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PLANNING AND DEVELOPMENT ACT, 2000 AS AMENDED

NOTIFICATION OF DECISION TO REFUSE

Registered Post/by e-mail

file copy

To: Noel Gavigan
49 The Downs
Portlaoise
Co. Laois
R32PKD7

LAOIS COUNTY COUNCIL
- 6 JUL 2026
SCANNED
PLANNING SECTION

Planning Register Number: 26/31
Valid Application Received: 11/05/2026
Further Information Received Date:
Date of Decision: 01/07/2026

In pursuance of the powers conferred upon them by the above-mentioned Act, Laois County Council has by Chief Executive's Order dated 01/07/2026 decided to **REFUSE TO GRANT** OUTLINE PERMISSION to the above named for development of land, namely:- construct a single storey house, garage and associated wastewater treatment system as appropriate at Straboe, Portlaoise, Co. Laois in accordance with the documents received by the Planning Authority, for the **3 reason(s)** set out in the attached schedule. The Planning Authority have had regard to any submissions, objections or representations made on this file.

Signed on behalf of Laois County Council

for **ADMINISTRATIVE OFFICER, PLANNING**

DATE: 02/07/2026

Please arrange to remove the site notice forthwith.

Note:

1. Any appeal against a decision of a Planning Authority under the Planning & Development Act, 2000 as amended may be made to An Coimisiún Pleanála and must be received by the Commission **within 4 weeks** beginning on the date of the making of the decision by the Planning Authority.

2. See footnote at the end of this document for details of appeal procedures.

Laois County Council Planning Authority, Viewing Purposes Only!

PLANNING REF: 26/31 **C.E.O. NO: 419**

REASONS

1. Local Need

The subject site is located in an area designated as an *Area Under Strong Urban influence* as per Table 4.4 of the Laois County Development Plan 2021-2027.

It is considered that the Applicant has not demonstrated compliance with the local rural housing need criteria for such an area as set out in Table 4.4 of the Laois County Development Plan 2021-2027.

The applicant currently resides in Portlaoise and has previously occupied a dwelling within the defined local rural area (at Ballycarroll) which was approved under planning permission Ref. 06/1828

Furthermore, the applicant:

- Is not a long-term landowner nor the son or daughter of such landowner seeking to build on family lands,
- Is not engaged in farming activities on family lands,
- Is not employed in a rural-based occupation requiring residence at this location, and
- Has failed to demonstrate a compelling need to reside in the local rural area arising from family or work-related reasons, notwithstanding prior residency.

Accordingly, the proposal does not satisfy any of the criteria set out under Table 4.4 of the Laois County Development Plan 2021–2027 and constitutes a material contravention of same.

The proposed development would therefore be contrary to the proper planning and sustainable development of the area and would set an undesirable precedent for similar development in an area where such development is strictly controlled.

2. Traffic Safety

The Planning Authority is not satisfied, based on the information submitted, that the proposed development would not give rise to traffic hazard or endanger public safety, having regard to the substandard nature of the existing access arrangements. The application fails to provide adequate details in relation to sightlines at the site entrance. In particular, the required visibility splays of 3m x 90m, as set out in the Laois County

Laois County Council Planning Authority, Viewing Purposes Only!

REASONS

Council Roads and Parking Standards 2007 for a Local Secondary Road, have not been demonstrated. In the absence of this information, the Planning Authority cannot be satisfied that safe vehicular access can be achieved.

The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. Wastewater Treatment

Insufficient information has been submitted in relation to wastewater treatment for the proposed development.

In particular, Site Suitability Assessment (SSA) results to demonstrate the suitability of the site for an on-site wastewater treatment system have not been furnished.

In the absence of the above information, the Planning Authority cannot determine whether the proposed development can be serviced in a satisfactory and sustainable manner.

Having regard to the foregoing, the Planning Authority considers that the proposed development would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

Laois County Council Planning Authority, Viewing Purposes Only!

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Footnote:

An appeal against a decision of a Planning Authority under the Planning and Development Act 2000 (as amended) may be made to An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, D01 V902. (Tel. (01) 858 8100 or Lo-call 1800 275 175) during office hours.

1. You have four weeks beginning on the date the Planning Authority makes its decision which was (01/07/2026). This is a strict time limit.
2. You must put your appeal in writing (either typed or handwritten).
3. You must clearly state your own name and address. If someone is acting for you, they must clearly state their own name and address as well as your name and address.
4. You must give enough details to allow An Coimisiún Pleanála to identify the application you wish to appeal.
5. You must provide your planning grounds of appeal (reasons and arguments) for your appeal and any items you wish to support your grounds of appeal.
6. If you are a third party, you must include the written acknowledgement given to you by the Planning Authority to confirm it received your submission at planning application stage.
7. You must pay the correct fee.

For more information on how to make an appeal see www.pleanala.ie

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ORIGINAL

LAOIS COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING AND DEVELOPMENT ACT, 2000 AS AMENDED

Reference Number: 26/31 **Chief Executive's Order No.** 419

SUBJECT:
Application by Noel Gavigan 49 The Downs, Portlaoise, Co. Laois, R32PKD7 for OUTLINE PERMISSION to construct a single storey house, garage and associated wastewater treatment system as appropriate at Straboe, Portlaoise, Co. Laois, in accordance with the plans and particulars received by the Planning Authority on 11/05/2026.

SUBMITTED: Planners Report - file reference 26/31

The making of a decision to Refuse Permission for this development is recommended for the 3 reason(s) marked on the schedule attached hereto.

LAOIS COUNTY COUNCIL
6 JUL 2026
SCANNED
PLANNING SECTION

Signed by:
Nathan Smith
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A/**SENIOR PLANNER**

ORDER: WHEREAS, by Chief Executive's Order No. 01/2026 dated 11th March 2026, Michael Rainey, Chief Executive of Laois County Council, in pursuant to the powers conferred on him by Section 154 of the Local Government Act, 2001, as amended, delegate onto me certain powers, functions and duties as set out therein.

NOW, THEREFORE, pursuant to the delegation of the said powers, functions and duties aforesaid, I Angela McEvoy, Director of Services, hereby order that, pursuant to the provisions of Sections 34 of the Planning & Development Acts, 2000 as amended, a decision is made to **REFUSE Permission** to Noel Gavigan for the development referred to in the foregoing report, subject to the reasons on the Schedule attached hereto.

DocuSigned by:
Angela McEvoy
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DIRECTOR OF SERVICES

DATED: 01 July 2026 | 16:38:37 BST

Laois County Council Planning Authority, Viewing Purposes Only!

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PLANNING REF: 26/31 C.E.O. NO: 419

REASONS

1. Local Need

The subject site is located in an area designated as an *Area Under Strong Urban influence* as per Table 4.4 of the Laois County Development Plan 2021-2027.

It is considered that the Applicant has not demonstrated compliance with the local rural housing need criteria for such an area as set out in Table 4.4 of the Laois County Development Plan 2021-2027.

The applicant currently resides in Portlaoise and has previously occupied a dwelling within the defined local rural area (at Ballycarroll) which was approved under planning permission Ref. 06/1828

Furthermore, the applicant:

- Is not a long-term landowner nor the son or daughter of such landowner seeking to build on family lands,
- Is not engaged in farming activities on family lands,
- Is not employed in a rural-based occupation requiring residence at this location, and
- Has failed to demonstrate a compelling need to reside in the local rural area arising from family or work-related reasons, notwithstanding prior residency.

Accordingly, the proposal does not satisfy any of the criteria set out under Table 4.4 of the Laois County Development Plan 2021–2027 and constitutes a material contravention of same.

The proposed development would therefore be contrary to the proper planning and sustainable development of the area and would set an undesirable precedent for similar development in an area where such development is strictly controlled.

2. Traffic Safety

The Planning Authority is not satisfied, based on the information submitted, that the proposed development would not give rise to traffic hazard or endanger public safety, having regard to the substandard nature of the existing access arrangements. The application fails to provide adequate details in relation to sightlines at the site entrance. In particular, the required visibility splays of 3m x 90m, as set out in the Laois County

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REASONS

Council Roads and Parking Standards 2007 for a Local Secondary Road, have not been demonstrated. In the absence of this information, the Planning Authority cannot be satisfied that safe vehicular access can be achieved.

The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. Wastewater Treatment

Insufficient information has been submitted in relation to wastewater treatment for the proposed development.

In particular, Site Suitability Assessment (SSA) results to demonstrate the suitability of the site for an on-site wastewater treatment system have not been furnished.

In the absence of the above information, the Planning Authority cannot determine whether the proposed development can be serviced in a satisfactory and sustainable manner.

Having regard to the foregoing, the Planning Authority considers that the proposed development would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

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LAOIS COUNTY COUNCIL
PLANNING DEPARTMENT

PLANNING REPORT **PLANNING REF: 26/31**

Applicant Name:	Noel Gavigan
Development Description:	Outline Permission to construct a single storey house, garage and associated wastewater treatment system as appropriate
Development Address:	Straboe, Portlaoise, Co Laois.
Type of Permission:	**Outline Permission**
Date of Site Inspection:	08/06/2026
Decision Due Date:	05/07/2026
Recommendation:	**Refusal**

Site Location/ Context

The application site (stated to be 0.34ha) is located at Straboe, approximately 4.5km north of Portlaoise. The site has an access onto an unnamed road which adjoins the Local Secondary road, L-6135. The is rectangular in shape and relatively flat in topography. The site is adjoined by one off dwellings, forestry and agricultural land.

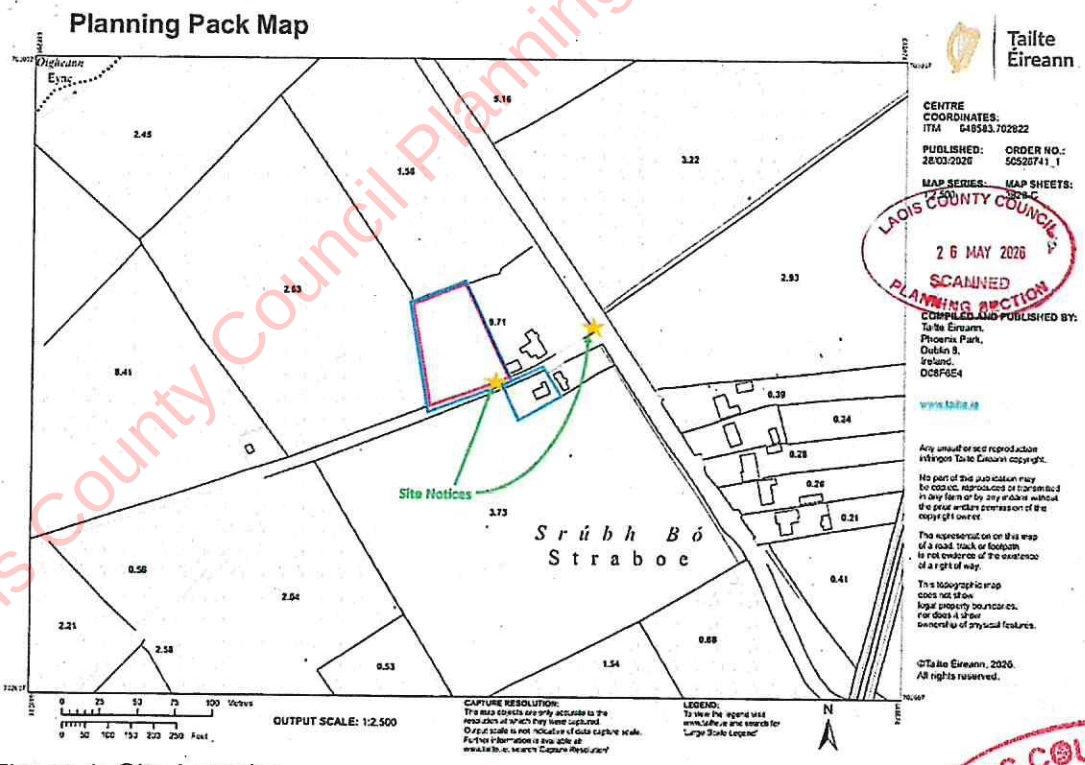


Figure 1: Site Location

LAOIS COUNTY COUNCIL
- 6 JUL 2026
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Proposed Development

Outline Planning Permission sought to construct a single storey house, garage and associated wastewater treatment system as appropriate.

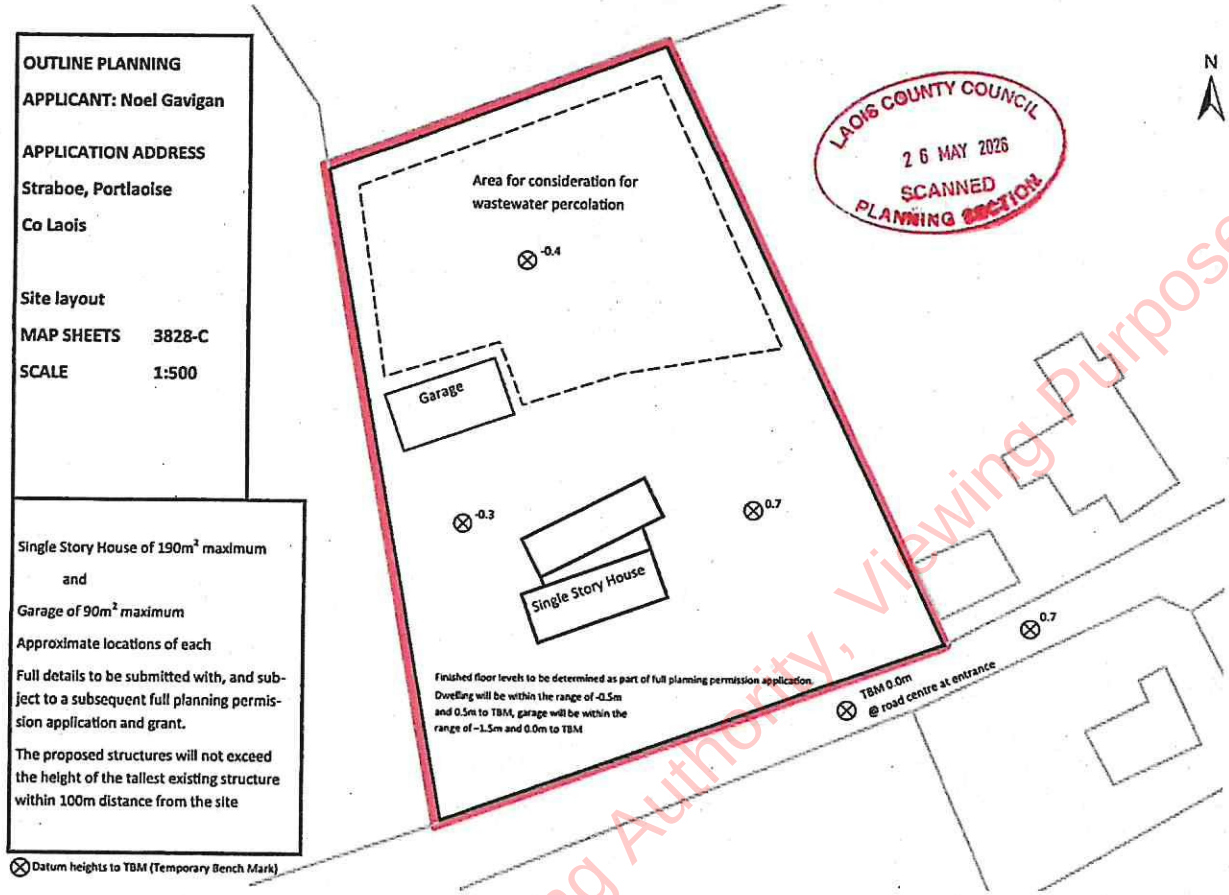


Figure 2: Site Layout

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 not located with Flood Zones A or B as defined in the Strategic Flood Risk Assessment of the Laois County Development Plan 2021-2027.

Landscape Character

The site is located within the Lowland Agricultural Area Character Area.

Archaeological and Architectural Heritage

There is no Protected Structures on or adjacent to the site.

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Submissions/ Observations / Representations

~~Last date for receipt of submissions/observations/representations was 14/06/2026. None received by the planning authority.~~

Submission from landowner Mr. Damien Nee with reference to the site curtilages in this application and the previous application under Pl Ref 21/269.dk

Pre-planning

Pre-planning discussions are noted to have taken place with respect to this proposal.

Planning History

21/269: Wider site - full planning permission to retain structure to rear of existing cottage structure, retain mobile home on site, permission to demolish existing cottage structure and construct extension to existing structure to be retained, de-commission existing septic tank and replace with wastewater treatment system and polishing filter, new site entrance and all associated works. Conditional

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.

MD Engineer	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 site is in an area designated as an Area Under Strong Urban Influence. Table 4.4 of the Laois CDP 2021-2027 states that;

It is an objective to recognise the individual housing needs of people intrinsic to the rural areas located within the areas defined as 'rural areas under strong urban influence'. Such needs may be accommodated on lands within the rural area under strong urban influence, subject to the availability of a suitable site and nor mal proper planning and sustainable development criteria. It is an objective of the Council only to permit single houses in the area under strong urban influence to facilitate those with a local rural housing need in the area, in particular those that have lived in a rural area. In order to demonstrate a genuine rural housing need, any of the following criteria shall be met:

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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 engaged in working the family farm and the house is for that persons own use; or
c) the applicant is working in rural activities and for this reason needs to be accommodated near their place of work; or
d) the application is being made by a local rural person(s) who have spent a substantial period of their life living in the local rural area, and, who for family and/or work reasons need to live in the rural area

Footnotes (below) of the LCDP also apply in this instance:
Local Rural Housing Need – This is defined as a person who does not or has never owned a house in the "local rural area" and has the need for a permanent dwelling for their own use in the rural area.
Local Rural Person – is a person who is living or has lived in the local rural area for a substantial period of time prior to making the planning application.
Local Rural Area for the purposes of this policy is defined as the area within a 10km radius of the applicant's family home.

Having reviewed the submitted information, it is noted that the applicant is currently renting in Portlaoise. The applicant has previously lived and owned a house in the "local rural area" (rural townland of Ballycarroll) under planning reference 06/1828 & 09/679.

The applicant is not a long-term landowner or the son/daughter of the long term landowner.

The applicant's occupation is not on the family farm nor in rural activities and does not give a reason to be accommodated near their place of work.

The applicant has spent a substantial period of time in the rural area (Ballycarroll, within a 10km radius) but has owned a house in this area and cannot justify a need to live in the local rural area for family or work reasons.

In this context, the proposal is assessed against the relevant provisions of the Laois County Development Plan. The applicant does not appear to satisfy the applicable local needs criteria.

It is considered, on the basis of the information submitted, that the proposal is not in compliance with the Development Plan provisions relating to the Local needs requirements.

Siting and Design
The applicant is seeking outline permission to construct a 190sqm single storey dwelling and 90sqm garage on the development site.

No further information on the proposed development is provided with the application.

From a review of the site layout plan the location of the proposed dwelling is well articulated and is sited appropriately on site. I am satisfied that the siting of the dwelling is in general compliance with Rural Design Guidance set out in Appendix 7 of the Laois County Development Plan 2021-2027, however at this stage cannot comment on the design.

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Access
Vehicular access is onto an unnamed road which continues onto the local secondary road a section of the County Secondary Road L-6135. The Laois County Council Roads and Parking Standards 2007 states that 3m x 90m sight distances are required on a Local Secondary Road.

Sightlines have not been provided with tis application. Further information would be required in this regard.

Services
The applicant is proposing to source potable water from a new connection to the public mains. A Pre Connection Service Agreement has not been supplied with the application. It is proposed to install a new on-site treatment system. SSA results have not been issued with this application. Surface water is to be disposed of to ground to an on-site soakpit.

Further information would be required with regards to water supply and wastewater treatment.

Contributions
Contributions have not been calculated on the basis that this is an outline application, and would be calculated at the permission consequent stage if permission were to be granted.

Recommendation
It is recommended that permission be refused be for the following reasons:

1. Local Need
The subject site is located in an area designated as an *Area Under Strong Urban influence* as per Table 4.4 of the Laois County Development Plan 2021-2027.

It is considered that the Applicant has not demonstrated compliance with the local rural housing need criteria for such an area as set out in Table 4.4 of the Laois County Development Plan 2021-2027.

~~The Planning Authority is not satisfied that the applicant has demonstrated a qualifying local rural housing need~~. The applicant currently resides in Portlaoise and has previously ~~constructed and~~ occupied a dwelling within the defined local rural area (at Ballycarroll) which was approved under planning permissions Ref. 06/1828 ~~and Ref. 09/679. As such, the applicant does not comply with the definition of a "Local Rural Housing Need" as set out in the Development Plan.~~
85
Furthermore, the applicant:

- Is not a long-term landowner nor the son or daughter of such landowner seeking to build on family lands,
- Is not engaged in farming activities on family lands,
- Is not employed in a rural-based occupation requiring residence at this location, and
- Has failed to demonstrate a compelling need to reside in the local rural area arising from family or work-related reasons, notwithstanding prior residency.

Laois County Council Planning Authority, Viewing Purposes Only!

Accordingly, the proposal does not satisfy any of the criteria set out under Table 4.4 of the Laois County Development Plan 2021–2027 and constitutes a material contravention of same.

The proposed development would therefore be contrary to the proper planning and sustainable development of the area and would set an undesirable precedent for similar development in an area where such development is strictly controlled.

2. ~~Insufficient Information~~

2. ~~a)~~ Sightlines ~~and~~ Traffic Safety
The Planning Authority is not satisfied, based on the information submitted, that the proposed development would not give rise to traffic hazard or endanger public safety, having regard to the substandard nature of the existing access arrangements. The application fails to provide adequate details in relation to sightlines at the site entrance. In particular, the required visibility splays of 3m x 90m, as set out in the Laois County Council Roads and Parking Standards 2007 for a Local Secondary Road, have not been demonstrated. In the absence of this information, the Planning Authority cannot be satisfied that safe vehicular access can be achieved.

The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. ~~b)~~ Site Suitability ~~– Water Supply and~~ Wastewater Treatment
~~Furthermore~~, ~~The Planning Authority is not satisfied that the proposed development can be adequately serviced~~. Insufficient information has been submitted in relation to ~~water supply and~~ wastewater treatment for the proposed development. ~~including:~~

In particular, ~~The absence of~~ Site Suitability Assessment (SSA) results to demonstrate the suitability of the site for an on-site wastewater treatment system have not been furnished.

- ~~The absence of a Pre-Connection Services Agreement for connection to the public water mains.~~
- ~~The absence of Site Suitability Assessment (SSA) results to demonstrate the suitability of the site for an on-site wastewater treatment system, and (DB)~~
- ~~Insufficient detail regarding the proposed surface water disposal arrangement~~

In the absence of the above information, the Planning Authority cannot determine whether the proposed development can be serviced in a satisfactory and sustainable manner.

Having regard to the foregoing, the Planning Authority considers that the proposed development would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

Emily Tobin

Senior Executive Planner, 01/07/2026

Laois County Council Planning Authority, Viewing Purposes Only!

Emily Tobin
Executive Planner
30th June 2026

Donal Kiely
Senior Executive Planner

DB 01/07/2026

ANNEX 1

APPROPRIATE ASSESSMENT SCREENING REPORT

Laois County Council Planning Authority, Viewing Purposes Only!

APPROPRIATE ASSESSMENT SCREENING REPORT AND DETERMINATION

(A) Project Details	
Planning File Ref	26/31
Applicant name	Noel Gavigan
Development Location	Straboe, Co.Laois
Site size	0.340 hectares
Application accompanied by an EIAR (Yes/No)	No
Distance from Natura 2000 site in km	The site is located approximately 5.79km South East of the River Barrow and River Nore SAC
Description of the project/proposed development Outline - Construct new 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 and Nore	*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?*	**No**
2	**Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath.** <u>Sites to consider</u>: River Barrow and Nore	*Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats (bog, marsh, fen or heath)*	**No**
3	**Impacts on designated terrestrial habitats.** <u>Sites to consider</u>: River Barrow and Nore	*Is the development within a Special Area of Conservation whose qualifying interests include woodlands, dunes or*	**No**

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		grasslands, or within 100m of same?	
4	**Impacts on birds in SPAs** <u>Sites to consider:</u> River Nore	*Is the development within a Special Protection Area?*	**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 *Selected relevant category for project assessed by ticking box.*		
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)

The site is not located within or adjacent to a European designated site. The site is not located within or adjacent to a European designated site. Therefore, 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:	Emily Tobin
Position:	Executive Planner
Date:	30/06/2026

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