposal in accordance with the aforementioned Development Plan provision, and as such I concur with the appellant in this regard.

8.2.4. Below is my assessment of the proposal when examined in accordance with section 33.2.17 of the SCDP.

8.3. Examination of the proposal in terms of Section 33.2.17

8.3.1. Section 33.2.17 of the SCDP states that the planning authority will consider the provision of an independent living unit for a family member subject to a total of eight requirements. Each requirement is examined below relative to the subject proposal.

8.3.2. No. 1: There is a demonstrated need to provide an independent unit for a family member (or more)

- 8.3.3. Information is provided both with the planning application and in the first party appeal which demonstrates the need to provide an independent unit for a family member. In this regard I refer the Commission to the file documentation which sets out the need for the unit.
- 8.3.4. No. 2: The accommodation shall generally not exceed a gross floor area of 70sqm.
- 8.3.5. The subject structure is stated to measure c.131.6sqm, which is above the stated threshold outlined in Section 33.2.17. However, I would consider that the SCDP allows for flexibility in section 33.2.17, in that it states that the accommodation shall 'generally not' exceed a gross floor area of 70sqm. This flexibility, in my view, likely derives from the third requirement (outlined further below) involving the conversion of an existing ancillary building, as in this case, to facilitate the independent living unit.
- 8.3.6. I also note at this juncture that the family member in this case has mobility constraints and is likely to predominantly use the ground floor of the unit. In this context I note the floor plan at ground floor level, which, inter alia, accommodates an open plan lounge / bedroom, a kitchen and toilet/shower facilities. The ground floor area measures c.82sqm.
- 8.3.7. In my opinion, provision of accommodation as proposed in this case, would not constitute a material contravention, having regard to the foregoing and given the wording set out in the second requirement of section 33.2.17 as outlined above.
- 8.3.8. No. 3: The unit shall be attached to and linked internally with the main dwelling, unless a more practical solution would involve the conversion of an existing ancillary building
- 8.3.9. The proposal seeks retention of the conversion of the existing permitted garage for residential use in the context of section 33.2.17. In my view the existing structure located to the rear of the site would be a practical solution and would therefore accord with this requirement.
- 8.3.10. No. 4: The accommodation shall remain in a single ownership and shall revert to use of the main dwelling on cessation of such use

- 8.3.11. Should the Commission be minded to grant retention permission, I would recommend insertion of a condition requiring that the unit remain in a single ownership and revert to use of the main dwelling on cessation of such use. I note that the appellant states their willingness to enter into a Section 47 agreement to restrict the use of the accommodation to use by family only, with no private rental, commercial or business activity allowed.
- 8.3.12. No. 5: The existing garden and curtilage of the main dwelling on the site shall not be subdivided
- 8.3.13. It was evident at the site inspection that the main house on the site has the benefit of generous gardens to the front and rear. The gardens have not been subdivided and I note the appellant has confirmed that there is no intention to subdivide the site in any way.
- 8.3.14. No. 6: The applicant shall demonstrate the adequacy of the on-site wastewater treatment and disposal system to cater for the additional occupancy
- 8.3.15. Effluent from the independent residential unit is treated by the existing on-site domestic wastewater treatment plant serving the existing family residence. The appellant has not demonstrated the adequacy of the treatment plant to cater for the proposal. I note the report from Environment Section has raised concern regarding the adequacy of the existing onsite wastewater treatment system and recommended that FI be sought in relation to this issue.
- 8.3.16. No. 7: Where adequacy cannot be demonstrated, the applicant will be required to upgrade the existing wastewater treatment system to comply with the requirements of the EPA's Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (PE≤10) (2021)
- 8.3.17. In terms of items Nos. 6 and 7 above, the appellant has expressed their willingness to resolve the matters by submission of a site specific report relating to the existing DWWTS prepared in accordance with the EPA CoP 2021, and to upgrade or provide

a dedicated compliant treatment system and percolation area. The appellant considers that these matters could be conditioned in a grant of retention permission.

8.3.18. In my view, it would not be appropriate to condition such matters. It may, for example, be the case that the existing domestic wastewater treatment system requires upgrade / replacement to cater for the independent living unit, as suggested by the appellant. In this scenario, a planning application may be required, necessitating submission of Site Suitability Characterisation Assessments along with full details of proposed systems and their compliance with the EPA Code of Practice: Domestic Waste Water Treatment Systems 2021.

8.3.19. Having regard to the foregoing, I consider that the proposal should be refused on the basis that it is contrary to Section 33.2.17 of the SCDP, as compliance with Items 6 and 7 therein has not been demonstrated.

8.3.20. Notwithstanding the above, I note the Commission may wish to seek clarity on these matters, and request information in terms of the above-mentioned matters, by way of a section 132 notice to the applicant.

8.3.21. The requirements of Section 33.2.16 (i – (iii) also apply.

8.3.22. Section 33.2.16 relates to ‘Extensions to dwellings.’ In my view the proposal is subordinate to the main building on the site, its design integrates with that building and it would not result in overshadowing, loss of daylight or overlooking of adjacent residential properties. As such, I conclude that the proposal would accord with the relevant provisions of section 33.2.16.

8.4. Other issue

8.4.1. SCDP policy P-WWT-4 referred to in the planner’s report (and the third refusal reason), relates to single houses using on-site wastewater treatment systems, and states, inter alia, that communal on-site wastewater treatment systems for multiple housing developments (i.e. systems servicing more than one residential unit) will not be permitted.

- 8.4.2. The proposal relates to the provision of an independent residential unit for a family member and, as such, falls to be assessed under section 33.2.17 of the SCDP. The final two bullet points set out therein provide for an on-site wastewater treatment unit to cater for the additional occupancy generated by the independent residential unit, subject to adequacy. Where adequacy cannot be demonstrated, the final provision of section 33.2.17 states that the applicant will be required to upgrade the wastewater treatment plant to demonstrate compliance with the relevant EPA Code of Practice (2021).
- 8.4.3. Having regard to the foregoing and given the nature of the proposal, I conclude that policy P-WWT-4 is not applicable in this instance.

9.0 AA Screening

- 9.1. I have considered the proposed development comprising a separate independent residential unit (131.6 sqm) which consists of the retention of the conversion and change of use from the permitted existing domestic garage, together with all associated site works and landscaping, in light of the requirements of Sections 177S and 177U of the Planning and Development Act 2000, as amended.
- 9.2. The proposed development is not located within or immediately adjacent to any European Site. The nearest European Sites are Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (Site Code: 000627), and Cummeen Strand SPA (Site Code: 004035), both located approximately 580m (as the crow flies) to the north-west.
- 9.3. There is a direct connection via a watercourse / drainage ditch along the eastern site boundary to the aforementioned designated European Sites however this consists of a short length (approximately 750m) and drains a confined land area.
- 9.4. Having considered the nature, scale and location of the project, I am satisfied it can be eliminated from further assessment because it could not have any effect on a European Site.

The reasons for this conclusion are as follows:

- Relatively small scale and nature of the proposed development.
- Location-distance from nearest European Sites.

- Taking into account the screening determination of the planning authority.

9.5. 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 any other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000 as amended) is not required.

10.0 Water Framework Directive

10.1. I have assessed the proposal and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water bodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and ground water bodies either qualitatively or quantitatively. The reasons for this are as follows:

- The nature of the works to be retained comprising a small scale of development.
- The short length of the watercourse / drainage ditch (approximately 750m), along the eastern boundary which drains a confined area of land.

10.2. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that permission be refused for the proposal.

12.0 Reason and Considerations

1. The proposal fails to demonstrate compliance with bullet points 6 and 7 of Section 33.2.17 of the Sligo County Development Plan 2024-2030, which outline specific requirements for the development of independent living units for family members. Specifically, no technical report is submitted which demonstrates the adequacy of the existing on-site domestic wastewater treatment system and percolation area / soil polishing filter, serving both the existing house and the independent residential unit to be retained. Further, in the event that the adequacy of the existing on-site domestic wastewater treatment system cannot be demonstrated, no details have been submitted for the upgrade or replacement of the existing wastewater treatment system, to ensure compliance with the requirements of the EPA's Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (PE≤10) (2021). As such, it has not been demonstrated to the satisfaction of the Commission that the proposal can be adequately served by the existing on-site domestic wastewater treatment system and that any upgrade or replacement of the treatment system would comply with the aforementioned EPA Code of Practice. The development to be retained would, therefore, 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.

John Duffy
Planning Inspector

5th October 2026

Appendix 1

Form 1 – EIA Pre-Screening

No EIAR Submitted

Case Reference	PL-501775-SO-26
Proposed Development Summary	Retention of change of use from domestic garage to independent residential unit and associated site works
Development Address	Ladys Well, Scardenmore, Strandhill, Co. Sligo
	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 Q2.
	☐ No, No further action required.
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 N/A
☒ 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 If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold Class 10(b)(i) Construction of more than 500 dwelling units. This proposal involves the retention of change of use and conversion of a domestic garage to independent residential unit and associated works. As such one residential unit is proposed, which is below the threshold identified in Class 10(b)(i).
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)

Appendix 2

Form 2 – EIA Preliminary Examination

Case Reference	PL-501775-SO-26
Proposed Development Summary	Retention of change of use from domestic garage to independent residential unit and associated site works.
Development Address	Ladys Well, Scardenmore, Strandhill, Co. Sligo
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report 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).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. Total gross floor area is c.131sqm. The development to be retained consists of a change of use from domestic garage to an independent residential unit, of single storey design with attic accommodation. The development would not result in the production of significant waste, emissions, or pollutants. No significant risks of accidents or to human health. No demolition works proposed.
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 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).	Briefly comment on the location of the development, having regard to the criteria listed The development to be retained is set back c.92m from the public road in the rear garden of the host dwelling and proximate to the north-eastern site boundary. The site is not located within or adjoining any European Sites. There is a direct connection via a watercourse / drainage ditch along the eastern site boundary to designated European Sites Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (Site Code: 000627), and Cummeen Strand SPA (Site Code: 004035). However this consists of a short length (approximately 750m) and drains a confined land area.
Types and characteristics of potential impacts	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.

(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There are no other locally sensitive environmental sensitivities in the vicinity of relevance. There would be no significant cumulative considerations.
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.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out. Not applicable to this appeal case.
There is a real likelihood of significant effects on the environment.	EIAR required. Not applicable to this appeal case.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)