



An
Coimisiún
Pleanála

Commission Order
PL-500030-GY

Planning and Development Acts 2000, as amended

Planning Authority: Galway County Council

Planning Register Reference Number: 2560980

Appeal by Martin McGowan against the decision made on the 11th day of September, 2025 by Galway County Council to refuse permission for the proposed development.

Proposed Development: Retention permission of an unauthorised structure under construction, including reconstruction, and extension of an existing shed to be used as a house, and all associated site works, at Funshin, Kinvara, County Galway.

Decision

REFUSE permission for the above proposed development for the reasons and considerations set out below.

Reasons and Considerations

1. Having regard to Policy Objectives RH2 (Rural Housing Zone 2) and RH4 (Rural Housing Zone 4) of the Galway County Development Plan 2022-2028, and on the basis that the applicant failed to submit any documentation pertaining to a Rural Housing Need, it is considered that the applicant has not demonstrated that they meet the housing need criteria as set out in the development plan. The proposed development is considered contrary to the rural housing provisions of the development plan. Accordingly, to grant the proposed development would contravene Policy Objectives RH2 and RH4 and DM Standard 7 (Rural Housing) contained in the Galway County Development Plan 2022-2028, would be contrary to the Sustainable Rural Housing Guidelines, would set an undesirable precedent for similar future development in the area, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to information submitted with the application and appeal it is considered that the proposed development would consolidate the use of the existing entrance which has not been demonstrated to have the benefit of planning permission and for which acceptable sightlines have not been demonstrated. To permit use of the shed for residential purposes would result in intensification of the entrance as well as a material change in its use. This would consolidate unauthorised development, would contravene DM Standard 28 (Sight Distance Required for Access onto National, Regional, Local and Private Roads) of the Galway County Development Plan 2022-2028, and would endanger public safety by reason of traffic hazard, or obstruction of road users, or otherwise, and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the details submitted with the application and appeal it has not been demonstrated that the safe disposal of domestic effluent on site can be guaranteed in accordance with the Environmental Protection Agency's Code of Practice Manual 2021 for Wastewater Treatment and Disposal Systems Serving Single Houses (PE ≤10). Accordingly in the absence of the required information, the proposed development would be prejudicial to public health, contrary to Policy Objective WW6 (Private Wastewater Treatment Plants) and DM Standard 38 (Effluent Treatment Plants) of the Galway County Development Plan 2022-2028, would pose an unacceptable risk to surface water and would, therefore, be contrary to the proper planning and sustainable development of the area.

4. Having regard to the visual sensitivity of the subject site, located within a Class 2 High Sensitivity Landscape, it is considered that the design, form, scale and massing of the structure to be retained and completed is incongruous to its surroundings, discordant with the adjoining development and lacks sensitivity to the exposed karstic landscape. Having regard to the visual sensitivity of the site, the rural housing policy of the development plan and the design guidance set out in Design Guidelines for the Single Rural House, it is considered that the proposed dwelling design would result in a built form that would not assimilate into the receiving landscape, would contravene Policy Objective LCM1, Policy Objective RH9 (Design Guidelines), DM Standard 46 (Compliance with Landscape Sensitivity Designations), DM Standard 8 (Site Selection and Design) and the Design Guidelines for the Single Rural House contained in the development plan.

Accordingly, the development would interfere with the character of the landscape, detract from the visual amenity of the area, militate against the preservation of the rural environment, contravene the county development plan, set an undesirable precedent for similar future development in the area, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Declan Moore



Declan Moore

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this *18th* day of *FEBRUARY* 2026.