



An
Bord
Pleanála

Inspector's Report ABP 316006-23

Development	Home work studio together with all ancillary siteworks and services.
Location	Knockavanloman, Cloonkeen, Carrowholly. Westport.
Planning Authority	Mayo Co. Council.
Planning Authority Reg. Ref.	22/1123.
Applicant(s)	John Reilly.
Type of Application	Permission.
Planning Authority Decision	Refuse to Grant.
Type of Appeal	First Party
Appellant(s)	John Reilly.
Observer(s)	None.
Date of Site Inspection	May 16 th , 2023
Inspector	Breda Gannon.

1.0 Site Location and Description

- 1.1. The site is located c.3.5 km northwest of Westport town in Co. Mayo. It is accessed via the local road network that extends off the N59 connecting Westport and Newport. The site which accommodates a house and farm buildings is located at the end of a private access road. The house is single storey with roof accommodation and later extensions. The farm buildings form a cluster to the north of the house and with separate access to the west. Foul effluent is discharged to a septic tank.
- 1.2. The area is characterised by undulating rural countryside and the primary land use is agriculture. Residential development is in the form of isolated dwellings with ribbon development along the local road network.

2.0 Proposed Development

- 2.1. The proposal as described in the public notices submitted with the application seeks to construct a Home Work Studio (94.4 m²) comprising the following:
 - Home work office,
 - Physio consulting room,
 - Rehab space, and
 - storage space for rehab equipment and domestic storage.
- 2.1.1. The home office studio would be accommodated in a single-storey purpose-built building (94.4m²), with a black/dark grey powder coated corrugated metal finish. The building would be positioned in the garden area of the house between the house and the farm complex to the rear.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the development for two reasons which are summarised as follows:

1. The proposal would be contrary to Rural Economy Objective EDO 54 of the development plan which seeks to facilitate rural enterprises that are dependent on their rural locations.
2. The proposal would be contrary to Rural Economy Object EDO 56 which seeks to support remote working in the rural area, at an appropriate scale, for enterprise/business that do not require visiting members of the public.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report notes the provisions of the development plan and Objective EDO 54 regarding rural enterprise. The physiotherapy practice and associated rehab studio is considered a medical service and not a rural enterprise, provided for under EDO 54.

The applicant will be providing a service to the general public and is not in accordance with the provisions of Objective EDO 56.

3.2.2. Other Technical Reports

None

4.0 Planning History

22/617 – Planning permission refused for physiotherapy and rehab studio and ancillary accommodation with attached domestic garage on the basis that the development would be contrary to Rural Economy Objective EDO 54 and Rural Objective EDO 56 of the development plan.

22/601 – Planning permission granted for an extension and alterations to existing house.

5.0 Policy and Context

5.1. Development Plan

The operative development plan is the Mayo County Development Plan 2022-2028. The site is located in a rural area and Section 4.4.8 sets out Rural Economy Policies and Objectives. Those relevant to the appeal are EDO 54, EDO 56, EDO 57 and EDP23 and are discussed in more detail in the assessment section of this report.

5.2. Natural Heritage Designations

The closest European site is the Clew Bay Complex SAC located c 1.6km to the south.

5.3. EIA Screening

- 5.3.1. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Appeal

- The principle of the proposed development is supported by a number of policies and objectives of the development plan including EDO 55, EDP 23 and EDO 57. Objective EDO 54 does not expressly exclude this type of development in rural locations.
- The design and layout of the proposed development has been carefully considered to ensure that the proposed development is successfully assimilated into the landscape and in keeping with the character and pattern of development within the existing farmstead.
- The design and layout seek to minimise impacts on neighbouring properties in terms of loss of residential amenity.

- The potential traffic impact will be minimal as the location capitalises on the existing catchment of clientele and the existing sporting facilities that will connect with the proposed development.
- The proposed development will not affect any Natura 2000 sites.

6.2. **Planning Authority Response**

None

7.0 **Assessment**

- 7.1. Having examined all the application and appeal documentation on file and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. Appropriate Assessment also needs to be considered.

The main issues, therefore, are as follows:

- Compliance with provisions of the development plan.
- Impacts on amenities of the area.
- Appropriate Assessment.
- Other Matters.

7.2. **Compliance with the provisions of the development plan**

- 7.2.1. The appeal site is located in a rural area outside an identified settlement under the provisions of the development plan. The closest settlements are Westport (c 3.5km) and Newport (c 7km).
- 7.2.2. Section 4.4.8 of the development plan (Rural Economy) acknowledges the importance of the rural economy and strengthening rural areas as living and working communities. It recognises that rural based employment in the county extends beyond traditional rural sectors to include all aspects of the economy.
- 7.2.3. The development plan includes a number of policies and objectives which support the development of rural area, rural enterprises, micro businesses and resource

development. A number of these policies are referred to in the planning authority's reason for refusal and in the First Party rebuttal in the grounds of appeal and are considered below.

- 7.2.4. The planning authority's first reason for refusal considers that the proposed development is contrary to Rural Economy Objective EDO 54 which reads as follows:
- 7.2.5. *'To facilitate rural enterprises and resource development (such as agriculture, agri-food sector, agri-tourism, commercial fishing, aquaculture, rural tourism, forestry, bio-energy, the extractive industry, recreation, cultural heritage, marine enterprise sector, research and analysis) and renewable energy resources(such as wind, solar/ocean energy) and that are dependent on their locality in rural locations, where it can be demonstrated that the development will not have significant adverse effects on the environment, including the integrity of the Natura 2000 network, residential amenity or visual amenity. Where proposals demonstrate measures to promote environmental enhancement through improved ecological connectivity, such as measures in the Pollinator Plan, additional native species planting or blue and green infrastructure measures, these will be favourably considered.*
- 7.2.6. The First Party rebuttal notes that the list of rural enterprises listed in Objective EDO 54 is not exhaustive as it contains the term 'such as' and does not expressly exclude 'medical' enterprises, which were included under the provisions of the previous plan.
- 7.2.7. The proposed development is essentially a physiotherapy clinic. It is not a rural enterprise, it is not locationally dependent on this rural location and would be more suitably located within a settlement. The provisions of Objective EDO 54 are tighter than its equivalent in the previous plan. I do not consider that there is any ambiguity in its provisions and the clear intent is that the uses permitted are specifically related to those uses that are reliant on a rural location. The removal of 'medical' and other enterprises under the provisions of the current plan indicates that the planning authority does not consider that these types of businesses are suitable within the rural areas of the county. I would accept the planning authority's position that the proposed development is contrary to the provisions of Objective EDO 54 of the development plan.

- 7.2.8. It is also contended by the appellant that the proposed development is supported by a number of other policies including EDO 55, EDP 23 and EDO57. These Objectives/ Policies are clearly focused on facilitating development that is supportive of the rural economy, the maintenance of a vibrant and healthy agricultural sector and farm diversification/improvements and could not in my opinion be interpreted as facilitating proposals such as that proposed and which would be more suitably located within an urban setting.
- 7.2.9. The second reason for refusal cited by the planning authority refers to Rural Economy Objective EDO 56 which facilitates remote working in the rural area enterprises/businesses that do not require visiting members of the public. The proposed development by its nature, which would be totally reliant on visiting members of the public to operate, would be contrary to this objective.

7.3. Impacts on amenities of the area

- 7.3.1. A series of photographs are included with the appeal to demonstrate the impact of the proposal on the landscape and visual amenities of the area. (Viewpoints 1-4).
- 7.3.2. The development would be set back from the public road and positioned between the rear of the house and the adjacent complex of farm buildings. Having regard to the scale and design of the building, existing topography, vegetation and boundary screening, I accept that the building is capable of effective assimilation into the landscape and will not detract from the landscape or visual amenities of the area.
- 7.3.3. The closest residential property is located c 150m to the north. Due to the nature of the business proposed it is not anticipated that there would be any adverse impacts associated with noise or disturbance. The location of the proposed development ensures that no overlooking or overshadowing issues arise that would result in a diminution of residential amenity.
- 7.3.4. While it is stated in the appeal that much of the business would be generated locally, due to the rural location of the proposed clinic, additional car movements would be generated to and from the site. It is anticipated that the development would generate 40 traffic movements per week or approximately 8 movements per day. The road network in the vicinity of the site is substandard in terms of width and alignment and the traffic movements generated by the proposed development would impact on

pedestrian and vehicular traffic in the area and would not, therefore, be accordance with the proper planning and sustainable development of the area.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the nature of receiving environment, the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

7.5. Other Matters

- 7.5.1. The grounds of appeal refers to ABP 305875-19 which relates to an appeal against the planning authority's decision to grant permission for the construction of a house and a physiotherapy practice in the environs of Clarinbridge Village. Co. Galway.
- 7.5.2. The site in this case was zoned 'Residential' and part of the grounds of appeal relate to compatibility with the zoning provisions and whether the development should be interpreted as a mixed-use development and ancillary to the use of the dwelling.
- 7.6. Parallels cannot be drawn between this case and the subject appeal, which is located in an unzoned rural area, where there are specific objectives in the development plan to control the development in rural areas and which makes provision for development that are dependent on a rural location and does not include development of the type proposed.

8.0 Conclusion

- 8.1.1. I consider that the decision of the planning authority should be upheld in this case. The proposed development is not locationally dependent on this rural area and would involve visiting members of the public which is contrary to the objectives of the development plan. The proposed development would, therefore be contrary to the proper planning and sustainable development of the area.

9.0 Recommendation

- 9.1. On the basis of the above assessment, I recommend that permission for the development be refused for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. It is considered that the proposed development by its nature which would accommodate a home office studio incorporating a physiotherapy consulting room and rehabilitation space, which is not dependent on a rural location, does not fall within the rural enterprise or resource development envisaged by the development plan in rural areas and would be contrary to Objective EDO 54 of the Mayo County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development which would accommodate visiting members of the public would be contrary to Objective EDO 56 of the Mayo County Development Plan 2022-2028 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.

Breda Gannon
Planning Inspector

31st May 2023