



To:	The Board
From:	Planning Inspector – Adrian Ormsby
Re:	Board Direction – BD-012288-23
Date:	02 nd of June 2023
Development	Retention and completion of a shed together with ancillary site development works
Location	Sixmilebridge, Co Clare

1.0 Introduction

- 1.1. This report is an addendum to an original report dated the 13th of January 2023, in respect of appeal against a Notification of Decision to Refuse Permission issued by Clare County Council for the retention and completion of a shed together with ancillary site development works.
- 1.2. My original Inspector's Report recommended refusal for one reason relating to loss of sunlight from private residential amenity spaces in Gort na Null.
- 1.3. The submissions on this file including my original report were considered at a Board meeting held on the 30th of May 2023. The Board decided to seek clarification from the Reporting Inspector as to the current statutory plan in effect for the area and whether the proposed development is compatible with the land use zoning objective within that statutory plan.

2.0 Statutory Plan

- 2.1. At the time of the original Planning Inspectors Report dated 13th of January 2023, the operative statutory plan was the Clare County Development Plan 2017 - 2023.
- 2.2. The 2017-2023 plan has since been replaced by the Clare County Development Plan 2023-2029 (CDP) which was adopted by the Elected Members of Clare County Council on 9th March 2023. The Plan came into effect 6 weeks from the date of adoption i.e. 20th April 2023 and is currently the statutory plan for the area.
- 2.3. According to the Clare County Council website¹ the final adopted CDP 2023-2029 is currently being prepared and graphically designed. Until then an 'Interim Version' of the Clare CDP 2023-2029 has been prepared and is made available. It is used as the basis for this Addendum Report.

3.0 Landuse Zoning Objective

- 3.1. As per the CDP 2023-29, Sixmilebridge is an identified settlement within the Shannon Municipal District. The Municipal District (MD) includes the area of County Clare which lies within the Limerick-Shannon Metropolitan Area.
- 3.2. Specific objectives are contained in volume 3b of the CDP for this MD. This volume includes the written statements and maps for the settlements of this MD.
- 3.3. The site is located within the Sixmilebridge settlement boundary as identified on page 24 of Volume 3b. This map sets out land use zoning. The site is zoned 'Existing Residential'. In this regard there has been no change in the zoning of this site between the two CDP's.
- 3.4. Volume 1, Chapter 19 of the operative CDP deals with 'Land Use and Zonings'. 'Existing Residential' is described in section 19.4 as-

The objective for land zoned 'existing residential' is to conserve and enhance the quality and character of the areas, to protect residential amenities and to allow for small scale infill development which is appropriate to the character and pattern of development in the immediate area and for uses that enhance existing residential communities. Existing residential zoned land may also

¹ <https://www.clarecoco.ie/services/planning/clarecountydevelopmentplan23-2029/>

provide for small-scale home-based employment uses where the primary residential use will be maintained.

3.5. Section 19.5 of Volume 1 refers to the 'Indicative Land-Use Zoning Matrix'. The matrix provides an indication as to how different types of development may be considered on the different land-use zonings. It classifies whether proposed uses are-

- acceptable in principle,
- open for consideration,
- not normally permitted,
- uses not listed in the matrix and
- non-conforming uses

or otherwise, on lands that are zoned for a particular use.

3.6. The Board are directed to the following sub-sections of the CDP-

- Section 19.5.4 'Uses Not Listed in the Indicative Zoning Matrix' which states-
Proposed land-uses which are not listed in the indicative land-use zoning matrix will be considered on a case-by-case basis having regard to the proper planning and sustainable development of the area and compliance with the relevant policies and objectives, standards and requirements as set out in this Clare County Development Plan 2023-2029, guidelines issued in accordance with Section 28 of the Planning and Development Act, 2000, as amended and guidance issued by other government bodies.
- Section 19.5.5 of Volume 1 deals with 'Non-conforming uses' and states-
"Non-conforming uses' are established uses that do not conform to the zoning objectives of the Plan. Generally, the Council will consider reasonable extensions and improvements to premises that accommodate non-conforming uses, provided that it would not be injurious to the amenities of the area and is consistent with the proper planning and sustainable development of the area."

3.7. The actual Zoning Matrix is then set out in Appendix 2 of Volume 1. Residential uses which would include ancillary shed like structures (for storage purposes) are obviously acceptable in principle in 'Existing Residential' lands.

- 3.8. Agriculture uses such as agricultural sheds (not for keeping of animals) are land uses not listed in the matrix². In this context the Board are directed to the provisions of section 19.5.4 and 19.5.5 as set out above.

4.0 Compatibility with land use Zoning Objective.

- 4.1. The application is for the retention of a shed on lands zoned Existing Residential. The established use of the application site can be described as a mix of residential and agricultural related to the wider landholding that includes land that are not zoned and are located outside of the settlement boundary.
- 4.2. The Site Location Map and Planning Pack Map submitted with the application clearly identify the application site outlined in red and the applicant's landholding outlined in blue. The site layout drawing (890-PL-01) clearly identifies the applicants dwelling just south of the site and it is clear there is an active on-site relationship between these properties.
- 4.3. The Board are advised that the Applicant dwelling and that of his sisters south just southeast of the application site are not located within the settlement boundary and are not zoned.
- 4.4. The details submitted with the application clearly show the shed to be retained has replaced an original agricultural style shed at the site. The shed for retention is substantially different in design, size and location from the original shed.
- 4.5. At the end of Part 4 of the Application Form the applicant is asked to provide any further information they may wish to provide. The applicant details the proximity of the shed to his house allows for passive surveillance and added security supporting the evident active on-site relationship between both.
- 4.6. The Applicant was also asked to clarify the nature of the proposed use of the shed at Further Information stage. In the response the applicant detailed the shed is to be used for the housing of machinery and equipment associated with the keeping of horses, e.g. tractor, trailers, horseboxes, tack etc. It is not to be used for the housing of horses or other livestock and is not for commercial purposes.

² The Board are advised that lands zoned Agriculture is detailed in the Matrix but that is not considered pertinent to the Addendum query as the zoning is not applicable to this site or surrounding land uses.

- 4.7. The Applicant also indicates in the Appeal that the structure to be retained is for use of keeping horses on his land which is a past-time and is not a commercial basis. The appeal also details the previous shed was used for the housing of cows for milking.
- 4.8. During my inspection, I observed a sand based horse riding area directly east of the site. This was being used at the time for amenity purposes which I would consider ancillary to the residential property of the landholding. The shed is located just north of the applicants dwelling and was being used for the storage of two tractors, a horse trailer, construction machinery, bales of hay and other materials. Overall the use of the structure was generally consistent with the intended use as indicated in the application and with the nature of the wider landholding.
- 4.9. In my opinion, the use of the shed to be retained can be considered an in keeping with the established use of the site and is ancillary to the existing residential property within the landholding and the wider use of the landholding including lands outside the zoned area. While the precise use of this structure type is not detailed in the Zoning Matrix its use can reasonable be considered in accordance with the Existing Residential zoning and the provisions of section 19.5.4 & 19.5.5 of the CDP 2023-29.
- 4.10. Having considered all the above and in particular the established use of the site, the landholding and the provisions of the development plan I am satisfied the intended use is compatible with the land use zoning objective in this context.

5.0 Conclusion

- 5.1. Should the Board be of view that permission should be granted I would recommend permitting the use of the structure to be retained subject to conditions-
- requiring compliance with the plans and particulars lodged with the application (standard condition 1) and
 - detailing the shed to be retained shall be used for purposes ancillary to the main dwelling of the applicant, his landholding and not for the housing of animals.
- 5.2. However, I am satisfied the development to be retained should be refused as set out in my original report.

6.0 Recommendation

- 6.1. I recommend that permission should be refused as per my original report.

Adrian Ormsby
Planning Inspector

02nd of June 2023