



An
Bord
Pleanála

Inspector's Report

ABP-318177-23

Development	Retain machinery & hobbies shed and associated site works.
Location	Gorteen, Swanlinbar, Co. Cavan
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	2360106
Applicant(s)	Thomas Cassidy
Type of Application	Retention
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party V Refusal
Appellant(s)	Thomas Cassidy
Observer(s)	None.
Date of Site Inspection	26 th January 2023
Inspector	Ronan O'Connor

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1.0 Site Location and Description

- 1.1.1. The subject site is located within the townland of Gorteen Townland, which is located approximately 1.3km south of Swanlinbar Village. Access to this site from a private lane which accessed via the N87. On site is a domestic dwelling with a shed to the side/rear. The shed is the subject of this retention application.

2.0 Proposed Development

- 2.1. Retention permission is sought to retain a machinery and hobbies shed.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for 1 no. reason as follows:

1. Having regard to the design, scale and character of the existing development for retention, it is considered that the development has an undue negative visual impact on the rural character and amenity of the area, is inconsistent with the character of the dwelling on-site and is not visually subservient in terms of size, scale and bulk. The existing shed materially contravenes Objectives DGS01 and DGS02 of the Cavan County Development Plan, incorporating a Local Area Plan for Cavan Town 2022 – 2028, represents disorderly development within the setting and sets an undesirable planning precedent and as such is contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report [dated 12th September 2023] is summarised below:

- Considers the existing shed is located within the curtilage of the existing dwelling and reads as part of its immediate curtilage.
- Given the scale, form and design of the building, concerns that the development does not comply with DGS01 and DGS02.

- Development for retention is inconsistent with the character of the dwelling on site and is not visually subservient in terms of size, scale and bulk.
- Considered the shed materially contravenes objectives DGS01 and DGS0/represents disorderly development within the setting and sets an undesirable planning precedent.
- Recommends refusal.

3.2.2. Other Technical Reports

Engineer – Recommends condition.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

- 4.1.1. 21/342: Thomas & Keeley Ann Cassidy: Permission granted to develop attic space with alterations to approved bungalow type dwelling under construction (planning reg. ref. 18/79), alterations to elevations and connection to approved service.

5.0 Policy Context

5.1. Development Plan

The 'Cavan County Development Plan, incorporating a Local Area Plan for Cavan Town 2022-2028' is the operative Development Plan.

Section 13.5.7 considers 'Domestic Garage/Shed/Stores'. This states that '*Domestic garages, sheds and stores are generally an acceptable form of development in rural and urban areas. It is policy that their form, design and materials are ancillary and consistent to the main dwelling and that they are located on site so as not to create a negative visual impact. Industrial type designs and finishes shall not be permitted.*

Domestic garages, stores and sheds shall be permitted for uses ancillary to the main dwelling.'

Domestic Garage/shed/store Development Objectives

DGS 01 - The design, form and materials should be ancillary to and consistent with the main dwelling on site.

DGS 02 - Structures should generally be detached and sited to the rear or side of the dwelling house and be visually subservient in terms of size, scale and bulk.

DGS 03 - Structures 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

- 5.2.1. The nearest designated sites are the Cuilcagh - Anierin Uplands pNHA (000584) and the Cuilcagh - Anierin Uplands SAC (000584) both of which are located 1.9km to the north-west of the site.

5.3. EIA Screening

- 5.3.1. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A First Party Appeal against the decision to refuse permission was submitted on 6th October 2023. The grounds of appeal are summarised below:
- Applicant owns 8.17 Ha of forestry land to the rear/approximately 0.5km from his home/involves the thinning and cutting of trees

- Also farms the neighbouring land
- Machinery shed is required to store machinery use in the maintenance of the forestry/also for farm use
- Site is located within a rural environment where there are numerous farm buildings
- From an aerial view there are large commercial buildings within the immediate vicinity that are visible from the site
- Shed is located to the rear and side of the applicant's dwelling/from the contextual view its appearance is subservient to the dwelling
- Roof and cladding colour on the shed matches the slated roof of the dwelling/render wall finish on both the dwelling and the shed is similar to both
- Shed is being used to store machinery associated with farming, forestry and private use.
- Shed is required for the security and safe-keeping of machinery/also serves domestic purposes replacing the domestic garage approved under planning reg. ref. 18/79
- Shed is consistent with farm buildings which are dotted all over the country
- Would be considered planning exempt if it was directing within a farm holding
- Applicant intends to provide landscaping, trees etc to his dwelling which will screen the shed when viewed from the public road

Encl: Correspondence with Cavan Co. Co/Aerial Photos/Photographs/Dwgs

6.2. Planning Authority Response

6.2.1. A response from the Planning Authority was received on 6th November 2023. The contents of same are summarised below.

- Considered matters raised in the appeal were addressed in the original Planner's Report.
- Board should uphold the decision of the Planning Authority to refuse planning permission for the proposed development.

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1.1. Having inspected the site and considered the contents of the appeal in detail, I consider the main planning issues to be considered are:

- Design and Visual Impact
- Use

7.2. Design and Visual Impact

7.2.1. Section 13.5.7 also considers the appearance of such domestic sheds and it is stated *inter alia* that ‘...their form, design and materials are ancillary and consistent to the main dwelling and that they are located on site so as not to create a negative visual impact. Industrial type designs and finishes shall not be permitted...’.

Objective DGS 01 states that the design, form and materials should be ancillary to and consistent with the main dwelling on site. Objective DGS 02 states that ‘structures should generally be detached and sited to the rear or side of the dwelling house and be visually subservient in terms of size, scale and bulk’.

7.2.2. The shed proposed for retention is a maximum of 6.7m high (5.69m to the eaves), 12.15m in width and 18.14m in depth. It is rendered in plaster on the lower level with green corrugated cladding on the upper level. The overall floor area of same is 212.23 sq. m.

7.2.3. I share the view of the Planning Authority in that the shed proposed for retention is not visually subservient to the main dwelling house. I would also be of the view that the character of the shed is somewhat industrial in nature, with a corrugated finished on the upper level, and is not of an appearance that would one normally associate with a domestic shed. With reference to dwg. No. 6-23-2 ‘Site Layout Plan and East Elevation’, I note that the footprint of the shed is similar to that of the dwelling house, with a height that sits just below that of the dwelling house. I would note also that shed is highly visible from the road and I am of the view that it results in a negative visual impact when viewed from same. I note that the applicant has proposed some

additional landscaping as detailed on the plans, however I am not of the view that this is sufficient to screen the shed from the public road. I note also that the appellant has cited other similar structures in the general area. However, none of these structures are domestic sheds, and I share the view of the Planning Authority that, by approving a domestic shed of a scale that is proposed here, this would result in an undesirable precedent for similar such developments on the site of other domestic dwellings.

- 7.2.4. Having regard to the above, I am of the view that the scale, form and visual impact of the shed is contrary to Objective DGS 1 and Section 13.5.7 of the Development Plan.

7.3. Use

- 7.3.1. Section 13.5.7 of the Development Plan considers 'Domestic Garage/Shed/Stores'. This states inter alia that *'Domestic garages, sheds and stores are generally an acceptable form of development in rural and urban areas....Domestic garages, stores and sheds shall be permitted for uses ancillary to the main dwelling.'* Objective DGS 03 states that *'structures 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'.*
- 7.3.2. The application documentation and the appeal submission state that the shed is to be used for both domestic purposes and to store machinery and equipment related to the forestry and farming practices carried out by the applicant. It would appear that the latter uses (storage of forestry and farming equipment) are not necessarily ancillary to the main dwelling, and I am of the view, therefore, that the development proposed for retention would be contrary to Objective DGS 03 and Section 13.5.7 of the Development Plan for this reason, notwithstanding that the Planning Authority have not raised an objection in principle to the uses as detailed in the application documents.

8.0 Recommendation

- 8.1. I recommend that permission be refused for the reason as set out below.

9.0 Reasons and Considerations

1. The shed proposed for retention is not considered to be visually subservient to the existing dwellinghouse, having regard to the scale of same. In addition, the form, design and materials of the shed proposed to be retained are not considered to be in keeping with the character of the proposed dwelling, and the scale and appearance of the shed results in a negative impact on visual amenity. Furthermore, having regard to the information on file, the use of the shed for the storage of machinery is not considered to be ancillary to the enjoyment of the dwellinghouse. As such the development proposed for retention is considered to be contrary to Objectives DGS 01, DGS 02 and DGS 03, and contrary to Section 13.5.7, of the Cavan County Development Plan, incorporating a Local Area Plan for Cavan Town 2022-2028.

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.

Rónán O'Connor
Planning Inspector

31st January 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318177-23		
Proposed Development Summary	Retain machinery and hobbies shed and associated site works		
Development Address	Gorteen, Swanlinbar, Co. Cavan		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)			
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____