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<b>Development</b>	Retention of Shed		
<b>Location</b>	Fahy, Co. Galway		
<b>Planning Authority Ref.</b>	2260797		
<b>Applicant</b>	Gabriel Giles		
<b>Type of Application</b>	Retention Permission	<b>PA Decision</b>	Grant Retention Permission
<b>Type of Appeal</b>	Third Party	<b>Appellants</b>	Maureen & Joseph Kavanagh
<b>Observer(s)</b>	None		
<b>Date of Site Inspection</b>	30 <sup>th</sup> August 2023	<b>Inspector</b>	Ian Campbell

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### **1.0 Site Location/ and Description.**

The appeal site is located in the townland of Fahy, Co. Galway. The appeal site is situated on the southern side of the L-51181-0, which is accessed from the L-5118-1 (Lower Sky Road). The appeal site accommodates a detached single storey dwelling. There are 3 no. detached shed structures located to the rear of the house. The appeal site occupies an elevated position relative to the public road and surrounding area. There is a level difference of c. 8 metres between the front of the

site and the rear of the site. The adjoining area is rural in character and is highly scenic with impressive, expansive views of this coastal area. There are a number of detached bungalows in the vicinity of the appeal site, including to the immediate east.

### **1.1 Proposed development.**

The proposed development comprises retention permission of a shed. The structure has a stated floor area of c. 65 sqm, with principle stated dimensions c. 9.76 metres x c. 6.5 metres and a maximum ridge height of 4.88 metres. Material finishes to the structure comprise painted render and metal sheeting. The proposed shed is indicated as connecting to a soakaway to the front of the site.

### **1.2 PA's Decision.**

FI request: Prior to the decision of the Planning Authority to grant retention permission for the proposed development, the Planning Authority requested Further Information. The applicant was requested to submit a justification for the proposed structure given that there are 2 no. existing structures on the site, and also to confirm the use of the proposed structure. The applicant submitted a response to the PA on the 2<sup>nd</sup> November 2022 stating that the shed is used to store machinery and tools, and also for their repair. Photographs of the inside of the shed were also submitted.

Decision: The Planning Authority issued a Notification of Decision to GRANT retention permission on the 29<sup>th</sup> November 2022 subject to 8 no. conditions.

The following conditions are considered relevant;

**C3** – shed structure to be ancillary to existing house on the site and shall not be used for habitable or commercial purposes.

**C4** – supplementary planting to be provided to front of the shed.

Report(s) of PA: The report of the Planning Officer notes that the scale and design of the proposed shed resembles an agricultural shed and can be satisfactorily assimilated. The report of the Planning Officer recommends a grant of retention permission consistent with the Notification of Decision which issued.

Observations to PA: One observation was received by the Planning Authority. The observer refers to the excessive scale of the shed and requests that its height is reduced to 3 metres.

### **1.3 Planning History.**

The following pertains to the appeal site:

**PA. Ref. 13/1180** – Permission GRANTED for extension and alterations of existing house.

### **1.4 Planning Policy**

The Galway County Development Plan 2022-2028 is the relevant development plan. The appeal site is not subject to any specific land use zoning in the Galway County Development Plan 2022-2028.

The appeal site is located within a 'Coastal Landscape' (see Map 1, Appendix 4 of the Galway County Development Plan 2022-2028) which are described as being '*highly sensitive to change in appearance and character by new development of scale*'. In terms of sensitivity, Coastal Landscapes are described as having a 'special sensitivity', the second highest of 4 no. tiers of landscape sensitivity.

Protected View Point 3 (Sky Road) is depicted on Map 8, Appendix 4 of the Galway County Development Plan 2022-2028, and is within the vicinity of appeal site. The Maritime Scenic Route (see Map 9, Appendix 4 of the Galway County Development Plan 2022-2028) follows the route of the Lower Sky Road.

The provisions of the Galway County Development Plan 2022 - 2028 relevant to this assessment are as follows:

- Objective LCM1 – Preservation of Landscape Character
- Objective LCM 2 – Landscape Sensitivity Classification
- Objective LCM 3 – Landscape Sensitivity Ratings
- PVSR 1 – Protected Views and Scenic Routes
- DM Standard 6: Domestic Garages (Urban and Rural)

## **1.5 Natural Heritage Designations**

West Connacht Coast SAC (Site Code – 002998) – c. 180 metres south of the appeal site.

## **1.6 The Appeal**

### **1.6.1 Third Party (Maureen & Joseph Kavanagh)**

- The shed was built without planning permission in a special designated area which is highly sensitive to change.
- Permitting the proposal will set a precedent for further large scale developments.
- The further information submitted by the applicant was inaccurate.
- The property is used for onward sale.
- The justification for the shed is for the storage of machinery but the pictures provided are taken outside in fields.
- The yellow dumper was hired to develop the property and was picked up and never stored/owned.
- The only two items owned by the applicant are a compressor and a mini-digger which do not justify the scale and size of the shed.
- The accuracy of the dimensions of the shed is questioned.
- The shed does not resemble a domestic shed.
- Two other sheds were built at the same time as the shed which is the subject of this application.
- Planting is not possible to the front of the shed as this area is surfaced in tarmacadam.

### **1.6.2 P.A. Response**

None received.

## **1.7 EIA Screening**

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended) and therefore is not subject to EIA requirements.

## **1.8 AA Screening**

The appeal site is located c. 180 metres north of east of West Connacht Coast SAC. Having regard to the nature and limited scale of the proposed development and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

## **2.0 Assessment**

2.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site, and having regard to the relevant and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Justification/Use of Structure
- Visual Impact
- Issues Arising

Given the design of the structure and its location relative to adjacent property I am satisfied that the proposed shed does not result in any significant negative impacts on the amenity of adjacent residential properties. Furthermore, I note that the appellants have not raised the issue of the impact of the proposed shed on residential amenity as a grounds of appeal.

### **2.2. Justification/Use of Structure**

2.2.1. The Planning Authority requested that the applicant submit further information, specifically providing a justification for the proposed shed. In response the applicant has confirmed that the shed is used for the storage and repair of machinery and tools. Photographs of the inside of the shed were also submitted in addition to photographs of equipment which appears to be stored outside the structure. The applicant notes that some equipment is kept inside the shed at different times of the year. This may explain why some of the photographs show equipment being stored outside the shed.

2.2.2. While I was unable to inspect the inside of the structure during my site inspection based on the information submitted with the planning application and the appeal I note that the shed is used for the storage/repair of tools and machinery. There are two other sheds within the curtilage of the property. Given their size and dimensions it would be reasonable to conclude that these structures would not be suitable for the storage of the type of machinery which is stored in the proposed shed. On this basis I am satisfied that there is a justification for the proposed shed, and that its use is as stated, that being for the storage and repair of machinery and tools. Should the Board be minded to grant retention permission for the proposed development I recommend that a condition is attached stipulating that the shed is not used for habitation or for commercial purposes.

### 2.3. **Visual Impact**

2.3.1. In my opinion the crux of this appeal is the impact of the proposed shed on the visual amenity of the area. The Planning Authority consider that the proposed shed is similar in its appearance to an agricultural structure and that it is capable of being assimilated into the receiving landscape. The appellants contend that the proposed structure is excessive in its height and scale, and that it is harmful to the visual amenity of the area, noting the particular sensitivity of the adjoining area.

2.3.2. Objectives LC1, LCM2 and LCM3 of the Galway County Development Plan 2022-2028 require that in assessing proposals for development consideration is given to the landscape character of the area and the sensitivity of the receiving landscape. In terms of landscape character, the appeal site is located within a Coastal Landscape and has a landscape sensitivity rating of 3 (i.e. the second highest). Coastal landscapes are described as being highly sensitive to change in appearance and character by new development of scale<sup>1</sup>. In my opinion, the proposed development could not reasonably be considered to be a development 'of scale' in the context of the wider receiving landscape where detached structures, including one-off houses are a prevalent feature. Whilst not part of an agricultural landholding/farm, the proposed structure is not dissimilar in its appearance or scale to an agricultural building, which would be common in rural areas and on this basis I am satisfied that the proposed structure

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<sup>1</sup> My emphasis added.

would not be an incongruous feature in the landscape. That being said, the proposed structure is somewhat larger than would typically be associated with a domestic type shed. However, noting the nature of the materials which the shed is used to store I consider its scale/size to be reasonable. Whilst the shed is prominent when viewed from the front of the site, I note that the siting of the shed on the site allows for a degree of screening from the rear and west as it is built into a hill, and I also note that the structure does not break the skyline. Additionally, in siting the structure at this location it is also clustered next to the house.

2.3.3. In terms of the impact of the proposed development on Protected View 3 (along Sky Road), I note that the proposed structure is situated alongside the house on the site, does not terminate a view or focal point and is experienced as part of the wider landscape, which is developed. I am therefore satisfied that the proposed shed would not negatively impact on this protected view. The appeal site is also adjacent to a Maritime Scenic Route. These routes are described in Appendix 4 of the Galway County Development Plan 2022-2028 as *'being punctuated by a number of small settlements, many with a denser old core with facilities such as a pub, shop or post office. Most of these settlements have extensive peripheries of more recent development – consisting mostly of housing with occasional enterprises located at the edges of these settlements'*. It is therefore clear that the character of Maritime Scenic Routes includes areas which are developed and as such I do not consider that the proposed shed would have a detrimental impact of this protected route. I am satisfied that the proposed development would accord with Objective PVSR 1 (Protected Views and Scenic Routes) of the Galway County Development Plan 2022-2028 which requires that protected views and scenic routes are preserved from development which could have a negative effect on them.

2.3.4. On this basis the forgoing I do not consider that the proposed development would warrant a refusal of permission on the basis of its impact on the visual amenity of the area.

## 2.4. Issues Arising

#### 2.4.1. Accuracy of Drawings

The appellants contend that the proposed shed is larger than indicated on the drawings submitted with the planning application however no information has been submitted collaborate this position. I have based my assessment on the information submitted with the planning application/appeal, which based on my site inspection would appear to be accurate.

#### 2.4.2. Screening

Condition no. 4 of the Notification of Decision to Grant Permission issued by the Planning Authority required the provision of planting to the front of the shed. I do not consider this to be feasible noting that the area up to the front wall of the structure is surfaced.

#### 2.4.3. Development Contributions

Part 4 of the adopted Galway County Council Development Contribution Scheme 2016, as amended on the 1<sup>st</sup> August 2019 provides that '*domestic garages and sheds shall be exempt from development contributions*'. On this basis I consider that development contributions should not apply to the proposed development.

### 3.0 **Recommendation**

3.1. Having regard to the above it is recommended that retention permission is granted based on the following reasons and considerations and subject to the attached conditions.

### 4.0 **Reasons & Considerations**

Having regard to the provisions of the Galway County Development Plan 2022-2028 and to the nature, design and stated use of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the amenities of the area or of property in the vicinity, would not have a significant impact on European sites in the vicinity, and,



would be in accordance with the proper planning and sustainable development of the area.

1.	<p>The development shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The shed structure hereby permitted retention permission shall be used solely for use incidental to the enjoyment of the main dwelling and shall not be sold, rented or leased independently of the main dwelling and shall not be used for the carrying on of any trade, business or commercial/industrial activity. The structure shall not be used for the purposes of independent habitation.</p> <p><b>Reason:</b> In the interest of clarity.</p>

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.

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Ian Campbell  
Planning Inspector

5<sup>th</sup> September 2023