



An
Bord
Pleanála

Inspector's Report ABP-319053-24

Development	Retention of a temporary shed for a period of 5 years and all associated site works.
Location	Ballindooly, Galway.
Planning Authority	Galway City Council
Planning Authority Reg. Ref.	2360120
Applicant(s)	Eamon O'Reilly
Type of Application	Retention
Planning Authority Decision	Refuse
Type of Appeal	First
Appellant(s)	Eamon O'Reilly
Observer(s)	None
Date of Site Inspection	7 th of August 2024
Inspector	Darragh Ryan

1.0 Site Location and Description

- 1.1. The shed for retention is positioned off a private passage accessed off the N84 Headford Road, in the townland of Ballindooly Co. Galway. There is an existing single storey dwelling house to the front of the site.
- 1.2. The site rises away from the public road and dwellings to the front of the site. The area surrounding the shed is screened by existing mature planting and scrub of varying species. The total stated site area is 1.188ha.

2.0 Proposed Development

- 2.1. The development for retention:
 - Retention of a temporary shed of 136.70sqm
 - Temporary period sought for 5 years
 - Shed extends to a height of 4.3m and is 8.0m wide and 17.09m in length

3.0 Planning Authority Decision

3.1. The planning authority issued a single reason for refusal as follows:

In view of the scale and size of the shed and its location in close proximity to adjoining residences, it is considered that the proposed development would be out of character with this rural area and the prevailing pattern of development, and detract from its amenities and would not comply with the A: land use zoning objective - To provide for the development of agriculture and to protect the rural character of the current City Development 2023-2029 and Policy 5.10 Open Spaces: Agricultural Lands of the Plan to encourage sustainable agricultural activities, protect the rural character of these lands and where appropriate provide for sustainable recreation/amenity opportunities and prevent developments which could cause environmental pollution or injury to general amenities. It is considered that the development would be contrary to the land use zoning objective and policies of the City Development Plan and would therefore be contrary to the proper

planning and sustainable development of the area

3.2. Planning Authority Reports

3.2.1. Planning Reports

There is a single planning report on file. The issues outlined are as follows:

- The site is located on lands zoned A – Agriculture – this zoning seeks to provide for the development of agriculture and to protect the rural character. The stated use of the shed is for domestic purposes, however given the scale and size of the shed and location to the rear of existing residential properties the development is out of keeping with the pattern of development in the local area.
- The proposal is not keeping with Policy 5.10 Open Space of the City Development Plan, which seeks to encourage sustainable agriculture activities and to protect the rural character of these lands.
- The development is located within the road reservation corridor of the N6 GCRR. Section 4.8 of the City Development Plan makes reference to the specific policies for this corridor including the provision that “*..prohibit developments within the designed strategic road corridor which could potentially prejudice the development of this strategic road and river crossing*”
A report on file from the N6 GCRR Project Office states that the application for the N6 GCRR is currently with ABP and the identified lands would be fully acquired. As the shed is totally demountable and moveable there is no conflict with the N6 GCRR if temporary retention permission was granted for a period of 2 years or a period of 5 years if it can be conditioned that there would be no liability for claims in respect of impacts on the currently unauthorised development due to the N6 GCRR.
- In completing the screening exercise, the Planning Authority has adopted the report of the applicant and determined that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any identified European Site and their qualifying interests and special conservation interests, alone and or in-

combination with other plans and projects and that a Stage II Appropriate Assessment is not, therefore, required. This conclusion and determination are based on the stated use of the shed for the storage of items related to the occupation of the applicant's adjacent family dwelling, including storage of domestic property and applicant's trailer.

- In conclusion, in view of the scale and size of the proposed shed, its location on A – agricultural zoned lands, close to existing residential properties, it is considered that the proposed development would be contrary to the A land use zoning objective and Policy 5.10 Open Spaces: Agricultural Lands of the CDP to protect the rural character and amenities of these lands , it is recommended that permission be refused.

3.2.2. Other Technical Reports

Transportation Section – no objection as follows:

- The application for the N6 GCRR is currently with ABP and the identified lands would be fully acquired. As the shed is totally demountable and moveable there is no conflict with the N6 GCRR if temporary retention permission was granted for a period of 2 years or a period of 5 years if it can be conditioned that there would be no liability for claims in respect of impacts on the currently unauthorised development due to the N6 GCRR.

3.3. Prescribed Bodies

3.3.1. Transport Infrastructure Ireland

- Transport Infrastructure Ireland (TII) Report states that in the case of the above planning application, the Authority will rely on your Planning Authority to abide by official policy in relation to development on/affecting national roads as outlined in DECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to the following:
 - The Authority requests that the Council has regard to the provisions of Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines in the assessment and determination of the subject planning application.

- The proposed development is in part of a future national road scheme. The Authority recommends that the planning authority consult with the local Road Design Office (RDO) in considering this application.
- The Authority will entertain no future claims in respect of impacts on the currently unauthorised development due to the presence of the existing road or any new road scheme which is currently in planning.

3.4. Third Party Observations

There is one third party objection on file from a neighbour of the applicant with an address at Ballinfoyle, Ballindoooley, Headford Road. The issues raised are as follows:

- The site has a history of unauthorised development, which has prompted several planning enforcement actions. These issues are integral to the current assessment.
- The development is located on lands zoned for agricultural use. However, the retained development does not serve agricultural purposes or meet housing needs, as acknowledged in the original planning application.
- The development directly accesses the N84, contravening the Galway City Development Plan (2023-2029), which advises against such access due to potential traffic hazards. The increase in commercial traffic from this development has significantly impacted the already busy N84, increasing traffic movements and posing safety risks.
- Reports from Galway City Council, including the N6 Galway City Transport Project Phase 3 Traffic Modelling Report, highlight that this section of the N84 is already under pressure, with high volumes of daily traffic, including 501 Heavy Goods Vehicles (HGVs). The access to the development is via a narrow right-of-way (approximately 4 meters wide), which does not align with the National Roads Authority (NRA) standards, which discourage direct access onto national roads.
- The speed limit at the access point is 60 km/h, with a continuous white line, and visibility at the entry/exit is severely restricted. Nearby road signs indicate

dangerous bends ahead, further emphasizing the hazardous nature of the access.

- The building on-site resembles an industrial warehouse, which is incongruent with the rural character of the area. The design would be more appropriate for a business park or industrial estate. There are concerns about the true purpose of the building, given that the applicant operates a carpentry/joinery business. The high volume of commercial vehicle traffic and the daily noise from power tools suggest industrial activity inconsistent with the area's zoning.
- The Screening for Appropriate Assessment Report was only prepared over two years after significant site work, including excavation, foundation pouring, and construction, was completed, raising questions about environmental oversight.
- Additional concerns include fire safety, noise pollution, and potential electrical hazards associated with the development. The presence and use of the industrial-type building negatively impact the visual amenity, security, and privacy of neighbouring properties.

4.0 Planning History

PA reg ref: 21/179 –Permission refused for retention which will consist of a temporary shed/store. Retention planning permission is sought for a temporary single-storey (gross floor area 136.7m²) and all ancillary site works, located to the rear of the applicant's private dwelling.

1. The development for retention is not in keeping with land use zoning objective Agricultural Areas A Land Use Zoning Objective of the Current City Development Plan 2017 – 2023
2. The proposed development would be contrary to Policy 4.2 Protected Spaces: Sites of European, National and Local Ecological Importance and Section 11.31 Appropriate Assessment of the current City Development Plan 2017-2023 which states it is the policy of the Council to ensure that plans or projects within the Plan area will only be authorised and /or supported after the competent authority has ascertained based on scientific evidence,

screening for appropriate assessment and /or a Habitats Directive Assessment that the plan or project will not give rise to an adverse direct, indirect or secondary effect on the integrity of any European site (either individually or in combination with other plans or projects).

3. The site of the proposed development is located in close proximity to the preferred and/or approved route of a national road scheme. The proposed development could prejudice plans for the delivery of this scheme. A grant of permission, in this instance, is considered to be at variance with the provisions of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January, 2012),

5.0 Policy Context

5.1. Development Plan

Galway City Development Plan 2023 – 2029

- 5.1.1. Table 11.1 A – Agriculture Land Use Zoning – To provide for the development of Agriculture and to protect the rural character.
- 5.1.2. Section 11.2.3 Zoning Objective A - To provide for the development of agriculture and to protect the rural character.

Uses which are compatible with and contribute to the zoning objective, for example:

- Agriculture and related developments
- Accommodation for the Traveller Community

Uses which may contribute to the zoning objectives, dependent on the A location and scale of development, for example: – Uses as set out in Section 5.9 Agricultural Lands and Section 11.3.1 (j) Conversion and Subdivision of Dwellings

- Waste management facility
- Public utilities
- Public transportation facility
- Burial grounds and associated services
- Outdoor recreation with small scale associated facilities

5.1.3. Policy 5.10 Open Spaces: Agricultural Lands

1. Encourage sustainable agricultural activities, protect the rural character of these lands and where appropriate provide for sustainable recreation/amenity opportunities.
2. Prevent developments which could cause environmental pollution or injury to general amenities.
3. Ensure agricultural development complies with the measures set out in the River Basin Management Plan 2018-2021 and imminent draft River Basin Management Plan 2022-2027 and future plans.
4. Provide for limited residential development in A zoned agricultural lands.
5. Restrict the location of structures other than structures with essential links to the waterway, within ten metres of the River Corrib, in G zoned lands.

5.1.4. Road and Street Network Accessibility

23. Reserve the route corridor of the N6 Galway City Ring Road (N6 GCRR) project as approved with conditions and modifications by An Bord Pleanála which accommodates the designated strategic road and the associated bridge crossing of the River Corrib.

24. Give priority to the reservation the N6 GCRR designed strategic road corridor and any associated land requirements over other land uses and objectives in the City Development Plan and prohibit developments within the designed strategic road corridor which could potentially prejudice the development of this strategic road and river crossing.

5.2. **Natural Heritage Designations**

Lough Corrib SAC – 400m to the north west

5.3. **EIA Screening**

The current application before the Board does not constitute a class of development for which EIAR is required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal against the decision of Galway City Council to refuse retention permission for the construction of a garage. The following grounds of appeal are raised:

- The development is of a size and scale that it can be accommodated onto the site. Furthermore the design and colour is picked out so as to fit into the landscape. The shed is located behind the applicants property and is not visible from the N84 Headford Road. The effect of the shed colouring and the lack of windows on the Eastern, Western and Southern elevations avoids any overlooking of neighbouring properties
- The shed for which retention is sought is only temporary in nature. The area is to be entirely redeveloped as part of the future N6 Galway City Ring Road. The planned route for the ring road runs through the site, The planning authority has stated that the proposal is out of character for the area but the scale and proposed works to be carried out to facilitate the ring road will ultimately change the entire character of the area. The granting of retention for a temporary structure that will have to be removed to facilitate the ring road is unlikely to cause significant impact on the local area.
- The subject site is a candidate property for a CPO since 2015. The traditional methods of expanding the family home have not been open to the applicant as a result of the CPO. The shed shall be use for storage of material associated with the existing dwelling. The applicant is seeking permission for the construction of a dwelling in the nearby area and the retention of a shed for a temporary period will not have any impact on the area.
- The shed for retention is compatible with “A – Agriculture Land Use Zoning Objective” The shed is permitted under section 5.9 as the shed is ancillary to the primary use of the dwelling on site. Policy 5.10 as set out by the planning authority are not relevant to this application as the proposal is for a domestic shed and not agricultural activities.

6.2. Planning Authority Response

- None

6.3. Observations

- None

7.0 Assessment

7.1.1. 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 national and local policy guidance, I consider the main issues in relation to the appeal are as follows:

- Principle of Development – Scale of Development
- Appropriate Assessment

7.1.2. Principle of Development - Scale of Development for retention

7.1.3. The development proposed for retention involves a 137 m² domestic shed with a height of 4.3 meters, located to the rear of neighbouring residential dwelling. The structure is positioned adjacent to the eastern boundary of the site and is accessible via a secondary access point off the N84.

7.1.4. The planning authority refusal reason raises concerns regarding the nature and scale of this development. The planning authority has determined that, due to its size and scale, the development is inconsistent with the rural character of the area and detracts from the surrounding amenities. Additionally, the development does not align with the Agricultural Zoning or Policy 5.10 of the Galway City Development Plan 2023-2029. The above policies seek to retain the area for agricultural development and development that will protect the rural character of the area.

7.1.5. The applicant asserts that the shed is intended for domestic use, associated with the existing residential dwelling, and is temporary. The applicant seeks temporary permission, noting that the shed is ancillary to the primary dwelling while awaiting resolution of issues surrounding the Compulsory Purchase Order (CPO) of their

home which is required for the delivery of the N6 Galway City Ring Road, which affects the existing dwelling on the site.

- 7.1.6. Although the Development Management Standards do not specifically address domestic sheds and garages, Section 11.3.1(j) covers the conversion and subdivision of dwellings, and Section 11.3.1(i) relates to residential extensions. Both sections emphasise that extensions should complement the character and form of existing buildings and respect adjacent residential amenities.
- 7.1.7. In this case, while the shed is of a similar scale to the adjacent dwelling, it occupies a significant floor area, making it non-subordinate to the main dwelling. Furthermore, the shed's scale is not complementary to the design and character of existing residential dwellings in the immediate area. Policy 5.10 of the City Development Plan permits limited residential development on agriculturally zoned lands; however, the scale of this shed is more akin to commercial development rather than a domestic setting. The structure, although not highly visible from the public road, is situated to the rear of neighbouring property to the west and on higher ground. It is located 11.13 meters from the western boundary, where scrub hedging is present. The site's elevation results in a height difference of over a meter between the shed and the neighbouring dwellings to the west. I do consider the proximity of the structure and potential overbearing nature to be significant. Section 11.3.1 of the City Development Plan emphasizes the protection of residential amenity and rural character when considering residential developments. The shed is out of character with the area and has a significant negative impact on the neighbouring property's amenity due to its proximity and scale. The proposed retention of the shed on a temporary basis would have no bearing on the overall scale of the shed. The shed's dimensions are more characteristic of a small warehouse than a domestic shed, and the applicant has not provided sufficient justification for this size. Additionally, there is no evidence provided regarding the current storage arrangements for the applicant's domestic goods.
- 7.1.8. The site is subject to a CPO for the N6 Galway City Ring Road. The applicant claims that this has prevented necessary improvements to the existing dwelling and states that the shed is required for storing household items temporarily. The applicant argues that a temporary structure should be permitted for five years while the planning and CPO processes are resolved. I do not consider the justification

provided adequately explains the need for a shed of this scale, which is disproportionate to a domestic setting. The CPO issue alone does not provide sufficient grounds to permit the development.

Given the above considerations, the proposed development is likely to have a significant negative impact on the amenity of neighbouring properties. Furthermore, the development's scale is not in keeping with the zoning of the area or the provisions outlined in Section 11.3.1 of the Development Management Standards in the Galway City Development Plan 2023-2029.

8.0 AA Screening

- 8.1.1. I have considered the retention of shed in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located 400m from Lough Corrib SAC

- 8.1.2. The development for retention consists of:

- Retention of a temporary shed of 136.70sqm
- Shed extends to a height of 4.3m and is 8.0m wide and 17.09m in length

- 8.1.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The proposed works are limited in scale and located to the rear of existing residential development. Surface water can be accommodated on site. There are no impacts/effects predicted in this regard.
- Due to the distance of the site and intervening land uses from any SAC and SPA, no impacts/ effects are predicted in this regard.
- There are no identifiable hydrological/ecological connector pathways between the application and the SAC or SPA. This combined with the distance and built up intervening environment between the application site and the SAC & SPA removes any

potential connector/receptor pathways. Therefore no impacts/effects are predicted.

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend that planning permission be refused for the following reason:

10.0 Reasons and Considerations

In view of the scale and size of the shed and its location in close proximity to adjoining residences, it is considered that the proposed development would be out of character with this rural area and the prevailing pattern of development, and detract from its amenities as set out under Section 11.3.1 of the Galway City Development Plan 2023 -2029.

The development for retention would not comply with the A: land use zoning objective - To provide for the development of agriculture and to protect the rural character as set out within the current City Development 2023-2029 and Policy 5.10 Open Spaces: Agricultural Lands of the Plan to encourage sustainable agricultural activities and to protect the rural character of these lands.

It is considered that the development would not be in accordance with the land use zoning objective and policies of the City Development Plan 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.

Darragh Ryan
Planning Inspector

3rd of September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	319053 - 24		
Proposed Development Summary	Retention of a temporary shed for a period of 5 years and all associated site works.		
Development Address	Ballindooly, Co Galway		
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)		Yes	
		No	X
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			
No	X		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			
Yes	X	Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____