



An
Bord
Pleanála

Inspector's Report

ABP-321488-24

Development	Retention of agricultural storage shed
Location	Carrick, Curraghboy, Athlone, Co. Roscommon
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	2460456
Applicant(s)	Enda Dolan
Type of Application	Retention Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Enda Dolan
Observer(s)	None
Date of Site Inspection	3 rd April 2025
Inspector	Paul Christy

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1.** The site is located in a rural area, and some 0.88Km to the east of the R362 Regional Road and 0.48Km to the south/south-west of the south-western edge of Lough Funshinagh, which Lough is designated as a Special Area of Conservation.
- 1.2.** The site is accessed in the first instance off the aforementioned Regional Road by a long private laneway (hereinafter referred to as 'the Primary Laneway'). The Primary Laneway serves one other dwelling/farm complex between the public road junction and the subject site. The site is ultimately accessed of another laneway (hereinafter referred to as 'the Secondary Laneway') off the Primary Laneway. The Secondary Laneway is threaded between, and also serves, two additional existing farm buildings located close to the 'junction' of the two laneways. The distance between the other farm buildings and the subject structure is 100m or thereby. There is no discernible route between the two other than the grass/ground being beaten down, presumably from the impact of vehicles using the route, and one small patch of stone filling.

2.0 Proposed Development

- 2.1.** The applicant seeks retention permission for an agricultural storage shed. The design of the structure is clearly residential in character, as evidenced by the previous planning application for Retention Permission for a house and Permission for construction of septic tank and percolation area refused by the Board in May 2023 (refer para. 4.1). In his appeal statement on the subject application, the Appellant acknowledges that the structure was originally constructed as a dwelling (refer second para., second page).
- 2.2.** The structure is modest in scale. The dimensions are: 7.95m wide x 12.77m long, with a ground floor footprint of 101 square metres; the ridge height is 6.15m and eaves height 2.4m. The basic design is typical of a modest rectangular-shaped dwelling with an a frame pitched roof. Externally, the walls are finished in a light grey (slatted effect) timber cladding, whilst the roof is finished with dark slates.

2.3. There is no residential garden/curtilage formed around the structure and the grounds still present as a field. However, at my site inspection I did note the lid of a septic tank located to the south-east of the structure. I also observed that the internal layout of the structure remained sub-divided into rooms that were typical of a dwelling and were as per the floor plan submitted with the previous application referred to above. Domestic-style flooring was also fitted in all downstairs rooms, albeit two of the rooms were unfinished. In one of the rooms with unfinished flooring, I noted the presence of various tool boxes and associated paraphernalia positioned on the unfinished flooring area. Finally, I also noted that a calf and associated straw bedding etc. was present in the room originally intended as the living room and an associated off-room. Furthermore, approximately, 20 cattle were present immediately outside of the structure, together with a tractor and trailer containing what appeared to be covered straw bales.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Refuse, for one reason. The Reason references the siting (*'removed and isolated from existing agricultural buildings'*) and design (*'modular type structure with timber effect sheeting'*) and considers that the building *'relates unsatisfactorily to the immediate area'* and *'represents an incongruous design with discordant materials not characteristic of traditional Irish rural agricultural building siting or design'*. It is concluded that the development *'fails to meet the standards, guidelines and Policy Objectives of the Roscommon County Development Plan, 2022-2028'* and, in this regard, specific reference is made to both Policy Objective NH 10.25 (this Policy Objective seeks to minimise visual impacts on areas characterised within the 'Roscommon Landscape Character Assessment', and Section 12.20: 'Development Management Standards for Agricultural Development'.

3.2. Planning Authority Reports

3.2.1. Planning Report: The Planning Report:

- Sets out the planning history of the site, referring to: the enforcement proceedings pertaining to the structure; the refusal of Retention Permission for a dwelling by the Planning Authority and An Bord Pleanála's upholding of this decision on the grounds of siting and design¹; and states that these issues are still relevant, notwithstanding the changed development description in this latest application.
- Refers to the lack of a formal access and that this represents uncoordinated and haphazard development.
- Refers to the design of the building bearing no resemblance to traditional farm yard buildings, relating unsatisfactorily to the immediate area, and representing an incongruous design and discordant materials within the rural area.
- Would establish a precedent for other similar developments with a poor standard of amenity.
- References the two Development Plan policy provisions that form the basis of the refusal reason, namely 'Section 12.20 'Agricultural Development' and Policy Objective NH 10.25.

3.2.2. Environment Section: Advises that, should permission be forthcoming, there are no effluent collection facilities serving this structure. Therefore, the applicant shall not use this building for the housing or feeding of any farm animals, or for the storage of organic or chemical fertilisers including slurry, soiled water, seepage or effluents arising from any other agricultural activity.

3.2.3. Roads Section: No objections, subject to standard conditions re protection of public roads.

¹ ABP's refusal was for two reasons. Refer to para. 4.1.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. Planning Authority Ref. PD 21/505, ABP Ref. 312079-21: Retention of dwelling and permission for construction of septic tank and percolation area. Refusal on grounds of: (1.) the Board not being satisfied that the applicant sufficiently demonstrated a rural-generated housing need; and (2.) siting and design issues resulting in failure to meet the standards and guidelines of the 'Roscommon County Development Plan 2022-2028' and the 'Roscommon Housing Design Guidelines'.

4.2. The Planner's report dated 21st November 2024 notes Enforcement file UDR 2488 regarding the unauthorised development of a house. The Report further notes that an Enforcement Notice was issued on 16th October 2020 regarding unauthorised development consisting of the development of a house, and that the file remains open.

5.0 Policy Context

5.1. Development Plan: Roscommon County Development Plan, 2022-2028

5.1.1. Map 2.1: 'Core Strategy Map' of the County Development Plan (hereinafter referred to as 'the CDP') confirms that the site lies in the rural area outside of any designated settlements².

² This Map also identifies the site as being within an 'Area Under Strong Urban Influence'. However, this policy instrument is aimed at managing rural housing pressures and is therefore not relevant to the subject proposed agricultural use.

- 5.1.2. A 'headline' statement at the start of Section 5.3: 'Rural Economic Development' notes that: *'In order to secure sustainable rural development, it is important that rural communities and traditional rural-based agricultural activity and agricultural diversification are supported.'* Consistent with this statement, Policy Objective RD 5.4 is to seek to: *'Support the agricultural sector and the development of agriculture to facilitate the development of sustainable agricultural activities.'*
- 5.1.3. Section 10.13: 'Landscape Character' refers to the preparation of a 'Landscape Character Assessment' (hereinafter referred to as 'the LCA') *'accompanying the Plan'*. It is noted that the LCA identifies Landscape Character Areas and that these are classified into one of four 'classes': *'Moderate Value'*; *'High Value'*; *Very High Value'*; and *'Exceptional Value'*. In the said LCA, the subject site lies within the 'Lough Funshinagh, Stone Wall, Grasslands and Esker Ridges' Landscape Character Area. This area is identified as being of *'moderate value'*. Policy Objective NH 10.25 seeks to: *Minimise visual impacts on areas categorised within the LCA including 'moderate value'; 'high value'; very high value'; and with special emphasis on areas classified as 'exceptional value' ...'*
- 5.1.4. The LCA also identifies 'Scenic Routes' and 'Scenic Views'. The subject site is remote from any such designations.
- 5.1.5. Section 3 of the LCA, 'Landscape Approach to Managing Development', identifies development types commonly proposed in planning applications in County Roscommon that have the potential to significantly alter the landscape. Bespoke planning considerations are then identified for each such development type. Section 3.3 contains such bespoke planning considerations for 'Agricultural Buildings and Rural Enterprise Proposals'. Key statements therein include:
- *'Consideration of the landscape impact of agricultural and other related rural buildings shall have regard to the LCA, particularly in the context of potential impacts on Scenic Routes and Scenic Views ...;*
 - *Recognition that mitigation measures to minimise the impact of farm buildings ... can include the provision of screening and shelter belts ...;*

- *The visual impact of farm buildings can also be minimised by choice of building materials and colours; and*
- *Cladding, which is accepted as being widely used in the construction of agricultural buildings, can comprise dark colours (such as dark green or grey) with matt finishes which reduce their visual impact.'*

5.1.6. Chapter 12 sets out the general development management standards and criteria that will be applied by the Authority in the assessment of plans and projects. Section 12.1 provides that: *'All planning proposals should comply with the standards applicable to particular development types, be consistent with the policy objectives set out within preceding chapters and be compliant with legislative requirements.'*

5.1.7. Section 12.20 includes the following standards applicable to 'Agricultural Development' and of relevance to the subject appeal³:

- *'Agricultural developments should be sited as unobtrusively as possible. Finishes and colours used should blend the development into its surroundings. The grouping of agricultural structures is encouraged in order to reduce their overall impact.'*

5.2. Natural Heritage Designations

5.2.1. The site is located 0.48km from Lough Funshinagh Special Area of Conservation Site Code 000611.

5.3. EIA Screening

5.3.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001 (As Amended). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

³ This section also includes references to 'Large-scale agricultural developments'. Having regard to the modest scale of the subject development, I do not consider this to be relevant.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. One no. first party appeal was received from Mr. Enda Dolan. The grounds of appeal can be summarised as follows:

- Acknowledges that '*it was a bad mistake ... to have constructed what was a dwelling*';
- In the context of the farm size (owns over 120 acres), contends that the farm buildings are clustered and the proposed shed is not in any way isolated from the remainder of the farm buildings;
- Refers to lands in the vicinity of the farmyard having flooded due to an escape of water from Lough Funshinagh and, in this context, the level of the '*storage shed*' gives some comfort that it will be safe from further flood episodes;
- Sets out several points in relation to the shed having '*no visual impact outside of the farmyard.*' Including:
 - ~ location in a landscape of moderate value, the lowest designation in the County;
 - ~ backdrop of a hill to the east over 12m higher than the farmyard level;
 - ~ not visible from any public road, only visible when entering the farmyard due to screening of existing mature hedgerows;
 - ~ accords with Policy Objective NH 10.25 (of the CDP);
 - ~ compares subject development with the visual impact of a dwelling located in the wider locality in a '*landscape area with a high value*' (photographs attached).
- Refers to Section 12.20 of the CDP. Describes the colour of the existing farm buildings, including noting that the predominant colour is grey. Observes that the proposed storage shed is '*incorrectly described as modular*' and states

that *'It is a timber frame building with PVC cladding coloured grey, complementary to the existing buildings.'*

- In its assessment, the Planning Authority did not refer to a Section 5 Declaration on the agricultural shed. Even though the application form stated the existing use as being agriculture, the Planning Authority nevertheless considered the existing use as being residential. Observes that *'any residential use has long since been abandoned, over three years and the applicant ... has no intention of re-establishing this use.'*
- Describes the report attached to the Declaration, in which it is stated that the existing structure and use are unauthorised, as being *'inaccurate as the Court has not yet made a decision ... and it is still alleged unauthorised use.'*
- The consequence of refusal is that demolition will be required.

6.2. Planning Authority Response

6.2.1. None received.

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1. Overview

7.1.1. Having examined the application details, and all other documentation on file including the submission received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal to be assessed are as follows:

- The proper planning and sustainable development of the area: Overarching Responsibility of the Board;

- The principle of development and the Development Plan; and
- Visual Impact and the Development Plan.

7.2. The Proper Planning and Sustainable Development of the Area: Overarching Responsibility of the Board

- 7.2.1. In assessing any appeal, the fundamental overarching legislative responsibility of the Board is to consider the proper planning and sustainable development of the area, notwithstanding that it must do so having regard to various specified matters including the provisions of the development plan⁴. When discharging this overarching responsibility, core first principles must sometimes be applied. The subject proposal requires such application, in my opinion. Adopting this approach, the perpetuation in situ of a residential structure and its use for agricultural purposes in a rural setting must be a key consideration for the Board, in my opinion.

7.3. Principle of Development and the Development Plan

- 7.3.1. The application is for Retention Permission for an agricultural storage shed. This type of development is supported in Policy Objective RD 5.4 of the CDP. I note that no supporting documentation has been submitted to demonstrate that the applicant is engaged in farming (eg. a herd number; or correspondence from the Department of Agriculture, Food and the Marine). However, I also note:
- The Land Registry documentation that was submitted and which indicates the appellant's extensive landholding;
 - Statements made by the Agent for the application to the Planning Authority that the Appellant was engaged '*in full-time farming activity*'; and
 - The two traditional agricultural buildings located in the vicinity of the subject structure.

⁴ Section 37(1)(b) of the Planning and Development Act 2000 (As Amended) refers.

- 7.3.2. Having regard to these factors, on balance I consider the development of an agricultural structure to be acceptable in principle at this location. I note that the Planning Authority also accepts the principle of development (refer Planner's Report, para. headed 'Strategic Assessment (Policy Issues)').

7.4. Visual Impact and the Development Plan

- 7.4.1. The key relevant provisions for development of this nature, Policy Objective NH 10.25 and Section 12.20, and Section 3.3 of the LCA share similar language focussed on visual impact:

- Policy Objective NH 10.25 seeks to '*minimise visual impacts*' across the rural part of the County, inclusive of areas categorised within the LCA as being of '*moderate value*', in which category the subject site is located.
- The development management guideline for agricultural buildings as contained in Section 12.20: 'Agricultural Development' provides that such developments should be sited '*as unobtrusively as possible*'; and
- Section 3.3 of the LCA identifies bespoke planning considerations for '*Agricultural Buildings and Rural Enterprise Proposals*' and also focuses on visual impact. The first bullet requires that consideration of the landscape impact of agricultural development shall have regard to the LCA, particularly in the context of potential impacts on Scenic Routes and Scenic Views.

- 7.4.2. Assessing the structure against these key provisions, I would advise that the structure is located at a distance of some 900m or thereby from the nearest public road and I am satisfied that it is not visible from any such road. I am further satisfied that the structure will have minimal visual impact and will not give rise to any obtrusiveness. It is only when approaching the site along the Primary Laneway that the building becomes visible. Even then, it is only the upper part of the roof and the upper part of the front gable that is visible as the rest of the building is hidden behind a natural raised earth mound on its south-western side (as referred to by the Appellant in his submission) and further obscured by mature trees, bushes and stone walling. I would also advise that the subject site is located in the lowest value

category, ie. '*moderate value*', of the four categories identified in the LCA and, furthermore, that the site is remote from any '*Scenic Routes*' and '*Scenic Views*' identified in the LCA.

- 7.4.3. Section 12.20: 'DM Standards for Agriculture' and Section 3.3 of the LCA: 'Agricultural Buildings and Rural Enterprise Proposals' also identify potential mitigation measures for agricultural structures including: the provision of screening and shelter belts; choice of materials and colours; and the provision of dark colours and matt finishes to reduce the visual impact of agricultural cladding. As already referenced at para. 7.4.2, the structure already benefits from strong screening. Regarding the materials, colours and finishes of the structure, I would consider the dark coloured roof tiles to be acceptable. The current light grey (slatted effect) timber cladding is inconsistent with the choice of materials, dark colours and matt finishes espoused in the LCA. However, should a positive decision be forthcoming, I am of the opinion that this inconsistency could be addressed by way of a condition requiring a painting scheme to comply with the aforementioned provisions. I consider that the imposition of such a condition would be reasonable, notwithstanding the remoteness of the site. In my opinion, it would be equally reasonable to require, by condition, the removal of all internal walls and decorative flooring materials as a further measure to ensure the structure's functionality for agricultural purposes.
- 7.4.4. Section 12.20 also provides that: '*The grouping of agricultural structures is encouraged in order to reduce their overall impact.*' The subject structure is located 100m or thereby from two existing structures. In the first instance, I note that the grouping of structures is 'encouraged' and not 'required'. In any event, in the context of the remoteness and unobtrusiveness of the subject site and the attendant grounds on which the two existing structures are located, the distance between the subject structure and the two existing structures does not, in my opinion, give rise to any visual impacts.

7.5. Conclusion

- 7.5.1. In Section 7.3 I set out why, in my opinion, the proposed development is acceptable

in principle in terms of the relevant provisions of the Development Plan. In Section 7.4 I also set out why the development will have minimal visual impact and will not give rise to any obtrusiveness, and could be made generally compliant with the Development Plan's agricultural design requirements by means of internal and external changes, which changes could be required by condition. However, it is reasonable to state that, in formulating the provisions of the Development Plan relating to agricultural developments, the Planning Authority would only have considered conventional agricultural buildings and could not have anticipated the need to deal with a development scenario as presented in this appeal. It is for these reasons that I turn to the fundamental overarching legislative responsibility of the Board as set out at Section 7.2 ie. its responsibility to consider the proper planning and sustainable development of the area and, in my opinion, the need to apply core first principles in this case. Applying this approach to the subject proposal, the Appellant is proposing the Retention of an agricultural storage shed. However, the reality is that the structure in question presents both internally and externally as a dwelling, and bears no resemblance to a conventional agricultural storage building in rural Ireland, notwithstanding that presence of a calf and some straw bales inside the unit on the day of my inspection. Even if the internal and external mitigation measures outlined in para. 7.4.3 were to be implemented in full, the structure would still present as a dwelling in form and shape. It follows, in my opinion, that the structure must be treated as a dwelling in the consideration of this appeal before the Board. Extending this rationale, it would be illogical to permit the retention of an agricultural shed when the subject structure is in fact a dwelling. On balance, in my opinion, this fundamental principle outweighs the compliance, and potential compliance, of the development with the CDP. For these reasons, I am unable to support the proposal.

- 7.5.2. The Planning Authority's reason for the refusal of the subject application under appeal is grounded in a contention that the CDP DM Standards '*seek to ensure a high standard of design to complement the character of the landscape, and to contribute in a positive manner to the built heritage of the county.*' I would advise that this is a verbatim extract from the section of the DM Standards dealing with rural

house design considerations ie. Section 12.7: 'Rural House Design Considerations'. In my opinion, therefore, it is not applicable to the subject application for agricultural development, notwithstanding that it was appropriately included in the second reason of the Board's refusal of the application for the Retention of a dwelling on the subject site as referenced at para. 4.1. Rather, the DM Standards to be applied to agricultural structures are those contained in Section 12.20: 'Agricultural Development'. I have assessed the application against the latter provisions in Section 7.4.

7.6. Other Matters

- 7.6.1. Appellant's Concerns re Flooding: In his submission, the Appellant refers to lands in the vicinity of the farmyard having flooded due to an escape of water from Lough Funshinagh and that, in this context, the level of the 'storage shed' gives some comfort that it will be safe from further flood episodes. I have examined the OPW's flood mapping data provided at www.floodinfo.ie and would make two observations. Firstly, the subject site does not fall within any flood risk mapping layers. Secondly, I would advise that the data layer entitled 'Past Flood Events' does identify a 'Geological Survey Ireland (GSI) Maximum Historic Groundwater Flooding' event in the broad vicinity of the subject site. However, the nearest part of the mapping of this event is located circa 400m from the site. Therefore, the Appellant's contention that a recent flood event in the vicinity supports the positioning of the structure at a higher level than the existing agricultural structures is not supported.

8.0 AA Screening

- 8.1 I have considered the proposed Retention of an agricultural storage shed at Carrick, Curraghboy, Athlone, Co. Roscommon in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located 480 metres from the Lough Funshinagh Special Area of Conservation (Site Code 0006111). The proposed development comprises the retention of an agricultural

storage shed. 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 reasons for this conclusion are as follows:

- the nature of the works: originally constructed as a small scale dwellinghouse; and
- the distance of the site from the nearest European site and the absence of any connections between the two.

I conclude that on the basis of objective information, 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

- 9.1.** I recommend that retention permission for the development be refused for the reason and considerations as set out below.

10.0 Reasons and Considerations

- 10.1.** Having regard to the residential character and appearance of the subject structure, both internally and externally, the Board considers it implausible that the Appellant can demonstrate how the said structure proposed for retention relates to the stated agricultural use. It follows that it would be illogical to permit the retention of an agricultural shed when the subject structure is, in fact, a dwelling. The development proposed for retention 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.



Paul Christy

Planning Inspector

16th April 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-PL20.321488		
Proposed Development Summary	Retention of agricultural storage shed		
Development Address	Carrick, Curraghboy, Athlone, Co. Roscommon		
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		
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	✓		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	n/a		
No	n/a		
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	n/a		
5. Has Schedule 7A information been submitted?			
No	n/a		
Yes	n/a		

Inspector: Paul Christy

Date: 16th April 2025

