



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319108-24

<b>Development</b>	Home office with private gym and retention of domestic shed
<b>Location</b>	Crinnage or Ballywulash, Craughwell, Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	2361415
<b>Applicant(s)</b>	Sharon Raferty
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First
<b>Appellant(s)</b>	Sharon Raferty
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	08 <sup>th</sup> of July 2024
<b>Inspector</b>	Darragh Ryan

## **1.0 Site Location and Description**

- 1.1. The appeal site is situated on the northern side of the narrow local access road (L8577), approximately 1.5km west of the centre of Craughwell, Co. Galway. It is located within a rural area, outside of the designated settlement.
- 1.2. There is an existing dwelling house on site, garage, horse stables/domestic shed to the rear and the storage shed and home office (subject to this application) to the rear of the site. The site area 0.84ha.

## **2.0 Proposed Development**

- 2.1. Retention permission is sought for the following:
  - Retention of home office and gym
  - Retention of domestic shed
  - Total area for retention 162sqm.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority issued a decision to refuse for the following reasons:

1. It is considered that the home office with private gym room and domestic shed with pony stable for which retention has been sought by reason of its siting and arrangement would be an over development of the site and would constitute haphazard and disorderly development, would result in a built form that would not fit appropriately or integrate effectively into this rural location and would contravene materially Policy Objective RH9, Policy Objective LCM1 and DM Standard 8 of the Galway County Development Plan 2022 – 2028. Accordingly, to grant permission for the retention of the subject development would interfere with the character of the landscape, would detract from the visual amenity of the area, would militate against the preservation of the rural environment, would set an undesirable precedent for similar future development in the area, would contravene materially a policy

objective and a development management standard contained in Galway County Development Plan 2022 – 2028 and would be contrary to the proper planning and sustainable development of the area.

2. In the absence of satisfactory information in respect of adequate disposal of surface waters and soiled waters relating to the proposed development, the Planning Authority is not satisfied based on submissions received that if permitted as proposed, the development would not be prejudicial to public health or have the potential to adversely affect the integrity of nearby European sites contrary to policy objectives AD4 and NHB1, NHB 2 and NHB 3 as contained in Galway County Development Plan 2022-2028.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The single planning report on file, the issues raised can be summarised as follows:

- The applicant has provided limited information with respect to the proposed development. There is no rationale provided for the extent of development as proposed over and above the existing permitted development on site.
- The extent of additional buildings for retention on site is considered excessive under the basis for this application for domestic purposes. No additional information has been provided for an additional 60sqm. The addition of 102sqm for an office/gym has not been substantiated.
- The development as existing on site is considered excessive and an overdevelopment of the site in a rural residential setting.

#### **3.2.2. Other Technical Reports**

- None

### **3.3. Prescribed Bodies**

- None

### 3.4. Third Party Observations

- None

### 4.0 Planning History

- PA reg ref: 21/2088 –Retention permission granted to Sharon Rafferty on the 21<sup>st</sup> of February 2022 for the of horse stables/domestic shed and associated services. Gross floor space of work to be retained: 164 sqm.
- PA reg ref: 08/812 – Permission granted to Daragh Rafferty to construct horse stables, ancillary storage and associated services (gross floor area 431.57sqm)
- PA reg ref: 04/2058 – permission granted to Daragh Rafferty for extension to rear and side of existing dwelling house and to construct front porch, for retention of existing conservatory to the side of the dwelling and domestic garage.

### 5.0 Policy Context

#### 5.1. Development Plan

##### RH 9 Design Guidelines

It is a policy objective of the Planning Authority to have regard to Galway County Council's Design Guidelines for the Single Rural House with specific reference to the following:

- a) It is the policy objective to encourage new dwelling house design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape;
- b) It is the policy objective to promote sustainable approaches to dwelling house design and encouraging proposals to be energy efficient in their design and layout;
- c) It is the policy objective to require the appropriate landscaping and screen planting of proposed developments by using predominately indigenous/local species and groupings

## 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.

## DM Standard 8: Site Selection and Design

- The scale, form, design and siting of the development should be sensitive to its surroundings and visually integrate with the receiving landscape.
- Simple design forms and materials reflective of traditional vernacular should be used.
- Have regard to the scale of surrounding buildings. A large house requires a large site to ensure effective integration into its surroundings (either immediately or in the future, through planned screening)
- A visual impact assessment may be required where the proposal is located in an area identified as “Protected Views/Scenic Routes” in the Landscape Character Assessment of the County or in Class 3 and 4 designated landscape sensitivity areas.
- The design, siting and orientation of a new dwelling should be site specific responding to the natural features and topography of the site to best integrate development with the landscape and to optimise solar gain to maximise energy efficiency.
- The siting of new development shall visually integrate with the landscape, utilising natural features including existing contours and established field boundaries and shall not visually dominate the landscape. (Cutting and filling of sites is not desirable).
- New buildings should respect the landscape context and not impinge scenic views or skylines as seen from vantage points or public roads.

- Larger houses (e.g., in excess of 200sqm) should incorporate design solutions to minimise visual mass and scale e.g. sub-divided into smaller elements of traditional form to avoid bulky structures.
- Use a simple plan form to give a clean roof shape –a long plan in preference to a deep plan. This will avoid the creation of a bulky shape.
- Where existing vernacular structures exist on site, consideration should be given to their re-use, adaptation and extension in preference to new build.
- Clustering with existing rural buildings is generally preferable to stand-alone locations.

#### 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

#### DM Standard 14: Agricultural Effluent

The European Union (Good Agricultural Practice for Protection of Waters) Regulations 2014 set out the requirements for storage of farm effluents and the minimum holding periods for storage of farm wastes. All soiled liquid waste shall be collected before being further treated or spread on land in suitable weather conditions. The following will be a requirement of planning permission:

- Design calculations;
- Design calculations supporting the selection of a particular volume of storage and details of the spread area.

## 5.2. Natural Heritage Designations

- Rahasane Turlough SAC – 270m to the south
- Rahasane Turlough SPA – 270m to the south

## 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 County Council to refuse permission. The grounds of appeal directly address the reasons for refusal. The appeal can be summarised as follows:

#### 6.1.1. Overdevelopment of the site

- The 2 buildings for retention are in keeping with existing rural character of development in the immediate vicinity. The “stable/ domestic shed” seeking retention was built to serve the existing agricultural lands in the applicants control. Details of the agricultural lands are provided. The farm holding totalling 6.62 ha is populated by 2 no ponies and C. 34 sheep. The stable/domestic shed permitted under 21/2088 is limited with the majority of the floorspace dedicated to a domestic car garage, therefore the shed for retention is for agricultural purposes.
- The floorspace for the proposed Agricultural Shed for which retention is being sought is below the standard 300 sqm exempted development threshold for exempted development.
- The home office/gym for retention is of limited floor space (60sqm) giving the proportions of the site in the curtilage of the main dwelling house. The home office will facilitate home working. The office is for domestic use only and there is no consultations with visiting members of the public.

#### 6.1.2. Policy Objectives of the County Development Plan

- Policy Objective RH9 – is not relevant to the assessment of the application as this policy refers to Design Guidelines for single rural housing and not relevant to the assessment of this application.
- Policy Objective LCM 1 – Preservation of Landscape Character - the subject site is not located in a designated scenic area or where protected views or prospects apply. The site is located in a Class 1 Landscape Character Area where the character of the area is unlikely to be affected by change.
- DM Standard 8 – Site Selection and Design applies to guidance in assessing planning applications for rural housing. This DM standard does not apply to this application as the proposal does not include a proposal for a dwelling house.

#### 6.1.3. Refusal Reason 2 – Soiled Waters

- The reasons for refusal are not clear with regard to soiled waters. The applicant has provided details of soak pits for the control and management of surface water on site.
- The applicant has indicated that the soiled waters and waste from agricultural building will be managed via dung stead. Soiled waters are a matter for the protection of Good Agricultural Practice for the Protection Regulations for the management of soiled waters.
- Owing to size, scale and nature of the development there should be no impact on any Natura Site as a result of the development for retention.

#### 6.2. **Planning Authority Response**

None

#### 6.3. **Observations**

None



## 7.0 Assessment

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

- Nature of Development
- Soiled Water
- Other Issues - Precedent cases
- Appropriate Assessment

### 7.1.1. Site Visit

7.1.2. I made attempts to visit the site on two occasions: 8th July 2024 and 7th August 2024. Unfortunately, on both visits, I was unable to gain access to the site. Following these unsuccessful attempts, I reached out to the applicant's agent on two separate occasions to arrange a site visit. Despite these efforts, I did not receive any response from the agent. Although access to the site was not granted, I have thoroughly reviewed all available documentation, plans, and relevant materials associated with this case. I do not consider the lack of physical access to the site to be a significant impediment to my ability to assess the merits of the application.

### 7.1.3. **Nature of Development**

The proposed development under consideration seeks retention permission for the following elements:

- A domestic shed/stable (102sqm)
- A home office and gym (60sqm)

The domestic shed and store for which retention is sought are proposed to be located to the south of the existing domestic fuel shed, with the home office and gym situated to the rear (east) of this shed.

7.1.4. Domestic Shed/Stable

It is important to note that retention permission has already been granted under Planning Permission 21/2088 for a large domestic shed and stable, located to the rear of the site, covering a total area of 164 square meters.

The planning authority has raised concerns regarding the current proposal, considering the scale of development excessive when evaluated for domestic purposes. This concern is particularly relevant in light of the previously granted retention permission (21/2088) for the domestic shed and horse stables, which already accommodates a substantial area dedicated to domestic use on the site.

7.1.5. Under this appeal, the appellant has stated that the additional domestic shed/stable for retention is intended for agricultural purposes, specifically in relation to sheep farming and the housing of horses. According to the appellant, the farm holding comprises 6.52 hectares, accommodating two ponies and 34 sheep. The primary justification for the shed/stable is to provide shelter for sheep and their lambs during the spring season. The appellant further argues that the stable space previously permitted under Planning Permission 21/2088 is inadequate for their needs, necessitating a larger stable area. Additionally, the appellant has indicated that manure generated on-site will be managed through a dung stead positioned adjacent to the agricultural building.

7.1.6. Upon reviewing the application and accompanying drawings, it is noted that the plans for the shed/stable for retention indicate the presence of a "dry bedding stable" and areas designated for "feedstuff and fire fuel." However, there is no specific allocation or designated space for the housing of sheep as described by the appellant. Furthermore, the appellant has not provided any supplementary documentation or details to substantiate the extent of the agricultural activities on the site. There is no nutrient management plan, farmyard management plan, or other evidence typically required to support the claim of agricultural necessity. As part of the public notices the applicant has clearly applied for retention of a domestic shed. Given the inconsistencies presented in the appeal, it is not possible to justify the principle of providing an additional shed/stable under the current application.

7.1.7. The applicant has applied for retention permission under the Class 2 distinction for a domestic shed. The appellant's stated purpose for the development aligns with an

agricultural use, which differs significantly from a domestic use classification. Under the Planning and Development Regulations, a domestic shed is classified as a Class 2 structure, whereas an agricultural building falls under Class 3. These classifications represent distinct uses with separate regulatory requirements.

- 7.1.8. Permitting the proposed development as a domestic shed, when it is clearly intended for agricultural purposes, would be procedurally incorrect and inconsistent with planning regulations. For the development to proceed as an agricultural building, a new planning application, including updated planning notices and site notices, would need to be submitted to the planning authority for proper assessment under the correct classification. Therefore, I do not consider the retention of shed/ stable as set out in this instance to be acceptable.

7.1.9. Home Office/ Gym

The planning authority has raised concerns regarding the justification for the proposed home office and gym, noting that the need for these additional structures has not been substantiated within the application. The site currently accommodates approximately 500 square meters of existing structures, yet the applicant has not provided a clear rationale as to why the proposed home office and gym could not be integrated within the existing buildings. As a result, the planning authority has determined that the proposed development would contravene several key policies, including Policy Objective RH9, Policy Objective LCM 1, and Development Management Standard 8. The overarching aim of these policies is to ensure development in the rural area is of a scale and design that respects the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.

- 7.1.10. In response, the applicant argues that the gym and home office are of limited scale and can be satisfactorily assimilated into the large site without leading to overdevelopment. The applicant further contends that the facilitation of "Remote Working" is actively supported by the Development Plan, particularly under Section 5.8.5. It is also asserted that the home office is intended solely for domestic purposes, with no consultation or visitation by members of the public. The applicant disputes the relevance of the policy objectives cited by the planning authority,

suggesting that these objectives pertain primarily to the provision of domestic dwellings rather than ancillary structures.

- 7.1.11. The proposed domestic shed/gym sits approx. 30m (southwest) from the domestic dwelling and to immediate west of shed/stable for retention. The structure is for a total area of 60sqm, extending to a height of 5.2m. There is three separate rooms and a WC outlined. The finishes as indicated are reminiscent of a small dwelling house.
- 7.1.12. Upon review of the details provided, I do not find the provision of an additional structure for a home office and gym to be an acceptable form of development within this rural location. The proposal, which seeks to retain what would be the fourth independent structure on the site, raises significant concerns regarding the cumulative impact of development on the property. Although the site is relatively extensive, at 0.84 hectares, the proposed development does not appear to be commensurate with the scale and character typically associated with a rural domestic dwelling.
- 7.1.13. The applicant has not adequately addressed the planning authority's concerns regarding the existing level of development on the site, nor provided a convincing explanation as to why the proposed gym and home office could not be accommodated within the existing structures. While the Development Plan does not explicitly limit the number of ancillary structures on a site, Development Management Standard 6 emphasises that the design, form, and scale of such structures must be ancillary to the primary dwelling. The proposed development, located at a distance from the primary residence, appears to function as a standalone structure rather than an ancillary one. Furthermore I do not consider the overall scale of development on the site to align with principles as set out under Objective RH9, Policy Objective LCM 1 and DM standard 8.
- 7.1.14. Given the existing level of development on the site and the substantial nature of the structures already permitted, I consider the proposal for an additional home office and gym to represent a haphazard and potentially excessive form of development. Allowing the retention of these structures would not only exacerbate the overdevelopment of the site but could also undermine the coherence and integrity of the site as a rural domestic dwelling as set out Objective RH9, Policy Objective LCM

1 and DM standard 8 of the County Development Plan 2022 – 2028. Therefore, I do not support the retention of the proposed home office and gym in this instance.

## **7.2. Soiled Water Management**

### **7.2.1. Surface Water and Septic System Management**

The planning authority has reviewed the submitted details concerning the management of surface water and soiled water on the site. In the absence of comprehensive information regarding the broader control and management of surface and soiled waters, it is challenging to determine whether the proposed measures are sufficient to mitigate potential environmental impacts fully. As such, the planning authority was not entirely satisfied that the proposal, as currently detailed, would not have a detrimental impact on the integrity of nearby European sites.

7.2.2. As part of the appeal the applicant has outlined the proposed methods for handling surface water runoff from the two buildings, specifically through the installation of soakaways designed to the BRE Digest 365 standard. These soakaways are intended to serve the home office and the stable/shed. Additionally, the applicant has provided information regarding the existing septic tank system on-site, confirming that the home office/gym will be connected to this system. It has been asserted that the proposed development will not increase the load on the existing septic tank system, and no additional capacity is being proposed. I consider the information supplied in relation to surface water and soiled water from septic tank system adequate and do not consider there is an issue in this regard.

### **7.2.3. Management of Soiled Waters from Agricultural Activities**

In relation to the management of soiled waters specifically from the dungstead/agricultural shed, the applicant has not provided sufficient details. Instead, the applicant has referenced the regulatory framework established under the “European Communities (Good Agricultural Practice for the Protection of Water) Regulations,” suggesting that adherence to these regulations, coupled with the imposition of appropriate conditions by the planning authority, would ensure the proper management of soiled waters.

- 7.3. The Development Management Standard 14 of the Galway County Development Plan requires that applications include design calculations for storage areas and provide details of spreadable lands as part of the submission. The absence of such details in this application, particularly concerning the dungstead on-site, highlights a significant gap in the information provided.

While it is acknowledged that the scale of the development—comprising 34 sheep and 2 ponies—is unlikely to result in significant local environmental impacts, the lack of detailed information regarding the control of soiled waters from the dungstead is a notable shortcoming. Although the site may generally be capable of adequately managing the soiled water generated by the existing livestock, the failure to provide specific details undermines the adequacy of the application.

- 7.4. In conclusion, while the applicant has addressed certain aspects of surface water management and has indicated compliance with existing septic system capacities, the absence of detailed information concerning the management of soiled waters, particularly from the agricultural components of the site, remains a critical issue. Given the potential environmental implications and the requirements set forth in the Galway County Development Plan, the lack of detail regarding the control and management of soiled waters constitutes a valid reason for refusal of the application in its current form. I therefore consider it necessary to recommend refusal based on the inadequacy of the provided details concerning soiled water management.

7.5. **Other Issues**

7.5.1. Material Contravention

- 7.5.2. The Planning Authority has identified a primary reason for refusing the development, citing the development for retention contrary to Policy Objective RH9, Policy Objective LCM1, and Development Management (DM) Standard 8 of the Galway County Development Plan 2022–2028. According to the Planning Authority, the development in question, which seeks retention permission, would detract from the visual amenity of the area, undermine the preservation of the rural environment, and set an undesirable precedent for future developments within the locality.

- 7.5.3. The applicant contends that the policy objectives and standards cited by the Planning Authority are not relevant to the current application. They argue that these standards are primarily applicable to rural dwelling houses, whereas the proposal

under consideration involves the retention of a stable/domestic shed and an office/private gym, which they assert are not directly related to the provision or design of a rural dwelling. The applicant further asserts that the siting of the stable and shed, now purportedly intended for agricultural use, should not be subjected to the same standards as those that govern rural dwellings. They maintain that the application of these specific policy objectives to their development is misplaced and does not accurately reflect the nature or intent of the structures in question.

7.5.4. I find that the policy objectives cited by the Planning Authority are indeed relevant and appropriately applied to this case. The proposal, as outlined in the public notices, is intended for domestic use, with the gym and office being directly associated with the existing dwelling on the site. Despite the applicant's current assertion that the shed and stables are intended for agricultural purposes, the structures have been advertised as a domestic shed. Policy Objective RH9, which seeks to ensure that rural housing and associated developments are compatible with the rural character and landscape, is pertinent here given that the primary use of the site is as a rural dwelling in a rural location. Similarly, Policy Objective LCM1, which focuses on the preservation of landscape character, and DM Standard 8, which addresses the visual impact and integration of developments within the rural landscape, are both directly applicable to this case. The applicant's argument that these policies should not apply to non-dwelling structures does not sufficiently address the broader context in which these structures exist—namely, as part of a rural residential setting. The overall impact of these structures on the rural environment and their potential to detract from the visual amenity and character of the area must be considered within the framework of these policy objectives.

7.5.5. The Planning Authority has correctly identified and applied the relevant policy objectives and development standards in its assessment of this application. The development, while not a rural dwelling itself, is integrally connected to the use of the site as a rural residence. Therefore, the cited policy objectives—RH9, LCM1, and DM Standard 8—are appropriately applied in this context. The concerns raised by the Planning Authority regarding the potential impact of the development on the visual amenity, rural character, and the potential precedent it could set for future developments in the area, are valid. I consider, the refusal based on these grounds is appropriate.

7.5.6. Having regard to Section 37 (2) of the Planning and Development Act

The Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

- i. the proposed development is of strategic or national importance,
- ii. there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- iii. permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28 , policy directives under section 29 , the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- iv. permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

Having regard to the above provisions I see no validity in the appeal to material contravene the Galway County Development Plan for the following reasons:

- i. The development is for retention of a gym/office building and stable/domestic shed in the confines of a single rural dwelling is not considered to be of strategic or national importance.
- ii. The objectives in the development plan are clear.
- iii. There are no Section 28 or Section 29 Guidelines which indicate that planning permission should be granted in this instance.
- iv. There is no evidence provided that other similar developments have been granted in the local rural area for the same number of independent buildings on the site of a single dwelling house since the introduction of the Galway County Development Plan 2022 – 2028.

Based on this assessment, it is my opinion that a material contravention is not warranted in this instance.



#### 7.5.7. Precedent Cases

The applicant asserts that there is precedent for the granting of horse/stables on small sites with the example given to P.A reg ref 15/274 at Corboley, Barna, Co. Galway. The application reference is with regard to St Cuans College, Castleblakeney and not a reference to domestic shed/ stables or gym/home office. In any case, based on the information provided by the appellant, I do not consider this case to be of relevance to the current application for the following reasons:

- The above permission was granted under a different County Development Plan.
- The notices as provided by the appellant for the above referenced case are clear with regard to intended use for the development: *“shed/stables (floor area 199.9sqm), access road, filling of land and all ancillary site works. (2) permission to construct dung pit, soil water storage tank, concrete apron (ancillary to the use of shed/stables) alterations to existing shed elevations and restoration/landscaping works to existing filled areas.”* The current application before the Board is vague with the statutory notices indicating a domestic/shed and stable, while the appeal makes reference to Agricultural Development. In my view the applicant has not provided a clear case for precedent development.

### 8.0 **AA Screening**

I have considered the proposal for retention of stable/shed and provision of gym/home office in light of the requirements S177U of the Planning and Development Act 2000 as amended. No screening Report has been supplied with the application

The subject site is located within a rural location 270m north of the nearest European Site, Rahasane Turlough SAC and Rahasane Turlough SPA. The development for retention consists of a shed/stable and gym/office building.

I note the planning authority in their second reason for refusal concluded that based on lack of information supplied with the application in relation to the management of soiled waters on site, that there is a risk of contamination to waters entering the

European Sites. There has been no submissions from third parties on file in relation to potential impacts to European sites.

#### European Sites

Two European sites were identified as being located within a potential zone of influence of the proposed development. Rahasane Turlough SAC and Rahasane Turlough SPA.

European Site	Qualifying Interests	Distance	Connections
Rahasane Turlough SAC 000322	Turloughs 3180 <a href="https://www.npws.ie/protected-sites/sac/000322">https://www.npws.ie/protected-sites/sac/000322</a>	270m	Yes, proximity and via groundwater
Rahasane Turlough SPA [004089]	A038 Whooper Swan Cygnus cygnus A050 Wigeon Anas penelope A140 Golden Plover Pluvialis apricaria A156 Black-tailed Godwit Limosa limosa A395 Greenland White-fronted Goose Anser albifrons flavirostris  A999 Wetlands <a href="https://www.npws.ie/protected-sites/spa/004233">https://www.npws.ie/protected-sites/spa/004233</a>	270m	Yes, proximity and via groundwater

I have only included those sites with any possible ecological connection or pathway in this screening determination.

There is no evidence of a direct surface water hydrological link with the above sites however a groundwater link is likely given the proximity of the site.

### Likely Impacts of the Project

The primary pathway to the SAC and SPA is via groundwater owing to the proximity of the site to these Habitats. In the absence of demonstration of adequate control and management of soiled waters from the dung stead, I consider a potential pathway exists from the source of dung stead to the SAC and SPA via groundwater. There is little distance for the process of dilution of any pollutants to occur before reaching the main channel and therefore this is considered a direct pathway.

I consider that in the absence of demonstration of adequate soiled water management from agricultural activities on site the proposed development has the potential to result in following impacts:

- potential damage to the Rahaense Turlough associated with escapement of soiled waters due to inadequate storage of effluents; with many of the habitats and freshwater qualifying interest species dependent on water quality, an impact of sufficient magnitude could undermine the sites conservation objectives

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the Rahasane Turlough SAC 000322 and Rahasane Turlough SPA 004089 in view of the conservation objectives of a number of qualifying interest features of those sites.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

## 9.0 Recommendation

I recommend planning permission be refused for the following reasons:

## 10.0 Reasons and Considerations

1. On the basis on the information supplied, it appears to the Board that the development for retention serves both agricultural and domestic purposes. The application for retention of the shed/stable was submitted under Class 2 of the Planning and Development Regulations; however, the applicant has indicated that the intended use is for agricultural purposes. Consequently, the appropriate application should fall under Class 3, which pertains specifically to agricultural developments. Therefore, the public notices do not accurately reflect the true nature and purpose of the development. It is considered that it would be inappropriate for the Board to consider the grant of permission in such circumstances.
2. It is considered that the home office with private gym room and domestic shed with pony stable for which retention has been sought by reason of its siting and arrangement would be an overdevelopment of the site and would constitute haphazard and disorderly development, would result in a built form that would not fit appropriately or integrate effectively into this rural location and would not be in accordance with Policy Objective RH 9 or DM Standard 8 of the Galway County Development Plan 2022 – 2028. Accordingly to grant permission for the retention of the subject development would interfere with the character of the landscape, would militate against the preservation of the rural environment and would set an undesirable precedent for similar future development in the area and would be contrary to the proper planning and sustainable development of the area.
3. In the absence of sufficient information to demonstrate the adequate control and management of soiled water from the existing dungstead, and in the absence of submission of design calculations for the storage of effluents as required by DM standard 14 of the Galway County Development Plan 2022 – 2028, the Board cannot be satisfied that there is adequate control of soiled

waters on site and the risk to ground and surface water has been minimised.  
The development for retention would therefore be prejudicial to public health.

4. Having regard to the location of the site, together with adjoining land, adjacent to Special Area of Conservation sites Rahasane Turlough SAC 000322 and Rahasane Turlough SPA 004089 it is considered that:  
the development for retention would give rise to continued uncontrolled release of pollutants to groundwater and cause an increased disturbance to wildlife, from human activity in what was formerly a relatively undisturbed area.

Notwithstanding the above the Board is not satisfied, that adequate information has been provided on the impact of the proposed development on hydrological conditions within the Annexed habitat and the resulting implications for wildlife and flora.

It is therefore considered that the Board is unable to ascertain, as required by Regulation 27(3) of the European Communities (Natural Habitats) Regulations, 1997, that the proposed development will not adversely affect the integrity of a European Site and it is considered that the proposed development would 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.

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Darragh Ryan  
Planning Inspector

9<sup>th</sup> of August 2024