



An
Bord
Pleanála

Inspector's Report PL07.247539.

Development	Retention of store (42m ²).
Location	Belclare, Co Galway.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	16/1167.
Applicant(s)	John and Eileen Ludden.
Type of Application	Retention.
Planning Authority Decision	Grant.
Type of Appeal	Third Party.
Appellant(s)	Daniel and Mary Ludden.
Observer(s)	None.
Date of Site Inspection	18 th of January 2017.
Inspector	Karen Hamilton.

1.0 Site Location and Description

- 1.1. The site is located in a rural area in north Co. Galway and is approximately three and half km north west of Belclare, which is located between Headford and Tuam. The site has private access from a local road which radiates off the R333.
- 1.2. The site is 0.5 acres and contains a single storey bungalow and three sheds, with the largest subject to this retention permission. A similar style, partially attached dwelling house is located to the north of the site and has a separate access.

2.0 Proposed Development

- 2.1. The proposed development includes retention of a store (42m²) which is attached to an existing shed.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission, conditions of note include:

- C 4: the store shall not be used for habitable or commercial/ industrial purposes.
- C 5: the external finish shall reflect the finish on the main dwelling house.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission and refers to the enforcement notice (EN16/088) relating to unauthorised shed and use for commercial purposes.

3.2.2. Other Technical Reports

No other technical reports.

3.3. **Prescribed Bodies**

No prescribed bodies consulted.

3.4. **Third Party Observations**

A submission was received from an adjoining landowner and the issues raised are reflected in the grounds of appeal.

4.0 **Planning History**

14/680

Permission granted for new foul waste water treatment system to serve the existing dwelling.

Adjoining Sites

15/289

Permission granted for a dwelling, garage, and associated site works.

15/162

Permission granted for works to a dwelling, new entrance, new treatment system and percolation area and associated site works.

5.0 **Policy Context**

5.1. **EPA Code of Practice: Wastewater Treatment Systems for Single Houses (2010)**

5.2. **Galway County Development Plan 2015-2021**

The subject site is zoned for as Class 1 "*Low sensitivity*" where it is an objective for all developments to be consistent with settlement polices. The site is not within any identified settlement area.

Rural Housing

Section 13.4: Rural Residential Considerations

- DM Standard 6: Assimilation of Development into Landscape

Rural Enterprise

Objective EDT.11: Small scale rural orientated enterprises within existing farm building which can satisfy criteria relating to the suitability of the site, links to agriculture, renewable and marine resources, forestry, tourism, recreation or food production and the scale of the development relevant to the rural setting and must not have a significant adverse impact on the environment or rural amenity.

Section 13.6: Guidelines for rural enterprise and rural tourism. Consideration is given to rural enterprise and resource development.

Section 13.10: Guidelines for Agriculture, Maricultural, Forestry and extractive development.

- DM Standard 33: Agricultural Buildings

Design Guidelines

Galway County Council Design Guidelines for the single rural house.

5.3. Natural Heritage Designations

The site is located approx. 3km from the Lough Corrib SAC.

6.0 The Appeal

6.1. Grounds of Appeal

The issues raised in the grounds of appeal may be summarised as follows:

- The building is not used as a store but rather a storage building for a commercial business, therefore the application is invalid based on an incorrect development description.
- An enforcement notice was issued in relation to the commercial use but not investigated by the planning authority.
- The building is built on a boundary line and due to the cladding on the exterior there is direct runoff onto adjoining lands.

- The shed is large and is directly under an ESB line which is large in scale.
- Condition No 3, in relation to surface water, cannot be achieved as it discharges to a storm sewer and onto a public road.

6.2. **Planning Authority Response**

No response was received from the planning authority.

6.3. **Observations**

No observations submitted.

7.0 **Assessment**

7.1. The main issues raised

- Principle of development
- Impact on Residential and Visual Amenity.
- Waste water
- Appropriate Assessment

Principle of development

7.2. The proposed development includes for the retention of a 42m² store within the rural area of County Galway. The site is zoned as low sensitivity in the current development plan and proposals are required to comply with the settlement policies of the plan.

7.3. The appropriateness and use of the shed as commercial was raised by the grounds of appeal. I note the objectives of the settlement policy in the development plan direct commercial development to identified settlements apart from rural enterprises which have links to agriculture, renewable and marine resources, forestry, tourism, recreation, or food production. The information contained in the planning application does not refer to the use of the shed as commercial although upon site inspection it was evident the shed is used as commercial with floor to roof shelves containing

boxes of stock associated with GAA games. I do not consider the use of the shed for commercial storage purposes is linked to any of the appropriate uses relating to agriculture activities as identified in Objective EDT.11 of the development plan. I note condition No 4 refers to the use of the store as incidental to the enjoyment of the dwelling house and not as habitable or commercial/ industrial purposes. Based on the continued use of the shed as commercial and the size of the existing adjoining residential sheds I do not consider the proposed use of the shed is ancillary to the main dwelling, therefore I do not consider the principle of the development acceptable at this location.

Impact on the Residential and Visual Amenity.

- 7.4. The shed is located to the east of the existing dwelling and is attached to two outbuildings. The shed to be retained is 4.5m at the highest point and 3.6m along the front, has a large up and over door for vehicle access and is finished on the exterior lower section with nap plaster and corrugated metal cladding on the upper section and roof. The current outbuildings to the west of the shed are in 2.5m high with a nap plaster finish. The grounds of appeal argue that the large building has a negative impact on the residential amenity, would cause disruption to the ESB lines and cause additional runoff onto adjoining sites. I will deal with the location and design of the shed separately below.
- 7.5. Location of shed: In relation to the potential of the proposed development to cause disruption to the overhead ESB lines, I note the location approx. 2m above the shed and I do not consider they would have a negative impact. In relation to the potential for additional surface runoff onto the adjoining lands, I note the design of the roof of the shed slopes south east into the applicants' garden and the location of the guttering along the front of the shed to collect the surface water. Therefore, based on the design of the shed and the expanse of permeable garden space on site, I do not consider the shed would have a negative impact on the surrounding area by way of increase in surface runoff.
- 7.6. Design of Shed: Section 13.4 of the development plan and the Design Guidelines for Rural Houses in County Galway do not make specific reference to the design for outbuildings in the countryside. I note the DM standard 6, rural housing, and DM Standard 33, agricultural buildings, of the development plan refer to the use of

landscaping, location of the development and impact on the residential amenity in the assessment of any proposed development. I note the inclusion of condition No 5 of the grant of permission requires the removal of the existing metal cladding and use of nap plaster finish to match the existing dwelling. Although I consider the change of external materials more appropriate to the rural character I do not consider it would help alleviate the scale or mass of the shed and I consider the design of the building, 2 m higher than the current sheds, does not respect the rural character of the area. I also note the location of the appellants dwelling to the rear of the site and the location of the windows along the east elevation and I consider that based on the significant height and the overall bulk, the shed has a negative impact on the visual amenity of those residents of the adjoining dwelling and is contrary to the policies and standards of the development plan.

Waste Water

- 7.7. The submitted plans and particulars include a floor area of 42m² for retention. The plans do not include any additional facilities in the shed or additional connections to the waste water treatment system on the site. I note at the site inspection there was a bathroom contained in the shed and a waste pipe coming out along the south-east elevation. There has been no information submitted in relation to the current wastewater system serving the dwelling, the connection into the wastewater system, number, and location of wells in the vicinity, or, if used for commercial, the numbers of visiting members to the shed. I note the report of the area planner refers to the area as a designated Regionally important conduit karst aquifer (Rkc) where development potential is limited and I note the location of the site 200m from an area at potential risk of groundwater flooding. In the absence of information relating to the use of the bathroom, the connection to the sewerage treatment system and a site assessment, I do not consider a full assessment of the impact of the proposed development can be undertaken and therefore I consider there is a negative impact of the proposed development on the groundwater and public health.

Other Matters

- 7.8. The current use of the shed is for commercial purposes. As stated before, the plan and particulars fail to include information such as visiting members of the public. The site is located approximately 4 km from Belclare, a small rural village, 6.5 km from

Tuam and 30 km from Galway. The current local road can accommodate one vehicle each way. Therefore, based on the significant distance from any settlements, the potential for additional traffic volume and access along a substandard local road, I consider the proposed development would have a negative impact on roads users in the area would endanger public safety by reason of traffic hazard.

Appropriate Assessment

- 7.9. The subject site is located approx. 3km from one of the watercourses of the Lough Corrib SAC. The proposed development includes the retention of a commercial store, where no details of the existing wastewater treatment system have been proposed. As stated in Section 7.7 above, the site is located on a Regionally important conduit karst aquifer (Rkc) and 200m from an area at potential risk of groundwater flooding, therefore additional loading onto an inappropriately designed wastewater treatment system and has the potential to have a negative impact on the hydrological support system of Lough Corrib SAC.
- 7.10. I have assessed the conservation objectives of the SAC, in particular habitat 3150 Hard oligo- mesotrophic water with benthic vegetation of *Chara spp.* the location of the adjoining watercourse, the potential for groundwater flooding and the nature of the site and having regard to the nature and scale of the proposed development it is considered that the proposed development could potentially have a significant effect on the Lough Corrib SAC.

8.0 Recommendation

- 8.1. It is recommended that the proposed development is refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. The proposed development is located in an area zoned “low sensitivity” in the current Galway County Development Plan for which the objective is to comply with the overall settlement policy. This objective is considered reasonable. It is a policy of the planning authority, as set out in the plan, to channel commercial development into serviced centres and to restrict development in

rural areas to that necessary to serve the needs of those engaged in agriculture and other rural activities. The proposed development is located off a substandard minor road, would lead to demands for the uneconomic provision of further public services in an area where these are not proposed and would interfere with the rural character and attractiveness of the area. The proposed development would, therefore, contravene materially the development objective as set out in the development plan, would endanger public safety by reason of traffic hazard and obstruction of road users and be contrary to the proper planning and sustainable development of the area.

2. It is considered that, by reason of its height and bulk, the commercial shed would be visually obtrusive in this open rural area which is characterised by single-storey houses, ancillary sheds and farm buildings. The proposed shed would, therefore, be contrary to the proper planning and sustainable development of the area
3. The Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily disposed of on site, notwithstanding the current wastewater treatment system. The proposed development would, therefore, be prejudicial to public health
4. On the basis of the information provided with the application and appeal, the Board is not satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the Lough Corrib SAC, or any other Natura 2000 site. In such circumstances the Board is precluded from granting permission.

Karen Hamilton
Planning Inspector

08th of February 2017.