

**LAOIS COUNTY COUNCIL
PLANNING DEPARTMENT**

PLANNING REPORT

PLANNING REF: 26/60514



Applicant Name:	Shane Tynan and Rachel Barry
Development Description:	Construct new dwelling house, domestic garage, stables, septic tank and percolation area, new site entrance and all associated works
Development Address:	Ballythomas, Co. Laois
Type of Permission:	Permission
Date of Site Inspection:	14/09/2026
Decision Due Date:	20/09/2026
Recommendation:	Grant Permission

Site Location/ Context

The proposed development site of 0.550 hectares is located in the rural townland of Ballythomas. The subject site is flat in topography and is currently in agricultural use. Development in the immediate vicinity consists of one-off dwellings and agricultural land.

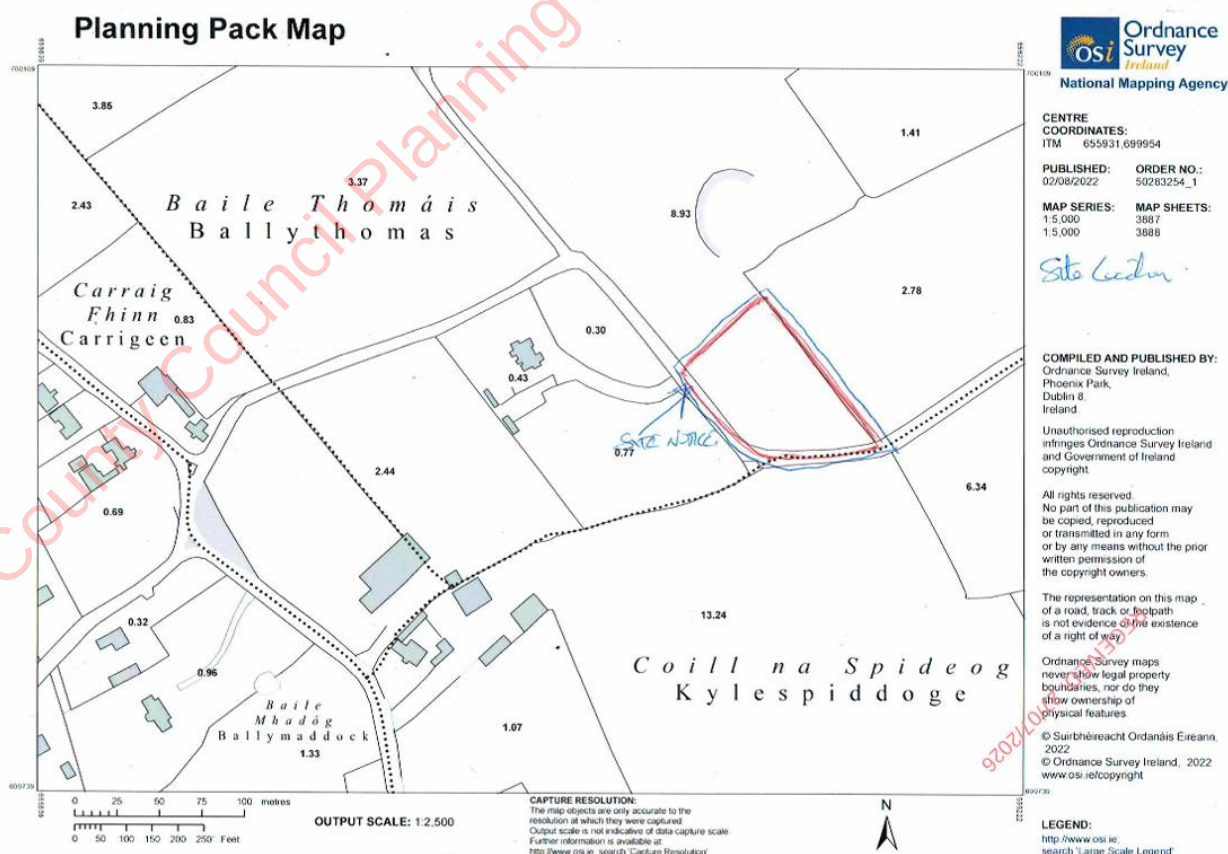


Figure 1: Subject Site

Proposed Development

Permission sought to construct new dwelling house, domestic garage, stables, septic tank and percolation area, new site entrance and all associated works.

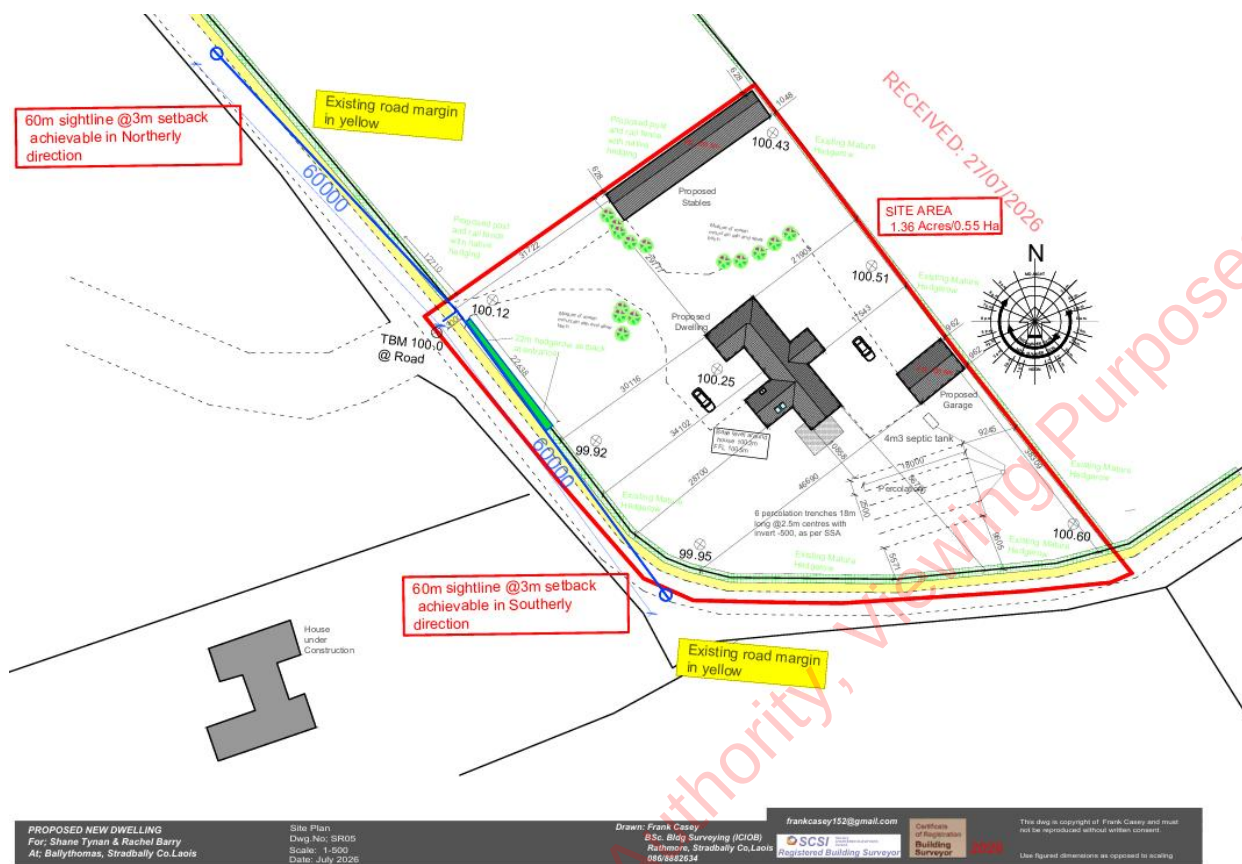


Figure 2: Proposed Layout

AA Screening

A screening for Appropriate Assessment Report was prepared and is appended to this report. It concludes that no likely significant impacts are predicted due to the nature of the proposed development.

EIA Screening

The proposed development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001(as amended). In any event, it is considered, having regard to nature, size and location, the proposed development would not be likely to have significant effects on the environment. Therefore, EIA is not required.

Flood Risk

The site is outside the confines of the Flood Zone.

Archaeological and Architectural Heritage

The site does not fall within any archaeological areas and there are no protected structures or National Monuments on or adjacent to the site.

Landscape Character

The site is within the Lowland Agricultural Landscape Character Area.

Submissions/ Observations / Representations

Last date for receipt of submissions/observations/representations was 30/08/2026.
None received by the Planning Authority.

Pre-planning

No pre-planning discussions have taken place with respect to this proposal.

Planning History

None sourced

Referrals

Internal Reports

This application was referred to the following, reports received as indicated below.
Please refer to the specific report on file should further details be required.

Municipal District Engineer:	No report received
SSA Technician:	No objection

Policy and Objectives

National Planning Framework

- National Policy Objective 19
- National Policy Objective 20

Laois County Development Plan (LCDP) 2021-2027

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

Sustainable Rural Housing – Guidelines for Planning Authorities

Summary of Key Planning Issues and Assessment

Local Need

The subject site is located in an area designated as a “Stronger Rural Area” as indicated in the Laois County Development Plan (LCDP) 2021-2027. It is an objective of the Laois County Development Plan 2021-2027 to recognise the individual housing needs of people intrinsic to the rural areas located within the areas defined as ‘Stronger Rural Areas’. It is an objective of the Council to permit single houses in the strong rural areas to facilitate those with a rural housing need in the area. In order to demonstrate a rural housing need, any of the following criteria should be met:

- a) the application is being made by a long-term landowner or his/her son or daughter seeking to build their first home on the family lands; or
- b) the applicant is working in rural activities and for this reason needs to be accommodated near their place of work; or
- c) the application is being made by a local rural person(s) who for family and/or work reasons wish to live in the local rural area in which they have spent a substantial period of their lives and are seeking to build their first home in the local rural area.

The applicant's state that they are landowners. The applicants state that this would be their first dwelling in a rural area and have cited a need to live in the rural area for family reasons.

The applicant has submitted sufficient documentation to demonstrate that they have lived in the local rural area for a substantial period of time. On the basis of the information submitted, I am satisfied that the applicant meets the local need criteria as set out above.

Siting and Design

The applicant is seeking permission for a circa 177.5sqm single storey dwelling at a maximum height of 5.81m finished in render and natural stone. The dwelling is proposed at a set-back of 28.7m from the frontage. The dwelling proposed is well articulated and is considered to be appropriately designed and sited in accordance with the requirements of the Rural Design Guidance contained within Appendix 7 of the Laois County Development Plan 2021-2027.

The applicant also proposes the construction of a domestic garage located to the east of the dwelling. The garage is to be finished to match the dwelling and has a stated floor area of 48sqm extending to a height of 5.485m. A 108sqm stable block is also proposed to a height of 3.693m. I am satisfied that the design and siting of the garage and stables is acceptable having regard to the context of the site and the surrounding area.

Having regard to the siting and layout of the development there are no undue concerns regarding residential amenity. Given the separation from neighbouring properties, I do not consider that the development would have an adverse impact on the amenities of adjoining properties through undue overshadowing and/or an over dominant visual impact.

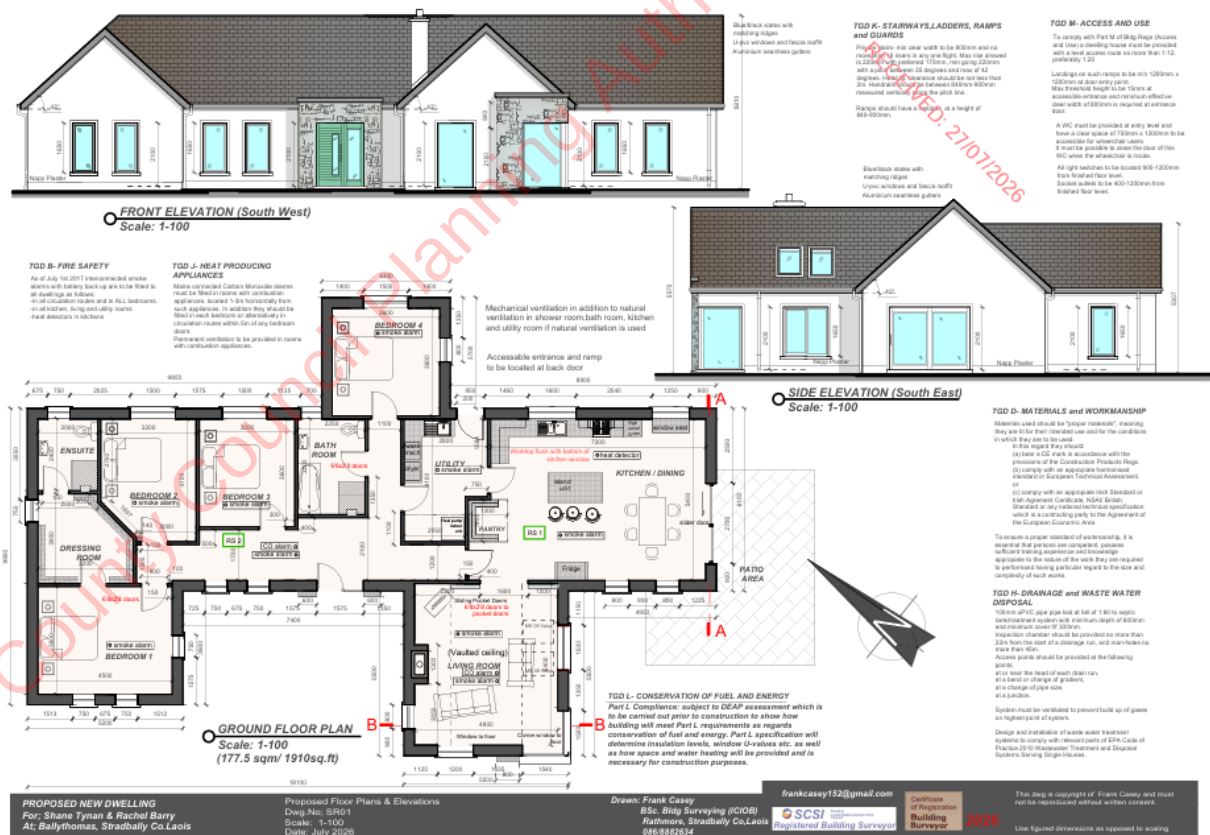


Figure 3: Proposed Design

Services

The applicant is proposing to source potable water from a group water scheme water supply. It is proposed to install a septic tank and percolation area. Test results are positive. Surface water is to be disposed of to ground to an on-site soakpit.

Access

Access from the proposed development is onto the L-38172-0 Local Tertiary Road. Sight distances of 3m x 60m are required onto this road in accordance with the Laois County Council Roads & Parking Standards 2007. The applicant has indicated that sight distances of 3m x 60m can be achieved at the location of the site entrance which is in compliance with the recommended standard. I have inspected the site and I am satisfied that the sight distances can be achieved. 22m of hedgerow is to be removed to facilitate the entrance and achieve the required sight distances.

Contributions

Should planning permission be granted, a financial contribution condition will be included based on the floor area of the dwelling and garage as per the Councils adopted Development Contribution Scheme (DCS), 2025-2031.

No charges are applicable in respect of the stables block as the floor area is below the 500m² threshold. dk

Recommendation

In light of the foregoing, it is recommended that permission be granted subject to conditions.

FIRST SCHEDULE

Having regard to the provisions of the Laois County Development Plan 2021 – 2027, it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not seriously injure the amenities of the area, would not be prejudicial to public health, would be acceptable in terms of traffic safety and would be in accordance with the proper planning and sustainable development of the area.

Schedule 2 – Conditions

1. The development shall be carried out in accordance with the plans and particulars received by the Planning Authority on 27/07/2026 except where altered or amended by conditions in this permission.

Reason: To ensure that the development accords with the permission and that effective control is maintained.

2. (a) The proposed dwelling when completed shall be first occupied as the place of residence of the applicant's Shane Tynan and Rachel Barry and shall remain so occupied for a period of seven years thereafter.

(b) This condition shall not affect the sale of the dwelling by a mortgagee in possession or by any person deriving title from such a sale.

Reason: To secure in the interests of orderly development that the proposed house is used to meet the applicants stated housing needs in accordance with the Policies of the Laois County Development Plan 2021-2027 and to ensure that development in this rural

area is appropriately restricted in the interest of proper planning and sustainable development of the area.

3. The Dwelling, garage and stables, including the external finishes shall be consistent with details received by the Planning Authority on 27/07/2026 unless otherwise agreed in writing with the Planning Authority prior to commencement of any development. External stone shall be of a natural type.

Reason: In order to assimilate the development on this site into the surrounding rural area, in the interests of visual amenity and the proper planning and sustainable development of the area.

4. The site and entrance shall be landscaped and laid out in accordance with the Site Layout Plan, received by the Planning Authority on 27/07/2026.

Reason: To protect the rural character of the area.

5. (a) The overall site shall be used for domestic-related purposes only, and not for any commercial, workshop, or other non-domestic use.

(b) The garage and stables shall not be used for human habitation, any commercial, workshop or other non-domestic use or for any other purpose other than a purpose incidental to the enjoyment of the dwelling on the site.

Reason: In the interests of clarity and to regulate the use of the development in the interest of the proper planning and sustainable development of the area.

6. The developer shall ensure that a clean, potable water supply is provided prior to first occupation which complies with the E.U. (Drinking Water) Regulations, S.I. No. 99/2023.

Reason: In the interests of public health, residential amenity and proper planning.

7. (a) Only clean uncontaminated surface water from the development shall be discharged to the surface water system.

(b) The development shall not interfere with or impair the operation of any existing surface water drainage system or land or roadside drainage currently facilitating the application site. No run-off shall be allowed on to the public road or adjoining properties.

(c) All surface water shall be collected and disposed of to soakaways or water system designed and constructed in accordance with B.S. 8301:1985 and BRE Digest 365 and provided with inspection manhole covers. No surface water shall be discharged to the foul system.

Reason: To prevent interference with existing land or road drainage and in the interests of proper development and in the interest of sustainable drainage of the catchment.

8. (a) The entrance to the site shall be recessed 4.3m behind the front boundary line. Only the recessed space shall be splayed with wing walls, timber fences or stone banks not exceeding 1.2m in height, no other wall shall be constructed to the front roadside boundary. Any external wing walls shall be finished to match that of the proposed dwelling house.

(b) Adequate sight distances of 60m shall be created and maintained in both directions at the site entrance. The sight distances shall be measured from a point 2.4 metres in from the road edge and from a driver's eye height of 1.05 metres to an object height of 1.15 metres.

(c) All areas forward of the sight splays, excepting access way, shall be grassed up to the metalled edge of the road. No wall, excepting the wing walls for the access, shall be erected as part of the boundary, whether or not such development would constitute 'exempted development' under the terms of the Planning and Development Regulations, 2001 as amended.

(d) Any damage caused to the adjoining public thoroughfare shall be made good at the developer's expense to the satisfaction of the Planning Authority.

Reason: To ensure the provision of an adequate entrance to the development in the interests of traffic safety.

9. The developer shall ensure that electrical vehicle charge points are provided linked to the individual domestic electricity meter.

Reason: To promote the use of renewable energy.

10. (a) Effluent disposal from the proposed development shall be in accordance with the Site Characterisation Form and the Site Suitability Report received by the Planning Authority on 27/07/2026, and the requirements of the EPA, Code of Practice: Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021.

(b) The developer shall enter a maintenance contract with the manufacturers/suppliers of the wastewater treatment system to ensure satisfactory performance at all times.

(c) The developer shall submit documentary evidence signed by a suitably qualified person holding indemnity insurance (at least €1 million) stating that the wastewater treatment system has been installed in accordance with EPA guidelines.

Reason: To guard against pollution and ensure the proper servicing of the development.

11. (a) The developer is required to consult with ESB regarding any overhead power line prior to the commencement of any work on this development.

(b) Any external lighting shall be cowled and directed away from the public roadway and adjoining properties.

Reason: In the interests of traffic safety and residential amenity.

12. (a) Save for that which needs to be removed in order to create the proposed entrance and sightlines, all remaining boundary screening shall be retained and not removed save with the prior written consent of the Planning Authority.

(b) Site boundaries shall be planted with trees/shrubs of species native to the area to form naturalised hedgerows similar to existing native hedgerows in the vicinity. Species

shall include hawthorn, blackthorn, ash, oak, hazel and holly; beech [*fagus sylvatica*] and laurel shall not be used.

(c) Planting shall be carried out in the first planting season following commencement of development.

(d) In the event of tree/hedge failures, these shall be replaced within the following planting season.

Reason: In the interests of visual and residential amenity.

13. (a) During the construction stage of the proposed development, the developer shall comply with the document titled “Best Practice Guidelines for the Preparation of Resource & Waste Management Plans for Construction and Demolition Projects” published by the Environmental Protection Agency.

(b) During the development works, the developer is not to permit any material from the site to be spread or deposited along the public roadway. The developer shall be responsible for maintaining the adjoining public thoroughfare and properties in a neat, tidy and safe condition.

Reason: In the interests of the reduction and best practice management of construction waste from the proposed development, public health, pollution control and traffic safety.

14. [a] The development shall at all times [including for when land spreading is being carried out] comply with the provisions of the European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2022 (S.I. No. 113 of 2022) and to any such amendments as may be made to those regulations or to such new Regulations in this area as may be made from time to time.

[b] The developer shall take adequate precautions to ensure that waste disposal does not cause pollution to any stream, ditch, or watercourse, or contamination to any source of potable water. The developer shall also take reasonable steps to preserve the amenity of adjacent residential properties, and shall ensure, as far as possible that injury to amenity is not caused by odour, or in any other way.

[c] All effluent storage facilities shall:

[i] Be designed, sited, constructed, maintained and managed so as to prevent run-off or seepage directly or indirectly into groundwater or surface water of any effluent produced; and

[ii] Comply with such construction specifications for those facilities as may be approved by the Minister for Agriculture, Food and the Marine.

[d] Precise plans and particulars of the effluent storage facilities including in relation to type, location, capacity and disposal shall be submitted to and agreed in writing with the Planning Authority prior to their construction..dk

Reason: In the interests of pollution control, aquatic amenity and public health.

15. Prior to the commencement of development, a contribution shall be payable to Laois County Council, in accordance with the Council’s Development Contribution Scheme

2025-2031 in respect of public infrastructure and facilities benefiting development in the area of the planning authority, and that is provided or that it is intended will be provided by, or on behalf of, the Council.

The amount of the development contribution is set out below and is subject to annual revision with reference to the Wholesale Price Index (Building and Construction), and penalty interest for late payment, in accordance with the terms of the Council's Development Contribution Scheme:-

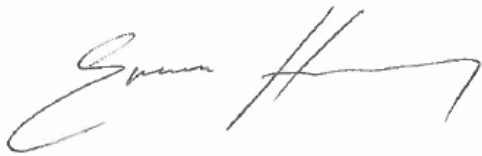
This Development is classified **Rural Residential (located outside the Local Area Plans and designated settlement boundaries) AND under 200sqm** as per the Laois County Development Plan 2021-2027 and the Local Area Plans for Portlaoise, Portarlinton, Mountmellick and Graiguecullen.

Rural Residential	No. of Units	<u>Base Charge</u>	floor area over 200m²	<u>Additional Charge floor area over 200m²</u>	Total per Contribution
Transport and Roads Infrastructure	1	€3,000.00	0	€0.00	€3,000
Social and Community Infrastructure, Regeneration and Amenities	1	€2,000.00	0	€0.00	€2,000.00
Total Development Contributions					€5,000

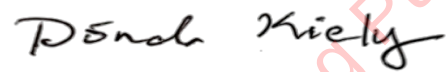
Ancillary Residential over 40m²	Floor area	<u>Charge</u>	Total per Contribution
Transport and Roads Infrastructure	23	€9.00	€207.00
Social and Community Infrastructure, Regeneration and Amenities	23	€6.00	€138.00

Total Development Contributions		€345.00
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Reason: It is considered reasonable that the developer should contribute towards the expenditure incurred or proposed to be incurred by Laois County Council in respect of the provision/improvement of public services/infrastructure benefiting development in the area of the planning authority.



Emma Hennessy
Executive Planner
14th September 2026



Senior Executive Planner, 14/09/2026

Donal Kiely
Senior Executive Planner

DB 15/09/2026

ANNEX 1

APPROPRIATE ASSESSMENT SCREENING REPORT

**APPROPRIATE ASSESSMENT SCREENING REPORT
AND
DETERMINATION**

(A) Project Details			
Planning File Ref	26/60514		
Applicant name	Shane Tynan and Rachel Barry		
Development Location	Ballythomas, Co. Laois		
Site size	0.550 Hectares		
Application accompanied by an EIS (Yes/NO)	No		
Distance from Natura 2000 site in km	River Barrow & River Nore SAC – 4.03km south-east of the subject site		
Description of the project/proposed development			
Construct dwelling house etc			
(B) Identification of Natura 2000 sites which may be impacted by the proposed development			
			Yes/No
			If answer is yes, identify list name of Natura 2000 site likely to be impacted.
1	Impacts on sites designated for freshwater habitats or species. <u>Sites to consider:</u> River Barrow & River Nore SAC	<i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?</i>	No
2	Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath. <u>Sites to consider:</u> River Barrow & River Nore SAC	<i>Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats (bog, marsh, fen or heath)</i>	No
3	Impacts on designated terrestrial habitats.	<i>Is the development within a Special Area of Conservation whose</i>	No

	<u>Sites to consider:</u> River Barrow & River Nore SAC	<i>qualifying interests include woodlands, dunes or grasslands, or within 100m of same?</i>	
4	Impacts on birds in SPAs <u>Sites to consider:</u> River Nore SPA	<i>Is the development within a Special Protection Area?</i>	No

Conclusion:

If the answer to all of the above is **No**, significant impacts can be ruled out for habitats and bird species.

No further assessment in relation to habitats or birds is required.

If the answer is **Yes** refer to the relevant sections of **C**.

(G) SCREENING CONCLUSION STATEMENT		
<i>Selected relevant category for project assessed by ticking box.</i>		
1	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
2	No potential significant affects/AA is not required	X
3	Significant effects are certain, likely or uncertain. Seek a Natura Impact Statement Reject proposal. (Reject if potentially damaging/inappropriate)	
Justify why it falls into relevant category above (based on information in above tables) Having regard to the proximity of the nearest Natura 2000 site and given the nature and extent of the proposed development, with no direct connections to the hydrology of the SAC/SPA, it is not considered there would be potential for significant effects on the Natura 2000 network.		
Name:	Emma Hennessy	
Position:	Executive Planner	
Date:	14/09/2026	