



An
Bord
Pleanála

Inspector's Report ABP-314854-22

Development	Retention planning permission for domestic storage shed and to convert part of shed to livestock housing with associated feed storage area, dungstead and seepage tank and all associated services.		
Location	Gortnagroagh, Roscahill, County Galway.		
Planning Authority Ref.	2260816		
Applicant(s)	Paul and Mary Cournane.		
Type of Application	Permission.	PA Decision	Refuse Permission.
Type of Appeal	First Party	Appellant	Paul and Mary Cournane
Observer(s)	None		
Date of Site Inspection	11/04/23	Inspector	Fergal Ó Bric

1.0 Site Location and Description.

The appeal site is located in the rural townland of Gortnagroagh, which is accessed off a cul-de-sac road, the L1322-1 which in turn is accessed from the N59, a National Secondary Route linking the settlements of Oughterard and Maigh Cuilinn in Connemara, approximately 2 kilometres north of Roscahill. Site levels within the appeal site rise from the public road and the domestic storage structure is located on an elevated part of the site with site levels gently dropping off to the

south and south-west of the site. The appeal site also includes a domestic dwelling further south on the site and two domestic garage/storage structures immediately west of the dwelling house.

1.1 The domestic storage structure, which is the subject of this appeal is located to the rear (north-west) of the dwelling and domestic storage structures. There is a two metre dividing wall separating the domestic dwelling from the structure. Along the eastern external gable of the structure is a cattle crush. The structure is located within a large, concreted yard area (approximately 500 square metres in area) and within the yard area some machinery in the form of a mini digger, three trailers, an open back flatbed truck as well as a large generator are stored. An area of hardcore has also been laid out in the field area immediately west and north of the structure. A dungstead and seepage tank to serve the agricultural element of the structure are located north of, but outside of the red line application site boundary. The applicants state that they own two adjoining paddocks which are presently in pasture located south-west and north-east of the structure, sought to be retained. The appeal site boundaries comprise a natural stone cut wall along the southern boundary and some hedgerow, tree planting and shrubbery along the eastern, western and northern site boundaries.

2.0 Proposed development.

Planning permission is sought for the retention of a domestic storage shed and to convert part of the structure to livestock housing with associated feed storage area, dungstead and seepage tank and all associated services. The total floor area of the structure is stated to be 152.5 square metres, 89.5 square metres domestic and 63 square metres agricultural. The maximum ridge height is stated to be 6.1 metres.

3.0 PA's Decision:

A single reason for refusal was set out by the Planning Authority as follows: Having regard to the presence of an existing approved garage/garden shed on site, the excessive scale and bulk of the storage shed which is not considered to be domestic in its overall form (notwithstanding the proposed agricultural element of same), the Planning Authority considers the proposals would result in a built form that would not assimilate appropriately or integrate effectively in this rural

landscape and its surroundings. Furthermore, the proposed development would also conflict with policy objectives LCM 1 and LCM 3 and policy objectives RD3 and AD3 of the Galway County Development Plan 2022-2028. The proposed development also conflicts with policy objective RH9 of the Galway County Development Plan. Accordingly, to grant the proposed development would interfere with the character of the landscape, would contravene materially policy objectives contained in the Galway County Development Plan 2022-2028, would detract from the visual amenity of the area, would militate against the preservation of the rural environment and would set an undesirable precedent for future similar development in the area, depreciate and seriously injure the amenities of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

4.0 Planning History

Planning Authority reference numbers 21/2407, in 2021, Mary Burke was refused planning permission for retention of a domestic storage shed and domestic garage with a combined floor area of 212 square metres. An appeal was submitted to the Board under 313086-22 and subsequently deemed invalid.

Planning Authority reference numbers 16/1725, in 2016, Mary Burke sought planning permission for retention of a hobby shed and separate parts store and washroom building with a combined floor area of 213.5 square metres. The application was subsequently withdrawn.

Planning Authority reference numbers 12/2620, in 2012, Mary Curran was granted planning permission for retention of a dwelling and domestic garage/shed on site. The domestic dwelling has a floor areas of 168.3 square metres and the domestic shed with a floor area of 24.3 square metres.

Planning Enforcement:

Planning enforcement reference EN1608: This enforcement notice pertains to the domestic storage structure, the subject of the current appeal, and a domestic storage shed located immediately west of the dwelling on site.

5.0. Local Planning Policy

5.1 Galway County Development Plan 2022 -2028

The Galway County Development Plan 2022 -2028 was adopted by the Planning Authority on 9th May 2022 and came into effect on the 20th day of June 2022. It has regard to national and regional policies in respect of rural housing and access to national routes. Chapters 4, 8 and 15 of the plan refer.

Relevant policies and objectives include:

Policy Objective RD 3 Assimilation of Buildings

To ensure that all buildings are appropriately sited and sympathetic to their surroundings in terms of scale, design, materials and colour. The grouping of buildings will be encouraged in the interests of visual amenity. In general, the removal of hedgerows to accommodate agricultural buildings will not be permitted.

Policy Objective AD 1 Sustainable Agriculture Practices

To facilitate the development of sustainable agricultural practices and facilities within the county, subject to complying with best practice guidance, normal planning and environmental criteria and the development management standards *in* Chapter 15 Development Management Standards.

Policy Objective AD 3 Modernisation of Agriculture Buildings

To facilitate the modernisation of agriculture and to encourage best practice in the design and construction of new agricultural buildings and installations to protect the environment, natural and built heritage and residential amenity.

Policy Objective LCM 1 Preservation of Landscape Character

Preserve and enhance the character of the landscape where, and to the extent that, in the opinion of the Planning Authority, the proper planning and sustainable development of the area requires it, including the preservation and enhancement,

where possible of views and prospects and the amenities of places and features of natural beauty or interest.

Policy Objective LCM 3 Landscape Sensitivity Ratings

Consideration of landscape sensitivity ratings shall be an important factor in determining development uses in areas of the County. In areas of high landscape sensitivity, the design and the choice of location of proposed development in the landscape will also be critical considerations.

Policy Objective RH 9 Rural Design Guidelines

DM Standard 6: Domestic Garages (Urban and Rural)

- The design, form and materials should be ancillary to, and consistent with the main dwelling on site.
- Structures may be detached or connected to the dwelling but should be visually subservient in terms of size, scale and bulk.
- Storage facilities should be used solely for purposes incidental to the enjoyment of the dwelling and not for any commercial, manufacturing, industrial use or habitable space in the absence of prior planning consent for such use.

5.2 Natural Heritage Designations

The closest designated European Sites are the Gortnandaragh limestone pavements SAC (site code 000268) which is located approximately 1.17 kilometres east the appeal site boundary and the Lough Corrib SPA (site code 004031) and Lough Corrib SAC (site code 000268) which are located approximately 1.97 metres west of the appeal site, on the opposite side of the N59.

6.0 The Appeal

6.1 First Party Appeal.

- The development does not interfere with any protected views or focal points as designated with the current Galway County Development Plan (GCDP).
- The appeal site had a landscape sensitivity rating of 3 (a moderate rating) as per the GCDP 2015-21, now the rating is designated as being 4, iconic, in the current Development Plan, the highest of the sensitivity ratings.
- The sensitivity rating of 4 applies to the Aran Islands and sections of the scenic Skye Road in Clifden.
- All of the buildings within the appeal site were constructed at a time when the landscape sensitivity rating of 3 applied to the Roscahill area.
- The appeal site is located on a lowly trafficked cul-de-sac road serving eight residential properties. The structure which is sought to be retained is only visible from directly in front of the property as viewed from the cul-de-sac and is not visible from the wider hinterland area.
- Another large farm shed is visible in a west, south-westerly direction from the appeal site.
- We understand that the proposals should integrate naturally into this rural landscape.
- Indigenous screen planting is proposed along the western gable of the shed structure sought to be retained.
- This screen planting will in time screen the views of this structure from the cul-de sac road.
- The structure is already screened by the domestic garage and store structures located to the side (west) of the dwelling.
- The landscaping, upon maturity will ensure that policy objectives RD3 and AD3 are complied with, in terms of assimilating the development within the local landscape.

- No hedgerows were removed during the construction of the unauthorised shed structure.
- Both applicants are involved in agricultural activities. A herd number has been submitted and they currently have two young heifers within their 0.8 hectare holding which surrounds their dwelling.
- The applicants plan to increase their head of stock to five animals. They have access to graze an additional 3.79 hectares locally and to a commonage area comprising 189 hectares, in conjunction with twenty other farmers.
- The seepage tank and dungstead, both located outside of the red line application site boundary, would not require planning permission.
- The development is not an intrusive building within the local landscape and is used for domestic purposes only and the agricultural element is to cater for the applicants' farm animals since their recent return to agricultural practices.

6.2 P.A. Response

- None.

7.0 EIA Screening - Having regard to the nature of the domestic structure development and its location removed from any sensitive locations or features, there is no real likelihood of significant adverse effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 AA Screening - **The subject site is located approximately 1.17 kilometres west of the Gortnandaragh Limestone Pavement SAC (site code 000296) and 1.97 kilometres east of the Lough Corrib SPA (site code 004031) Lough Corrib SAC. (site code 000268).** Having regard to the scale and nature of the domestic structure sought to be retained and to the location removed from any European Sites and with no surface water hydrological connectivity between the appeal site and any European site, it is considered that no Appropriate

Assessment issues arise. The development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

2.0 Assessment

2.1. Introduction

2.1.1. The key issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following heading:

- Principle of development
- Other Matters

2.2. Principle of Development

2.2.1. The applicants are seeking retention planning permission for a domestic structure with a stated floor area of 153.5 square metres and a stated maximum ridge height of 6.1 metres. There are large roller shutter doors on the front (southern) and side (eastern) elevations. There are also two pedestrian access doors to the shed, one each on the front and rear elevations. The lower rising walls are of block build construction and the upper sections of the building comprise a dark green coloured cladding.

2.2.2. I note the provisions of DM Standard 6 within the current Galway Development Plan 2022, which sets out standards for domestic garages as follows: The design, form and materials should be ancillary to, and consistent with the main dwelling on site; Structures may be detached or connected to the dwelling but should be visually subservient in terms of size, scale and bulk; Storage facilities should be used solely for purposes, incidental to the enjoyment of the dwelling and not for any commercial, manufacturing, industrial use or habitable space in the absence of prior planning consent for such use. I do not consider that the form nor design in this instance of the structure is ancillary to the main dwelling. There are already two domestic garages/stores located immediately west of the main dwelling (which combined comprise a floor area of approximately 105 metres) and this additional structure provides for an additional 90 square metres of domestic storage space. The total area of domestic storage space would exceed the floor area of the domestic dwelling on site. Therefore, the structure is neither considered to be subservient in terms of size, scale and bulk to the dwelling on site. On the contrary, the dwelling could now

be considered subservient to the domestic storage structures on site, by virtue of their size and scale.

- 2.2.3. The applicants submitted a cover letter as part of their planning documentation stating that the domestic storage structure is required to store a fishing boat, car trailers, a mini-digger and a teleporter, all owned by the applicants. I note the scale of the existing domestic garage and storage space located immediately west of the dwelling within the appeal site and consider that these structures with a floor area of approximately 105 square metres, should be more than sufficient to cater for the domestic storage needs associated with the dwelling. I consider that the applicants have failed to demonstrate the site specific requirement for the size and scale of the additional domestic garage/storage space on site. I consider that the scale of the domestic storage structure sought to be retained, in addition to the existing domestic garage and storage structures immediately west of the dwelling on site would result in an excessive scale and size of development, in excess of what would be considered to be subservient to a domestic dwelling. Therefore, the extent of domestic storage would be contrary to the provisions of DM Standard 6 within the Development Plan and contrary to the proper planning and sustainable development of the area.
- 2.2.4. Policy objective RD 3 pertains to the assimilation of buildings in rural areas. Again, by virtue of the scale and bulk of the structure concerned on an elevated part of the appeal site, I do not consider that the structure is appropriately assimilated into the local landscape. I acknowledge that the applicants propose to plant birch trees along the western elevation of the structure. However, I also note that the area to the west and north of the structure has been hard cored and this would be problematic in terms of implementing a landscaping scheme. I consider that it would take a number of years before trees would mature sufficiently to provide the necessary screening.
- 2.2.5. In conclusion, I consider that the applicants have not presented site specific exceptional circumstances that would justify a departure from the policy objectives as set out in the Development Plan in relation to the scale, size and assimilation of domestic garages within this rural area. It is considered that to permit the retention of this structure would establish an undesirable precedent, would be contrary to the RD3 policy objective and Development Management Standard 6 of the current Development Plan which seek to provide for domestic garages of appropriate scale

and bulk and that are subservient to the domestic dwelling on site and would assimilate appropriately within the local landscape.

2.3. Other Matters

Development Plan Policy Objectives:

- 2.3.1. The refusal reason as set out by the Planning Authority also references policy objectives LCM 1 and LCM 3. These pertain to the preservation of the landscape and the sensitivity rating associated with particular landscapes within the County. I note the location of the appeal site, which is located up a lowly trafficked cul-de-sac. As per the landscape classification set out within the current Development Plan, the appeal site is located within an area with a landscape sensitivity classification of 4, iconic. The Development Plan identifies this area as being a Lakeland area and the Development Plan is restrictive in terms of the type and scale of development permissible within Landscape Sensitivity Area 4. There are no protected views within the appeal site nor in its vicinity. The appeal site is not visible from anywhere outside of the local cul-de-sac road.
- 2.3.2. The appellants set out that the proposals would not adversely impact upon the local landscape, and that LCM 1 regarding the preservation of the landscape character and LCM 3 in terms of the landscape sensitivity ratings would not be adversely impacted upon. I acknowledge the location of the appeal site is isolated and that the structure would not adversely impact upon any protected views. I am of the opinion that notwithstanding the isolation, that the designation of the site as being in an area of highly sensitive to change as per Section 8.13.2 within the Development Plan, that permitting the retention of a structure of this scale would establish an undesirable precedent within the broader area where the landscape classification is iconic, as per Section 8 within the current Development Plan.
- 2.3.3. Policy objective RD 9 is also referenced in the refusal reason, which relates to the Rural dwelling design Guidelines. The structure, which is the subject of the current appeal, relates to the retention of a domestic storage space. I am of the opinion that reference to policy RH9, which references scale, design, proportion, siting etc, criteria that pertain specifically to the design of rural dwellings, and no references to domestic garage/storage structures is included within these design guidelines.

Therefore, policy objective RD9 is not considered particularly applicable or relevant in this instance.

- 2.3.4. I note that as per the Site layout plan submitted to the Planning Authority as part of their planning documentation that the dungstead and seepage tank are located outside of the red line application site boundary. The applicants set out within their appeal submission would not require planning permission. With reference to Schedule 2, part 3 of the Planning and Development Regulations 2001 (as amended), I am not aware of any planning exemptions for the development of a dungstead or seepage tank facilities. These matters would need to be addressed in the event that a grant of planning permission is being considered by the Board.

3.0 **Conclusion**

- 3.1 In conclusion, I consider the current proposals would be contrary to the provisions of specific policy objective RD3 relating to assimilating buildings within rural areas in terms of their design and scale and also DM standard 6 within the current Galway County Development Plan 2022 relating to appropriate size and scale of domestic garages. I note the location of the appeal site within an area of iconic landscape sensitivity, as per Section 8 of the Development Plan. The objective is to assimilate the development into the local landscape and that an appropriate scale and size of development is permissible. Having regard to the presence of existing domestic garage/storage structures on site, the excessive bulk and scale of the structure sought to be retained which is not considered to be domestic in its current form, with two large roller shutter access doors, notwithstanding the proposed agricultural element of same, the Board are not satisfied that the structure assimilates with or would be subservient to the dwelling on site and would conflict with policy objective RD3 and DM standard 6 within the Development Plan. The development would militate against the preservation of the rural environment and would establish an undesirable precedent for future similar type development in this area and would be contrary to the proper planning and sustainable development of the area.

4.0 **Recommendation**

- 4.1 I recommend that planning permission should be refused for the reason and set out below.

5.0 **Reason:**

1. Having regard to the presence of a number of existing domestic garages/storage structures on site, the excessive scale and bulk of the domestic storage shed sought to be retained, which is not considered to be domestic in its overall form (notwithstanding the proposed agricultural element of same), the Board is not satisfied that the development results in a built form that assimilates appropriately or integrates effectively in this rural landscape and its surroundings. Furthermore, the development is considered to contravene policy objectives RD3, AD3 and DM Standard 6 of the Galway County Development Plan 2022-2028. Accordingly, to permit the development would contravene these policy objectives and development management standards contained within the Development Plan, would militate against the preservation of the rural environment and would establish an undesirable precedent for future similar development in the area, and would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Fergal Ó Bric

Planning Inspectorate

15th day of December 2023