



An
Bord
Pleanála

Inspector's Report ABP-320139-24

Development	Conversion and extension of garage to 2 one bed community dwellings and boiler house, with all associated site works.
Location	Bethany House, Adamstown, Castletown Geoghegan, Co. Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	2460059
Applicant(s)	Nua Healthcare
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Stephen Lynam
Observer(s)	None
Date of Site Inspection	19 th February 2025

Inspector

Emma Nevin

1.0 Site Location and Description

- 1.1. The appeal site, which is rectangular in shape, has a stated site area of 0.310ha and is located on the northern side of the L-5234, to the west of Castletown Geoghan village. The site consists of a detached community dwelling, and a large garage with basement. The site is within the rural area.

2.0 Proposed Development

- 2.1. The proposed development consists of:
- The change of use of the existing garage to 2nos. 1 bed community dwellings,
 - Alteration of external windows and door to existing garage,
 - New single storey extension to the side of existing garage for a boiler housing,
 - New ramp and stair access for the new dwellings,
 - New timber fencing outside existing garage,
 - Retention of upgraded Wastewater Treatment System, and
 - Ancillary works to facilitate the development.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted permission, following further information request, on 13th June 2024, subject to 7 conditions, which included the following:
- Condition 2 related to occupancy.
 - Condition 3 related to legal agreement with the Planning Authority in respect to the use of the structure.
 - Condition 4 relates to finishes.
 - Condition 5 relates to surface water drainage.
 - Condition 6 relates to foul water drainage.

- Condition 7 related to Development Contributions.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports dated 13th June 2024 and 24th April 2024 have been provided.
- 3.2.2. This planning application was assessed under the Westmeath County Development Plan, 2021 – 2027.
- 3.2.3. The first planners report considered it necessary to seek further information on the following items:
 - To submit amended plans and particulars showing: (i) storage facilities within each unit having regard to the ‘Quality Housing for Sustainable Communities, 2007’ and (ii) the proposed boundary fencing associated with this development and provide full details of proposed materials.
 - To submit details in respect of the wastewater treatment system to be retained including a report from a suitably qualified competent person with Professional Indemnity Insurance that the existing on-site wastewater treatment system, is capable for the additional loading and that the existing treatment system is in accordance with the EPA Code of Practice: Wastewater Treatment and Disposal Systems and installed correctly.
- 3.2.4. The planners report concluded that the further information sufficiently addressed all items under the further information request, and it was considered that having regard to the provisions of the Westmeath County Development Plan 2021-2027, the proposed development, subject to the conditions in schedule two, would be in accordance with the proper planning and development of the area, subject to 7 no. conditions, noted in Section 3.1.1 above.
- 3.2.5. Other Technical Reports
 - District Engineer: Report received requesting further information. Following further information, report received stating no objection subject to conditions.
 - CFO: Report received stating Fire Safety Cert is required.

3.3. Prescribed Bodies

- Uisce Eireann: No report received.
- EHO: No Report received.

3.4. Third Party Observations

3.4.1. One third party submissions were received, the main issues raised within which can be summarised as follows:

- As per refusal under 23/60201, “it is Council policy to control non-essential dispersed residential development in rural areas and to direct such development to existing settlements and to facilitate rural generated housing in the area where the applicants can demonstrate an intrinsic link, in order to minimise the impact of development on agriculture and the landscape, to strengthen rural communities and to allow for a more economic and orderly provision of services and infrastructure”. The subject application and that refused does not detail any intrinsic links with Nua Healthcare and their services.
- As per refusal under 23/60201, “In the absence of a physical connection to the main house on the subject lands and having regard to the siting and design proposed, it is considered that the development if permitted would constitute a haphazard, disorderly form of development on a restricted site area. Taken with existing developments in the vicinity, the proposed development would give rise to a congested layout and over development of this un-serviced site in a rural area. The proposed development would, therefore, seriously injure the residential amenity and depreciate the value of property in the vicinity”.
- There is no change in design from the previous refusal and would materially contravene policy CPO 16.32.
- The list of precedents indicated in the Planners Report by Darragh Lynch Architects does not reference any similar development granted in Westmeath and the author does not see the relevance.

4.0 Planning History

4.1. The following planning history on site is of relevance to the instant appeal.

- 23/60201: Permission refused by the local authority on 23rd August 2023 for the change of use of the existing Garage to 2 No. 1 bed dwellings, alteration of external windows and door to existing garage, new single storey extension to the side of existing garage for a boiler housing, new ramp and stair access for the new dwellings, new timber fencing outside existing garage, and retention of upgraded Wastewater Treatment System, and ancillary works to facilitate the development.

Reasons for refusal stated:

“1. It is Councils policy objective to ‘locate sheltered accommodation within towns and villages for reasons of sustainability, accessibility, social inclusion and proximity to services’. (CPO 16.30). It is also Councils policy objective to control non-essential dispersed residential development in rural areas and to direct such development to existing settlements and to facilitate rural generated housing in the area where the applicants can demonstrate an intrinsic link, in order to minimise the impact of development on agriculture and the landscape, to strengthen rural communities and to allow for a more economic and orderly provision of services and infrastructure. Accordingly, having regard to the nature and siting of the development proposed and in the absence of satisfactory documentation submitted to the contrary, it is considered that the proposed development if permitted would materially contravene policy objective CPO 16.30 and CPO 9.1 of the Westmeath County Development Plan 2021-2027 and would therefore be contrary to the proper planning and sustainable development of the area.

2. In the absence of a physical connection to the main house on the subject lands and having regard to the siting and design proposed, it is considered that the development if permitted would constitute a haphazard, disorderly form of development on a restricted site area. Taken with existing developments in the vicinity, the proposed development would give rise to a congested layout and over development of this un-serviced site in a rural area. The proposed development would, therefore, seriously injure the residential amenity and depreciate the value of property in the vicinity, would materially contravene policy objective CPO 16.32 of

the Westmeath County Development Plan 2021-2027, would set an undesirable precedent and would be contrary to the proper planning and sustainable development of the area”.

- Section 5: S5-06-22 Conversion of a dwelling to a community dwelling. Exempt development.
- ABP-309706-21/Ref:206278: Permission granted on appeal to An Bord Pleanála ABP-309706-21 on 13th September 2021 for the retention of the following works: main dwelling as relocated, modified, and extended from that granted under application ref. 02/237 & 02/1096, the garage structure as relocated and modified from that granted under application ref. 05/4016; the relocation of the wastewater treatment system from that granted under application ref. 02/1096; the relocation of the gated vehicular access and front boundary wall from that granted under application ref. 02/1096; the retention of the block build boundary wall to the northwestern corner of the site and the retention of any site works associated with the abovementioned works.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Westmeath County Development Plan 2021-2027 is the relevant development plan, under which the site is located in the open countryside, in the rural area under strong urban influence.

5.1.2. Relevant Development Plan Policies and Objectives:

- CPO 16.30 Residential care homes, retirement homes, nursing homes, retirement villages and sheltered accommodation: Proposals for this type of accommodation should:
 - Be located within towns and villages for reasons of sustainability, accessibility, social inclusion and proximity to services. Exceptions will only be considered where a professional and evidence-based need is demonstrated to locate in a rural environment because of the nature of the care required.

- Provide adequate open space informed by the need to cater for all levels of ability and in particular the needs of an ageing population and the mobility impaired, in line with Ministerial and Departmental Guidelines including Housing Options for Our Ageing Population Policy Statement (Department of Health) (2019) and Thinking Ahead: Independent and Supported Housing Models for an Ageing Population (Housing Agency) (2018).
- Provide adequate parking facilities.
- Be of a size, scale and incorporate external finishes appropriate to the area.
- Not detract from the residential amenities of adjoining lands.

5.2. National Planning Framework

5.2.1. The NPF provides an overarching policy and planning framework for the social, economic and culture development of the country. The National Planning Framework (NPF) acknowledges that “rural areas have a major role to play in Ireland 2040 and encourages Local Authorities to ensure that connectivity gaps are addressed and that planning and investment policies support job creation in the rural economy”.

5.2.2. I reference the following:

- National Strategic Outcome 10 (Access to Quality Childcare, Education and Health Services), in relation to Integrated Health and Social Care Services which states it is an outcome to:

“Facilitate the transition of people across services, providing multi-disciplinary care at the lowest level of complexity close to where people live. Focus on improving access to primary and community care services, including mental health, disability services, palliative care, services for older people, social inclusion, and addiction support”.

5.3. Eastern and Midlands Regional Spatial and Economic Strategy

5.3.1. The Eastern and Midlands Regional Spatial and Economic Strategy (RSES) recognises the major contribution that rural areas make towards regional and national development in economic, social and environmental terms. The RSES aims to strengthen the fabric of rural Ireland, supporting rural towns and communities as

well as the open countryside, improving connectivity, and supporting job creation, particularly in a more diverse range of sectors.

- 5.3.2. The RSES supports the consolidation of the town and village network, to ensure that development proceeds sustainably and at an appropriate scale, level, and pace in line with the Core Strategies of County Development Plans.

5.4. Ministerial Guidelines

5.4.1. Section 28 Guidance

- Quality Housing for Sustainable Communities, 2007.
- Sustainable Rural Housing, Guidelines for Planning Authorities, 2005.

5.5. Natural Heritage Designations

- 5.5.1. The subject site is not located within a designated European Site.

5.6. EIA Screening

- 5.6.1. I refer the Board to the completed Form 1 in Appendix 1.
- 5.6.2. Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. One appeal has been received from Mr. Stephen Lynam. The grounds of the appeal are summarised as follows: -
- This development was refused permission on two grounds.
 - The new application 2460059 has been granted permission.

- The Board is requested to review both managers' orders and give their own assessment.
- This property has a long list of planning irregularities, with retention eventually being granted. The latest application demonstrates a continues piecemeal, phased approach to bypass the original orders as set out by the relevant authorities.

6.2. Applicant Response

6.2.1. A detailed response was received dated 6th August 2024 by the applicant's agent in respect to the issues raised in the third party appeal and can be summarised as follows:

- A breakdown of the Councils assessment of the development.
- It is acknowledged that the development subject to the planning application is principally the same, the new information submitted was discussed at pre-planning stage, no design changes were required to the proposal.
- The purpose of the subject application was to address the reasons for refusal set out under Reg. Ref. 23/60201, they are not the same development.
- The applicant addressed the reasons for refusal as cited in the planners' report.
- Planning conditions are inherently linked to the context in which they are applied and do not necessarily preclude future re-evaluation under different circumstances where a change of use is clearly applied for in the Statutory Notices.
- There are no existing undetermined planning matters on the subject site.
- The claim that the applicant has made an attempt at piecemeal development is fallacious as Nua only acquired the lands at the end of 2021. Nua cannot be accused of attempting a phased approach to development as they have not been involved in the previous phases of development on site.
- There are no existing undetermined planning matters on the subject site.

- The fact that the buildings are separate to the main building is quintessential of the kind of accommodation Nua seeks to provide to persons of intellectual disabilities.
- The applicant requests that An Bord Pleanála uphold the Planning Authority Decision to grant planning permission.

6.3. **Planning Authority Response**

6.3.1. No response received from Westmeath County Council.

6.4. **Observations**

6.4.1. None received.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the third party appeal (the subject matter of this appeal), the applicants' response, the site inspection and having regard to the relevant policies, objectives, and guidance, I am satisfied that the main issues to be considered are those raised in the grounds of appeal, and no other substantive issues arise. The main issues in determining this appeal are as follows:

- I. Principle of Development
- II. Planning History
- III. Proposed Use
- IV. Appropriate Assessment, and
- V. Other Matters.

7.2. This assessment represents my de novo consideration of all planning issues material to the proposed development.

7.3. **Principle of Development**

7.3.1. The appeal site is located within the open countryside in a rural area. On site there is an existing dwelling, which is currently in use as a community dwelling, providing

residential care for individuals with intellectual and physical disabilities (permitted under S5-06-22). The proposed development comprises the change of use of the existing structure to provide 2 no. one bedroom community dwellings, within the curtilage of the existing dwelling, which will be ancillary to the existing development on site.

7.3.2. I reference CPO 16.30 of the Development Plan which provides guidance in respect to 'Residential care homes, retirement homes, nursing homes, retirement villages and sheltered accommodation'. I note that the applicant has provided a need to locate in a rural environment because of the nature of the care required. In respect to the scale of the development, the appeal site is a large site with a stated area of 0.31 ha. with the floor area of the existing dwelling stated at 306 sq. m. The proposed works comprising some 400.3 sq. m. in floor area, in the form of the conversion and extension of an existing detached garage building on site. I also note that a garden area to the front of the site will be retained with dedicated parking within the site to accommodate several vehicles. As such I am satisfied that the development as proposed complies with the requirements of CPO 16.30 of the Plan.

7.3.3. I also reference national guidance in respect to the existing and proposed use at this site under NSO 10 of the NPF as noted in Section 5.2 above.

Conclusion:

7.3.4. Therefore, I am generally satisfied that the overall principle of the proposed development is acceptable, and having regard to the existing use on site, the justification for the proposed development, its layout and the remaining open space, that the development would not represent overdevelopment of this site and is consistent with the existing use permitted on site, subject to the consideration of all other relevant planning issues.

7.4. Planning History

7.4.1. The planning history pertaining to this site is of relevance and this has been referenced in the planners' report, with the relevant planning history noted in Section 4 of this report.

7.4.2. The third party appellant references the most recent refusal on the site and requests the Board to review the managers order and make an independent assessment. As

noted at the outside this assessment represents my de novo consideration of all planning issues material to the proposed development.

- 7.4.3. I note that the most recent refusal pertaining to the site (Ref:2360201), related to a similar development on site, with the concerns raised in the local authority reasons for refusal pertaining to the absence of satisfactory documentation in respect of compliance with CPO 16.30 and to control non-essential dispersed residential development in rural areas. The second reason for refusal related to the lack of a physical connection to the main dwelling house and would constitute haphazard, disorderly form of development in a restricted area.
- 7.4.4. As part of the current application, and as reiterated by the applicant in their response to the third party appeal, the applicant submitted a report with the current planning application which justified the need for the proposed community dwellings to be located in close proximity to the main dwelling. The report also includes the need for this type of accommodation from a professional perspective and the demand for the services in particular the projected increase in people with intellectual disabilities seeking accommodation of this kind. NSO 10 of the NPF is also referenced in relation to Integrated Health and Social Care Services.
- 7.4.5. In respect of the second reason for refusal which related to the lack of a connection/the absence of a physical connection with the main dwelling. The applicant in their response to the third party appeal, references the conditions attached to the grant of permission, binding the proposed community dwellings and the main dwelling house as one entity.
- 7.4.6. Having regard to the existing use on site, the information submitted as part of the planning application, and the details submitted as part of the appeal, and following my site inspection, I am satisfied that the instant planning application has overcome and address the concerns raised in the previously refused permission on this site.

7.5. Proposed Use

- 7.5.1. The instant appeal pertains to the conversion and extension of an existing detached garage to 2 no. one bed community dwellings within the curtilage of an existing dwelling currently in use as a community dwelling (S5-06-22 relates). The applicant has clarified that the community dwellings at Bethany House, will be ancillary to the main dwelling. In this regard, I recommend that a condition be attached to any grant

of permission that the development be ancillary to the main dwelling. I note condition 2 of the local authority decision to grant permission in this regard.

- 7.5.2. I also reference Condition 3 of the local authority decision to grant permission which relates to the ownership of the site and states that the entire development on site be held in single ownership, given the location of the site in a rural area and the type of use proposed on the overall site, I also recommend the inclusion of this condition, in this instance.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the development proposed and to be retained and the nature of the receiving environment and the distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.7. Other Matters

7.7.1. Impact on Amenities

While not specifically raised within the appeal, following site inspection I am satisfied that that the proposed development is of sufficient distance from the neighbouring property and therefore, will have no significant negative impacts on residential amenity of any property in the immediate vicinity.

7.7.2. Wastewater Treatment System:

In terms of the disposal and treatment of wastewater, the applicant is proposing to retain and upgrade the existing wastewater treatment system onsite to cater for the proposed development. Further information was requested in relation to determine the suitability of the wastewater treatment system to be retained.

As part of the further information response a full site suitability assessment has been submitted and a completion certificate and report from a suitably qualified competent person with Professional Indemnity Insurance confirming the existing on-site wastewater treatment system that was installed.

As such, I consider that the proposed wastewater treatment system to be acceptable, subject to conditions as noted by the planning authority.

7.7.3. Conditions:

As noted in Section 3.1.1 above, the local authority recommended a grant of permission subject to 7 no. standard conditions. Given the nature and scale of the development, I concur with the local authority and recommend the inclusion of standard conditions in this instance.

7.7.4. Unauthorised works:

Several issues have been raised in the observation in relation to planning irregularities on the appeal site. I note that the matter of enforcement falls under the jurisdiction of the planning authority and is not a matter for An Bord Pleanála under this appeal.

8.0 **Recommendation**

- 8.1. I recommend that planning permission be granted for the development subject to conditions as set out below, for the following reasons and considerations.

9.0 **Reasons and Considerations**

- 9.1. Having regard to the provisions of the Westmeath County Development Plan 2021-2027, the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would be appropriate in terms of the proposed use, scale and layout, would not adversely impact on the residential amenity of neighbouring properties by reasons of overlooking, overshadowing, overbearing, nor impact on the character or visual amenity of the area and would be acceptable in terms public health. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 20 th day of May 2024, except as may otherwise be required in order to comply
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	with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity
2.	The use of the proposed structure shall be as two no. community dwellings for persons with an intellectual or physical disability or mental illness only. No change of use shall take place without the prior permission of the Planning Authority, whether or not such change of use would otherwise constitute exempted development as defined in the Planning and Development Act 2000, as amended and Planning and Development Regulations 2001, as amended. Reason: In the interests of the proper planning and development of the area
3.	Prior to the occupation of the development, the developer shall enter into a legal agreement with the Planning Authority specifying that the entire development, on the site that this permission refers to, shall be held in single ownership and shall not be subdivided, sold or let. This agreement shall be registered as a burden against this site in the Land Registry within three (3) months of commencement of development. Reason: To protect the residential amenity of the area and to ensure that the water supply and wastewater disposal can be adequately maintained in the interest of public health.
4.	Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The brick colour/finish to be used shall be the same as that used on the adjoining existing development. Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

5.	The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority. Reason: In the interests of sustainable drainage.
6.	That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works. Reason: To protect the amenities of the area.
7.	Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: In order to safeguard the residential amenities of property in the vicinity.
8.	(a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 20th May 2024 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021. (b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021. (c) Within three months of the first occupation of the dwelling, the developer shall

	submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above. Reason: In the interest of public health and to prevent water pollution.
9.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme. Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Emma Nevin
Planning Inspector

20th February 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	320139-24			
Proposed Development Summary	Conversion and extension of garage to 2 one bed community dwellings and boiler house, with all associated site works.			
Development Address	Bethany House, Adamstown, Castletown Geoghegan, Co. Westmeath			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X	
		No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes				
No	X		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No	X	N/A	Development is not a project of type listed in Schedule 5, Part 2	No EIAR or Preliminary Examination required
Yes				

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required