



An
Coimisiún
Pleanála

Inspector's Report ABP-321282-24

Development	Retention of Restoration of Labourers Cottage, entrance improvements, temporary steel container, new septic tank and all associated works.
Location	Cluain Duibh, Moycullen, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	2461191
Applicant(s)	Eszter Feher.
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Eszter Feher
Observer(s)	Don Ryan
Date of Site Inspection	29 th of September 2025
Inspector	Caryn Coogan

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1.0 Site Location and Description

- 1.1 The subject site, 0.35ha, is located 10km north of Galway City in a rural area called Cluain Duibh which is accessed from a local road L53721. The site is 5km east of Moycullen village, located midway between two lakes. The general area is low lying rural topography with stonewalled fields, and a high level of one off housing along both sides of the local road serving the area.
- 1.2 The site is rectangular in configuration, east facing and is bounded on all sides by stone walls. The roadside boundary has been set back about 5m from the edge of the public road. The eastern roadside boundary includes two vehicular accesses. The southern access is an access lane that runs along the entire southern boundary of the site to a compound area at the rear of the site. The northern access to the site is the main entrance to the structure and there is a parking area. The access road and parking area runs alongside the northern site boundary. A new laurel hedge has recently been planted along the northern site boundary.
- 1.3 There is a dwelling immediately to the north of the site. There are 4No. dwellings to the east of the site on the opposite side of the road.
- 1.4 Within the site there is a small stone structure with a new roof, which is the subject of this appeal, a polytunnel, and a small compound area to the rear (western) end of the site, which includes machinery and a large metal container. Within the site is a pond structure currently under construction and a vegetable plot.

2.0 Development

- 2.1 The planning permission for the retention of the restoration of a labourer's farm cottage the elements are as follows:
 - To retain the restoration of the old labourer's cottage, (35sq.m.)
 - To retain the entrance improvements
 - To retain the installation of a new septic tank
 - To retain a temporary steel container on site (temporary).
 - The site is served by public watermains.

- 2.2 According to the applicant's cover letter the site is for her hobby farming and growing organic fruits and vegetables. The applicant works and resides in Galway city.

3.0 Planning Authority Decision

3.1 Decision

Galway Co. Co. decided to refuse planning permission for the development on the 23rd of October 2024, for **six** reasons:

1. Having regard to the existing stone structure on site, in conjunction with the absence of satisfactory evidence verifying that the structure was formerly a dwelling, and in the absence of a structural report on the existing structure on site, to the requirements of Policy Objective RH 7 contained in the Galway County Development Plan, 2022-2028, and to the information included with the planning application, to the original character of the structure being compromised from the works carried out to date, the Planning Authority considers that the proposed development would be contrary to Policy Objective RH 7. Accordingly, to grant the development as proposed, would materially contravene a policy objective contained in the current county development plan and would be contrary to the proper planning and sustainable development of the area.
2. The subject site is located in the rural area, within a Special Landscape Sensitivity Class 3, and is also located within the GCTPS, which is subject to strong urban influence as identified in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005. Based on the information submitted with the planning documentation, and taking account of the existing stone structure on site that is not verifiable as a former dwelling, and in the absence of satisfactory substantiation under Policy Objective RH 7 Renovation of Existing Derelict Dwelling, it is considered that the proposal would not comply with the rural housing objectives as set out in the current Galway County Development Plan 2022-2028, in particular Policy Objective RC 2, Policy Objective RH2, Policy Objective RH4, and DM Standard 7 in the

absence of sufficiently detailed local rural links substantiated. Therefore, if permitted as proposed, the proposed development is considered contrary to the rural housing provisions of the said county development plan. Accordingly, to grant the proposed development would contravene materially policy objectives and a development management standard contained in the Galway County Development Plan 2022-2028, would be contrary to ministerial guidelines issued to the planning authorities under Section 28 of the Planning and Development Act 2000 (as amended), 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. Having regard to the works that have been carried out to the stone structure it is considered that they do not respect the vernacular character of the former structure on site. The works that have been carried out to the structure, and particularly the obtrusive roofscape, are not considered sympathetic to rural vernacular nor are they considered an appropriate rehabilitation of a vernacular structure and thus are considered contrary to Policy Objectives AH 5 and AH 6. The development as proposed, is not considered to assimilate into the surrounding landscape, is not considered vernacularly sympathetic to the former stone structure on site, and if permitted would result in a visually obtrusive feature which would not fit appropriately or assimilate effectively into this rural setting contrary to Policy Objective RH 9, Policy Objective LCM 1, Policy Objective LCM 3 and DM Galway County Council – Planning Report Standard 8, DM Standard 46 contained in the Galway County Development Plan, 2022-2028. Accordingly, to grant the development as proposed, would materially contravene policy objectives and development management standards contained in the current county development plan and would be contrary to the proper planning and sustainable development of the area.
4. The proposed development is located within close proximity to an existing established residential dwelling to the immediate north-east, and if permitted would compromise the residential amenity associated with the adjoining dwelling. Furthermore, the proposed development is considered to be out of character with the pattern of development in the area, would seriously injure the amenities, or depreciate the value of property in the vicinity, and would set

an undesirable precedent for similar developments in the area. Therefore, if permitted as proposed, the development would also materially contravene Policy Objective RH 9 of the Galway County Development Plan 2022-2028 and therefore would be contrary to the proper planning and sustainable development of the area.

5. In the absence of any details submitted on file relating to water supply to serve the proposed development, it is considered that the development if permitted as proposed would pose a serious risk to the public health of persons occupying this dwelling house, would be contrary to development management standards and would be contrary to the proper planning and sustainable development of the area and would materially contravene DM Standard 36 and Policy Objective WS 5 of the Galway County Development Plan 2022-2028.
6. The subject site is underlain by a regionally important aquifer where bedrock was encountered at 1.6m below ground level. Therefore, the groundwater vulnerability of the site is taken as extreme, resulting in a groundwater protection response of $R(2)^2$ which requires a depth of 2m of unsaturated soil/subsoil between the point of infiltration and the bedrock. Having regard to the details submitted, the Planning Authority is not satisfied, that the safe disposal of domestic effluent on site can be guaranteed. Accordingly, to grant the proposed development would be prejudicial to public health, would be contrary to Objective WW6 and DM Standard 38 of the Galway County Development Plan 2022-2028, and be contrary to the proper planning and sustainable development of the area.

3.2 Planning Authority Reports

3.2.1 *Planning Reports*

- The site is located within a special landscape designation – Landscape 3
- The subject site is located within the GCTPS area where a housing need is required to be established an applicant for new residential development in compliance with the relevant policy objectives in the Galway County

Development Plan 2022-2028 with regard to rural housing, which include Policy Objective RH4 and RH2

- It is considered that what was on site is clearly not recognizable as a former dwelling and in addition, there is no evidence of a former accessway to the stone structure either.
- It is evident that significant works have been carried out to the front boundary of the subject site including the removal of existing features including stone walls and hedgerows.
- The application form states an existing public water supply exists. No evidence of same submitted with the application details.
- The subject site is underlain by a regionally important aquifer where bedrock was encountered at 1.6m below ground level. Therefore, the groundwater vulnerability of the site is taken as extreme, resulting in a groundwater protection response of R(2) 2 which requires a depth of 2m of unsaturated soil/subsoil between the point of infiltration and the bedrock. This is not available; therefore, the subject site is not suitable for a septic tank system as per the EPA Code of Practice.
- It is considered that the works that have been carried out to the structure do not respect the vernacular character of the former structure; particularly the roofscape. The works that have been carried out to the structure are not considered sympathetic to rural vernacular nor are they considered an appropriate rehabilitation of a vernacular structure and thus are considered contrary to Policy Objectives AH 5 and AH 6.
- The proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on these or any other European site, and Stage 2 Appropriate Assessment is not therefore required.
- **Refusal** recommended.

3.2.2 Other Technical Reports

None

3.2.3 Prescribed Bodies

There was no response received from the prescribed bodies that were notified of the planning application.

The Commission also referred the appeal to Development Applications Unit, An Taisce, and The Heritage Council on 13th of January 2025. There was no response received from any of the Prescribed Bodies.

3.2.3 Third Party Observations

A submission from the neighbouring homeowner stated the following:

- The stone structure over the past 18 years since they have lived there has been used as shelter for livestock during bad weather.
- The structure was never used for habitation purposes it may have been used as a granary.
- The space does not comply with any modern day standards
- Why is a septic tank necessary for such a modest dwelling
- Loss of privacy
- Overshadowing light
- Rising the road has impacted on their property
- Smoke from the stove.

(The planning application documentation included letters of support to the development from third parties residing across the road from the subject site)

4.0 Planning History

4.1 Planning reference 03/2974

There was a planning application on the subject site in 2003 which was subsequently withdrawn.

5.0 Policy Context

5.1 Development Plan

The **Galway County Development Plan 2022-2028** is the current development plan governing the area.

The following are considered relevant in this case:

Chapter 4 Rural Living and Development Section

4.6 – Rural Housing Strategy in the Open Countryside Section

4.6.1 – Rural Areas under Strong Urban Pressure

In areas outside the metropolitan area, the areas under urban pressure, the Applicant will be required to demonstrate an established a substantiated Rural housing need.

The site is located in the designated Galway County Transport and Planning Study (GCTPS) Map 4.1 and Appendices 3

RH2 Rural Housing Zone 2 (Rural Area Under Strong Urban Pressure-GCTPS-Outside Rural Metropolitan Area Zone 1)

It is policy objective to facilitate rural housing in this rural area under strong urban pressure subject to the following criteria:

1(a) Those applicants with long standing demonstrable economic and/or social Rural Links* or Need to the area through existing and immediate family ties seeking to develop their first home on the existing family farm holding. Consideration shall be given to special circumstances where a landowner has no immediate family and wishes to accommodate a niece or nephew on family lands. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.

OR

1(b) Those applicants who have no family lands, or access to family lands, but who wish to build their first home within the community in which they have long standing demonstrable economic and or social Rural links* or Need and where they have spent a substantial, continuous part of their lives i.e. have grown up in the area, schooled in the area or have spent a substantial, continuous part of their lives in the area and have immediate family connections in the area e.g. son or daughter of longstanding residents of the area. Having established a Substantiated Rural

Housing Need*, such persons making an application on a site within an 8km radius of their original family home will be accommodated, subject to normal development management.

To have lived in the area for a continuous seven years or more is to be recognised as a substantial, continuous part of life and also as the minimum period required to be deemed longstanding residents of the area.

Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.

OR

1(c) Those applicants who can satisfy to the Planning Authority that they are functionally dependent in relation to demonstrable economic need on the immediate rural areas in which they are seeking to develop a single house as their principal family Residence in the countryside. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis.

OR

1(d) Those applicants who lived for substantial periods of their lives in the rural area, then moved away and who now wish to return and build their first house as their permanent residence, in this local area. Documentary evidence shall be submitted to the Planning Authority to illustrate their links to the area in order to justify the proposed development and it will be assessed on a case by case basis.

OR

1(e) Where applicants can supply, legal witness or land registry or folio details that demonstrate that the lands on which they are seeking to build their first home, as their permanent residence, in the area have been in family ownership for a period of 20 years or more, their eligibility will be considered. Where this has been established to the satisfaction of the Planning Authority, additional intrinsic links will not have to be demonstrated.

OR

1(f) In cases where all sites on the family lands are in a designated area, family members will be considered subject to the requirements of the Habitat's Directive and normal planning considerations

OR

1(g) Rural families who have long standing ties with the area but who now find themselves subsumed into Rural Villages. They have no possibility of finding a site within the particular Rural Villages. Rural Villages dwellers who satisfy the requirements for Rural Housing Need as outlined in RH2 will not be considered as Urban Generated and will have their Housing Need upheld.

Those applicants seeking to construct individual houses in the open countryside in areas located in Landscape Classification 2,3 and 4 are required to demonstrate their demonstrable economic or social Rural Links or Need* as per RH 2, i.e.

Located in Zone 4 – therefore

Policy **RH4** is applicable:

Those applicants seeking to construct individual houses in the open countryside in areas located in Landscape Classification 2,3 and 4 are required to demonstrate their demonstrable economic or social Rural Links or Need* as per RH 2, i.e

Policy RH 7 Renovation of Existing Derelict Dwelling

It is a policy objective of the Planning Authority that proposals to renovate, restore or modify existing derelict or semi-derelict dwellings in the County are generally dealt with on their merits on a case by case basis, having regard to the relevant policy objectives of this plan, the specific location and the condition of the structure and the scale of any works required to upgrade the structure to modern standards. The derelict/semi derelict dwelling must be structurally sound and have the capacity to be renovated or extended and have the majority of its original features in place. A structural report will be required to illustrate that the structure can be brought back into habitable use, without compromising the original character of the dwelling. Where the total demolition of the existing dwelling is proposed an Enurement Clause for seven years duration will apply.

Chapter 7 Infrastructure, Utilities and Environmental Protection

Chapter 8 Tourism and Landscape Section

Policies cited in Reason No. 2 of the decision:

RC 2 Rural Housing in the Countryside

To manage the development of rural housing in the open countryside by requiring applicants to demonstrate compliance with the Rural Housing Policy Objectives as outlined in Section 4.6.3.

Chapter 12

AH 5 Maintenance and Re-use of existing Building Stock

Promote the maintenance and appropriate re-use of the existing stock of buildings with architectural merit as a more sustainable option to their demolition and redevelopment.

AH 6 Vernacular Architecture

Recognise the importance of the contribution of vernacular architecture to the character of a place and ensure the protection, retention and appropriate revitalisation and reuse of the vernacular-built heritage including structures that contribute to landscape and townscape character and resist the demolition of these structures.

Chapter 15 - Development Management Standards

DM Standard 7

In order to substantiate a rural housing need the following documentation will be required:

- Justification for location as proposed;
- Land registry maps and associated documentation;
- Proof of local connection to an area;
- Any other details that may be deemed necessary at time of application by the Planning Authority.

Section 15.2.4 – Other Residential Development (Rural and Urban)

Section 15.3.1 - Rural Housing Section

5.2 Natural Heritage Designations

The development site is located within a 15km radius of the following Natura 2000 designations:

- Lough Corrib SAC (approximately 0.42 km from subject site)
- Ross Lake and Woods SAC (approximately 5.42 km from subject site)
- Connemara Bog Complex SAC (approximately 6.51 km from subject site)
- Galway Bay Complex SAC (approximately 7.19 km from subject site)
- Gortnandarragh Limestone Pavement SAC (approximately 8.67 km from subject site)
- Lough Corrib SPA (approximately 0.84 km from subject site)
- Inner Galway Bay SPA (approximately 7.98 km from subject site)
- Connemara Bog Complex SPA (approximately 12.72 km from subject site)

5.3 EIA Screening

(See Appendix 1 at the end of this report). Having regard to the nature of the proposed rural house development and its location removed from any sensitive locations or features and the absence of direct connectivity to any sensitive location, there is no real likelihood of significant adverse effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

5.4 Water Framework Directive Screening

The development comprises of retention of the renovation of a ruin structure, access improvements, sewage treatment works, and a temporary steel container. The detailed development description is set out within Section 2.0 of my report above.

I have assessed the planning documentation and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water bodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

Having considered the relatively minor 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 surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Having regard to the relatively minor scale and nature of the development proposed
- The location removed from the nearest waterbody. (Lough Corrib, 0.42km west of the site, and also east of the site)

Conclusion I conclude that on the basis of objective information, the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment .

6.0 The Appeal

6.1 Grounds of Appeal

6.1.1 The applicant is seeking retention works to the labourers cottage, septic tank, entrance improvements and the steel container. She is a consultant doctor and lecturer. Shee resides in Knocknacarra and is seeking a site/ ground for use as a hobby farm and as a distraction from her stressful job. The applicant bought the site because it is not far from her home. It was not her intention to live at this site. The existing cottage is an ideal base as shelter whilst working on her hobby cultivating fruit and vegetables on the site. It is the applicant's plan to spend weekends on the site and to maybe stay overnight occasionally. The stone cottage was formerly a labourer's cottage. There are air bricks on the perimeter of the building indicating a suspended floor. A new slate roof was installed as part of the restoration works. There are no extensions onto the building other than a small lean-to to protect the electrical meter. A toilet has been installed to facilitate the applicant while working on the site/ hobby garden. The WC is located on the first floor of the loft area within the structure.

6.1.2 Reason No. 1

- In addressing RH 7 there is a Structural Report in the Appendix 2 on the dwelling house, we feel that this issue could have been dealt with by requesting Further Information.

- The original dwelling most likely had a thatched roof, the walls are robust, and the character of the building remains intact.
- The Airbricks at ground level remain in place and indicate a timber ground suspended floor was originally installed. The gable end has a loft window indicating there was a first floor.

6.1.3 **Reason No. 2**

- This issue could have been addressed by Further Information. There is evidence in Appendix 3 dating back to the 1860s that the building was a domestic dwelling house occupied by Thomas Thornton/ Patrick Thorton.
- In the 1901 and 1911 Census the household is described as a two roomed stone house with a thatched roof and one window on the front elevation. The house was occupied by 6No. persons (Thorntons).
- Letters from individuals stating the cottage, formerly Home Cottage, had been rented out for 50years.
- Letter from neighbour stating he recalled the previous owner Martin Davoren renting out the cottage.

6.1.4 **Reason No. 3**

- Originally the roof of the dwelling was most likely to be thatched.
- To address the planning authority's concerns as expressed in reason for refusal no. 3, the applicant is willing to address the roof structure and to return the roof to its original shape with a slight overhang. This can be conditioned and is acceptable to the applicant.

6.1.5 **Reason No. 4**

- Regarding the Rural Housing Design Guidelines, the stone cottage has been in existence on the site since 1850. The cottage in terms of scale has remained the same size and shape, the roof structure can be addressed and returned to the original shape. The single window facing the neighbouring building at ground floor level has obscure glass installed. There is no doorway facing the neighbouring building.
- There is a planting scheme proposed with indigenous planting.

6.1.6 **Reason No. 5**

- All new developments will be required to utilise and connect to the public water and wastewater network. It is up to the applicant to approach Irish Water to make a pre-connection enquiry to establish the feasibility of a connection. The site was already connected to the Clooniffe Group water supply at the time of purchase, and this group scheme has been taken over by Irish Water.

6.1.7 **Reason No. 6**

- The cottage has only one toilet, the percolation area is 27sq.m. with a population equivalent of two. To accommodate the groundwater protection response requiring 2m of unsaturated soil/subsoil between the point of infiltration and the bedrock a raised percolation area will be constructed to accommodate the requirement. Drawing supplied and this requirement can be conditioned as part of a permission.

6.1.8 **Appendices**

- Structural Condition Report
- Letter from solicitors regarding the historical ownership and use of the structure.
- Letter from relatives of previous owners and elderly neighbour regarding the renting of the structure formerly known as 'Home Cottage'.
- Letter from Clooniffe Group Water Scheme.
- Design of raised percolation area

6.2 **Observation**

A Mr. Don Ryan has submitted an observation on appeal stating:

- The conversion of an old granary shed into a habitable unit has an immediate impact on his dwelling. The newly raised roof reduces light to his kitchen/ living area.
- The parked vehicles on the newly created road access look directly into the main rooms of their house, and impact on their privacy
- The chimney means they have to keep their downstairs window closed.
- The stone boundary wall has become destabilised.

- The prospect of the site been used for semi-commercial gardening purposes requiring water pumps, waste storage and unsocial working hours.

6.3 Planning Authority Response

There were no response to the appeal from the planning authority.

7.0 Assessment

7.1 Galway Co. Co. refused retention of the development for 6No. reasons. On appeal the applicant has responded to each of the reasons for refusal individually. I will assess the appeal under the following headings which encompasses the concerns raised in the reasons for refusal.

- Material Contravention of Development Plan Policy RH 7
- Development is contrary to Policies RC 2, RH2, RH4 and DM Standard 7 of the development plan.
- Rehabilitation of a Vernacular Structure
- Impact on Residential Amenities
- Sewage Treatment
- Water Supply
- Other Matters

7.1.1 As a background to this development, I will summarise the details of the applicant presented on appeal. The applicant is seeking retention works to a 'labourers cottage', septic tank, entrance improvements and a temporary steel container, a 0.35ha site she purchased. She is a consultant doctor and lecturer. The applicant resides in Knocknacarra, Galway City and is seeking a site/ ground for use as a hobby farm and as a distraction from her stressful job. The applicant bought the site because it is not far from her home. It is not her intention to live at this site. It is the applicant's plan to spend weekends on the site and to maybe stay overnight occasionally.

7.2 Material Contravention of Development Plan Policy RH 7

7.2.1 The current development plan for this rural area is Galway County Development Plan 2022-2028. The first reason for refusal states the development materially

contravenes a policy objective in the development plan RH7 relating to the renovation of an existing derelict dwelling. The first reason for refusal states the following:

- There is no satisfactory evidence to indicate the structure was formerly a dwelling
- There was no structural report submitted with the planning application in accordance with RH7
- The original character of the structure has been compromised by the works carried out to date,

Therefore, the development contravenes RH 7 of the development plan.

7.2.2 In response to the concerns raised in the Reason for Refusal No. 1, the applicant has provided a Structural Report. The report states the structure was constructed on a tenanted farm holding. The report states it was a two-room structure that may have had a thatched roof.

7.2.3 Having examined the submitted documentation, I conclude there is no evidence or proof the structure was a dwelling house. Furthermore, it has not been accurately detailed when the actual structure was last used, if used, as a dwelling house. The evidence submitted would suggest there was a dwelling on the lands previously occupied by a Mr. Thomas Thornton and later occupied by a Mr. Martin Davoren. The evidence submitted states the structure was formerly known as Home Cottage. However, the evidence is anecdotal and not specific to the structure.

From my reading of the old maps submitted, there may have been other farm/ livestock buildings associated with a labourer's lodgings and the subject site. The use of the actual structure as a dwelling house has not been established. It may have been a livestock or agricultural shed. There are no dates given with the submission regarding the claim the structure was rented as a residential unit for forty years, and the evidence is inconclusive. If there was a residential use associated with the structure it was abandoned a longtime given its derelict condition. I note the Structural Report states the framed window at the gable end facing the road, was likely to be a loft window for sleeping accommodation. However, this is an

assumption, and the mapping provided would appear to suggest a cluster of buildings at this location.

- 7.2.4 Based on the evidence, or lack thereof, I believe a material change of use has occurred under the restoration works, which has not formed part of the planning application. I would question the description of the development in the public notices '*to retain the restoration of a labourers cottage*'. A cottage would infer a dwellinghouse. I refer to the definition of a 'habitable house' and 'house' as per Section 2 of the Planning and Development Act 2000 (as amended).

I am satisfied that the existing structure on site would not fall within the definition of a 'house' as set out within the Act as the existing ruin on site, prior to the works been carried out, was not in use as a dwelling. I consider that the applicants have not demonstrated that the former ruin on site would constitute a dwelling house as provided within the Planning Act and while the Development Plan does provide for the rebuilding, renovation, extension and/or replacement of derelict dwellings, this is subject to specific criteria as set out within policy objective RH7, as referenced in the paragraphs above within Section 5 of this report.

- 7.2.5 RH7 within the development plan encourages the reuse, rebuild and /or redevelopment of derelict or semi-derelict dwellings. The applicant has not provided sufficient proof the structure was a dwelling. This was also stated in two reasons for refusal by the planning authority. I refer to the specific wording of policy objective RH7 which states '*The derelict/semi-derelict dwelling must be structurally sound and have the capacity to be renovated or extended and have the majority of its original features in place*'. I would accept the original walls of the structure have been retained under the works carried out. The doorway has been retained, and the two windows on the original structure were retained. However, one window may have been enlarged on the northern gable, according to the third-party observation on appeal. The roof feature is certainly out of character compared to the original roof as per the photographs submitted by the applicant. It is a shame a proper conservation report was not carried out on the structure prior to carrying out the restoration works. In my opinion, the electrical meter feature on a gable wall is a crude addition, and the new roof renders the structure non-vernacular.

7.2.6 In conclusion, the Planning Authority states that the development materially contravenes Policy Objective RH7. I would not agree with the reason because the structure would have to be a derelict dwelling in the first instance.

7.2.7 In my opinion, a material change of use has occurred as the applicant has not demonstrated satisfactorily that the structure was a dwelling house. In conclusion, the change of use requires planning permission.

7.3 **Development is Contrary to Policies RC 2, RH2, RH4 and DM Standard 7 of the Development Plan**

7.3.1 The subject site is located in the rural area east of Moycullen village and 10km north of Galway City. According to Maps 4.1 and 4.2 of the County Galway Development Plan the subject site is located :

- within a Special Landscape Sensitivity Category 2-4 i.e **ZONE 4**,
- and is also located within the Galway County Transport and Planning Study (**GCTPS**), which is an area subject to strong urban influence as identified in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005.

Under both of these designations the applicant must comply with Rural Housing Policies RH2 and RH4, which are broadly similar in content. In essence the applicant must demonstrate a longstanding social/ economic need to live in the area.

7.3.2 Taking into consideration the existing stone structure on site has not been verified as a former dwelling, it is considered the applicant must comply with policies RH2 and RH 4 of the development plan, as outlined in Section 5 of this report. The applicant has provided no evidence that she complies with the rural housing policy as set out in the Galway County Development Plan.

7.3.2 The response to the second reason for refusal relating to non-compliance with rural housing policy, cites only evidence that the property, and not the actual structure, was occupied back in 1901 and 1911 from census material. There is also a letter stating the property formerly known as 'Home Cottage' was rented and occupied up to approximately 50 years ago.

- 7.3.3 The submitted rebuttal does not reference the applicant, Ms Eszter Feher, who works and lives in Knocknacarra, Galway City. The applicant has stated in the planning application that the site is to be used for hobby farming and as an allotment to grow fruits and vegetables for her own use. It is submitted, the cottage would be used as shelter, and to make a cup of tea and maybe stay overnight.
- 7.3.4 During my site inspection, I did observe a polytunnel, a vegetable plot, a small compound area to the area which included plant machinery and a large metal container (which forms part of this application), plus a pond / small reservoir area under construction. A septic tank and percolation area have been installed to service the renovated structure, which forms part of this application.
- 7.3.5 It is a standard requirement for all applicant's applying for a rural house in Galway to comply with the relevant policies, which are in line with national policies outlined in the National Planning Framework Project Ireland 2040 and Government Guidelines on Sustainable Rural Housing published in 2005. The applicant has not demonstrated compliance with the qualifying criteria for rural housing of economic or social need as per Section 4.6.3 of the Galway County Development Plan 2022-2028, and specifically policies RH 2 and RH4. The planning authority's decision to refuse on this basis should be upheld, otherwise it would create a highly undesirable precedent.

7.4 Rehabilitation of a Vernacular Structure

- 7.4.1 The third reason for refusal stated the works carried out to the structure do not respect the vernacular character of the structure. The planning authority considered the roofscape to be obtrusive, and the rehabilitation works were considered to be contrary to policy objectives AH 5 and AH 6. These policy objectives are as follows:

AH 5 Maintenance and Re-use of existing Building Stock

Promote the maintenance and appropriate re-use of the existing stock of buildings with architectural merit as a more sustainable option to their demolition and redevelopment.

AH 6 Vernacular Architecture

Recognise the importance of the contribution of vernacular architecture to the character of a place and ensure the protection, retention and appropriate

revitalisation and reuse of the vernacular-built heritage including structures that contribute to landscape and townscape character and resist the demolition of these structures.

- 7.4.2 The policy items relate to the principle of retention, maintenance and appropriate reuse/ revitalisation of vernacular structures. In essence the development complies with these objectives. There is no reference to design of vernacular structures or specifications in these objectives. Therefore, the issue of the roof is not relevant to these objectives. This reason for refusal should be dismissed by the Commission.
- 7.4.3 My concern is the conversion of the structure for residential use. The compliance with basic residential standards and compliance with the building regulations has not been demonstrated. From the outside there is a chimney in the roof. I had no access to the structure on the day of my inspection. From the drawings there would appear to be a stove in the corner of structure, a sink, and a bathroom at first floor level. If the sewage treatment works are being designed to meet with current EPA standards, the structure, should in my opinion, in the event it is being used for residential purposes, comply with basic residential and Building Regulation standards.

7.5 Impact on Residential Amenities

- 7.5.1 The owner of the residence to the immediate north of the site has submitted an observation on appeal. The concerns expressed in his submission relate to the alleged injury of residential amenities and loss of privacy associated with their own dwelling. I refer to the Photograph Plates taken during my inspection that demonstrate the relationship between the subject structure and the neighbouring dwelling to the north. The neighbouring dwelling has a large ground floor window overlooking the subject site, two smaller groundfloor windows and two first floor windows (Plate 6). There is a recently planted laurel hedge along the common boundary of the properties. This hedge will in time provide good screening between the properties. However, the subject structure is facing into the neighbouring property to the north. It is in close proximity to the existing dwelling. According to the planning file, the observer has resided in the dwelling for 18years and the structure was a shed used to house animals. There was never a window overlooking their property. I note, the groundfloor window in the subject structure, has been fitted

with obscure glass. The carparking area on the subject site is adjacent to the windows associated with a main living room area of the neighbouring dwelling. The access road and parking area associated with the subject site, is at a higher finished ground level than the existing dwelling to the north. The current outcome on the subject site, results in clear views from the parking area and access road, into the main windows of neighbouring house. In my opinion, this has resulted in an unreasonable loss of privacy to the neighbouring house and represents a serious injury to their residential amenities. The development should be refused on this basis.

7.6 Sewage Treatment

- 7.6.1 I note the Site Suitability Report in respect of on-site sewage treatment on the site. The report states a twin chamber septic tank has been installed complying with SR 6 1991. The tank has a liquid volume of 3300litres. The percolation pipes installed are 100 mm bore, perforated (typically at 4, 6 and 8 o'clock) smooth wall PVC drainage pipes with perforations of 8 mm diameter at about 75 mm centres along the pipe or pipes with similar hydraulic properties. The report includes photographs of the percolation construction on site. The sewage treatment according to the report is in line with the EPA Code of Practice/ Guidelines for Single rural Dwellings.
- 7.6.2 The planning authority's sixth reason for refusal stated the subject site is underlain by a regionally important aquifer where bedrock was encountered at 1.6m below ground level. Therefore, the groundwater vulnerability of the site is taken as extreme, resulting in a groundwater protection response of R(2)² which requires a depth of 2m of unsaturated soil/subsoil between the point of infiltration and the bedrock.
- 7.6.3 It is submitted on appeal by the applicant that the percolation area is to service one toilet only. However, the existing percolation area will be raised and constructed to accommodate the requirement of a 2metre unsaturated soil/ subsoil between the point of infiltration and the bedrock. I consider this requirement could be conditioned into a grant of permission and would satisfy the concerns of the planning authority.

7.7 Water Supply

- 7.7.1 A supporting letter from Cloniff Group Water Scheme, indicates house and field connections were paid for into the scheme in August 1984, relating to the property. In December 1998 there was an additional house connection paid for, but they are

unable to establish where and when the connection was utilised. However, there is a group scheme water supply serving the area. The planning authority's fifth reason for refusal can be dismissed.

7.8 Other Matters

7.8.1 The roadside boundary to the site has been setback approximately 5metres from the edge of the local road, and hard surfaced. There is a short stone boundary wall positioned between two vehicular entrances to the site. Perhaps both entrances pre-existed the works on site, it is the only reason why there would be two entrances. I consider the necessity for two entrances to be excessive. The sightlines are acceptable in both directions and the setback fronting the site improves road safety. I note from the planning report that there is no evidence of the former entrance (s) to the site. I consider two entrances to be unnecessary, in addition to the fact the northern access, associated access road and parking area associated with the northern entrance, interferes with the privacy of the dwelling to the north of the site, as stated above.

8.0 AA Screening

- 8.1 The subject site is located approximately 0.5km, east and west of Lough Corrib SAC. There are surface drains in the Cluain Dubh area approximately 250metres to the east of the site. There are existing dwellings located between the site and the drains. There is no direct hydrological link from the site to the surface water drains.
- 8.2 The proposed development comprises of the retention of restoration works to a stone ruin in a rural area, and the retention of a twin cylinder tank septic tank with percolation pipes. No nature conservation concerns were raised in the planning appeal. There is no hydrological or ecological link from the subject site to the nearest European sites.
- 8.3 Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it would not have an effect on a European Site.
- 8.4 The reason for this conclusion is as follows:
- The relatively small-scale nature of the works proposed

- The lack thereof of any hydrological connection from the development to the Natura 2000 site.
- Having regard to the screening report/determination carried out by the Planning Authority.

8.5 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 (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend the planning authority's decision to refuse be upheld by the Commission.

10.0 Reasons

1. The Commission considered that the existing structure on the subject site does not meet the definition of a derelict/semi derelict dwelling as defined at Policy Objective RH 7 (Renovation of Existing Derelict Dwelling) in the Galway County Development Plan 2022-2028. Therefore, the applicant is not exempted from the general requirement to establish a Rural Housing Need for the development of a dwelling in Class 4 Landscape setting, and its location within the GCTPS, which is subject to strong urban influence as defined in the Galway County Development Plan 2022-2028, in accordance with the requirements of Policy Objective RH 4 (Rural Housing Zone 4 - Landscape Classification 2,3 and 4) and RH 2 (Rural Housing Zone 2) of the Galway County Development Plan 2022-2028. On the basis of information submitted in support of the subject application, the Commission concluded that the applicant, has failed to demonstrate any intrinsic links to the Cluain Duibh area, which would constitute an economic or social need to live in a rural area, as required by the Galway County Development Plan 2022-2028 and the National Planning Framework, or a rural generated housing need that meets the parameters set within the Sustainable Rural Housing Guidelines

2005. It is therefore considered that the development would contravene the settlement strategy set out in the Development Plan to strengthen and consolidate rural settlements, as alternatives to encouraging rural housing in the open countryside, and that the proposed development would contravene policy objectives RH 2 and RH 4 of the Galway County Development Plan 2022-28 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the proximity, layout and orientation of the subject development, in particular the parking area and access road positioned along the northern boundary of the site, the development the subject of the retention of application would result in direct overlooking into a number of main living rooms of the existing dwellinghouse to the north of the site resulting in a serious injury to their existing residential amenities in terms of loss of privacy. The development 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.

Caryn Coogan

Planning Inspector

15th of October 2025

Form 1 - EIA Pre-Screening

Case Reference	321282-24
Proposed Development Summary	Restoration of Labourers cottage, entrance improvement, temporary steel container, new septic tank and all associated site works.
Development Address	Cluain Duibh, Moycullen, Co. Galway.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	The renovation of a cottage and construction of a domestic extension does not specifically fall within a class of development as per the Planning & Development Regulations.

development under Article 8 of the Roads Regulations, 1994. No Screening required.	
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4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
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No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)
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Inspector: _____ Date: _____