



An  
Bord  
Pleanála

## Inspector's Report

**ABP-322091-25**

### Development

Retention: Change of use from domestic shed to short term rental accommodation and all associated site works.

### Location

Georges Street, Killala, Co. Mayo

### Planning Authority

Mayo Co. Co.

### Planning Authority Reg. Ref.

24/60787

### Applicant(s)

John and Caroline Barry

### Type of Application

Retention

### Planning Authority Decision

Grant Permission (7 no. conditions)

### Type of Appeal

First Party

### Appellant(s)

Georges Street, Killala, Co. Mayo

### Inspector

Conor McGrath

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## 1.0 Site Location and Description

- 1.1. The appeal site is located on the western side of Killala, adjacent to the junction of Georges Street (L21073) and the R314. The site comprises a stated area of 0.57ha and is occupied by a large detached two-storey dwelling (The Old Parochial House) accessed via a long driveway from the north. To the west of the site is St. Josephs National School. Lands to the east are lower lying and undeveloped / under grazing. To the south of the site are the grounds of Killala AFC. The subject structure is located to the rear / south of the main dwellings adjoining the western site boundary.

## 2.0 Proposed Development

- 2.1. The application sought permission to retain a change of use of an existing timber clad two-bed, two-storey shed (144.4-sq.m.) from domestic use to short term rental accommodation, along with alterations and all associated site works. It is proposed to connect to existing mains sewer and water supplies.

## 3.0 Planning Authority Decision

- 3.1. The planning authority decided to grant permission subject to 7 no. conditions including the following:
7. The following contributions shall be paid to Mayo County Council prior to commencement of the development. The development contributions may increase in accordance with the Wholesale Price Index for Building and Construction in January of each year from the date of grant of permission up to the date that payment is made to Mayo County Council.

- €5,776.00 for Class 5 Commercial and Retention

**Reason:** To comply with Mayo County Council's Development Contribution Scheme 2023

### 3.2. Planning Authority Reports

- 3.2.1. **Planning Reports:** The need for EIA was screened out at Preliminary Examination. Stage 2 AA was screened out. The site is not within a rent pressure zone and is

acceptable in principle, having regard to the Guidance note for Local Authorities for Regulating Short-Term Letting (July 2019). No adverse effects on residential or visual amenities is anticipated. Permission recommended.

Contributions:        Proposal for change of use to short-term letting. Short term letting unit – Class 5 and Retention Section 10.6

$144.4\text{-qs.m.} \times \text{€}20 = \text{€}2888 \times 2 \text{ (retention)} = \text{€}5,776.00$

### 3.2.2. Other Technical Reports

- Environment, Climate Change and Agriculture: The site is located in flood zone C and is low flood risk. No objection.
- Road Design: No Objection.
- National Roads Office: No issues for the National road System.

### 3.3. Prescribed Bodies

The application was referred to DAU (Natural Heritage), Dept, of Housing Local Government and Heritage, Uisce Eireann, An Taisce. No submissions were received on the application.

## 4.0 Planning History

- PA ref. 15/552: Permission granted to retain rear extension to dwelling and detached domestic garage / shed.

Condition no. 3: The shed to be retained on site shall be used only as a private domestic building ancillary to the use of the dwelling and shall not be used at any time for agricultural, industrial or commercial purposes or converted for human habitation.

- PA ref. 94/549: Permission granted for extension to dwelling and storage shed.

## **5.0 Policy Context**

### **5.1. Mayo County Development Plan 2022 - 2028**

Killala is identified as a Tier III Self-Sustaining Town. The site is within the self-sustaining consolidation zone.

#### **Chapter 5**

##### **5.4.3.2 Key Pillar 2: Infrastructure, Services and Tourist Accommodation**

The provision of sufficient, appropriate and high-quality infrastructure, services and accommodation to meet the needs of visitors is fundamental to Mayo reaching its potential for a thriving tourism sector.

#### **Tourism Accommodation Policies and objectives**

TRP 25 To promote the sustainable development of the tourism sector in appropriate locations throughout the county.

TRP 26 To encourage proposals to reinstate, conserve and/or replace existing ruinous or disused dwellings for holiday home purposes, subject to normal planning considerations including design, safe access and provision of any necessary wastewater disposal facilities.

TRO 16 To ensure that tourism related accommodation such as holiday homes, hotels, caravan/camping parks, glamping etc. are primarily located within existing settlements where there is existing infrastructure provision to service the development and where they can contribute to maintenance of essential rural services.

TRO 18 To facilitate the sustainable development of a variety of quality tourist accommodation types, at suitable locations, throughout the county.

#### **Killala Settlement Plan Objectives**

KAO 1 To work with existing service providers and relevant interests to promote Killala as one of the key tourist locations within County Mayo, in accordance with the objectives contained within this Plan.

## 5.2. Mayo County Council Development Contribution Scheme 2023

### 2.0 Duration of Scheme

This scheme shall apply from the date of its adoption by the members and will apply for a minimum period of six years.

### 9.0 Level of Contributions

**Table 1 – Level of Contribution for residential development**

| Class | Description   | Rate  |
|-------|---|---|
| 1     | Residential Unit  | €3000 or €20/m <sup>2</sup><br>whichever is the greater |
| 2     | Residential Extension   | €15/m <sup>2</sup> > 40m <sup>2</sup>                   |
| 3     | Ancillary Buildings i.e. Self-contained<br>isolation units, Granny flats,<br>independent living units | €20/m <sup>2</sup>                                      |
| 4     | New/extension of a domestic<br>garage/shed ancillary to existing<br>dwelling house                    | €15/m <sup>2</sup> > 25m <sup>2</sup>                   |

**Table 2 – Level of Contribution for other categories of development.**

|   |                        |                     |
|---|------------------------|---------------------|
| 5 | Commercial/ Industrial | €20/ m <sup>2</sup> |
|---|------------------------|---------------------|

### 10.0 Floor Space, Footprint Area & Site Area

The floor space area of proposed development shall be calculated as the gross floor space area.

#### 10.1 Conversion to Residential Units

A contribution will be charged in accordance with the scheme in respect of any additional residential units created as a result of subdivision and/or additional development.

#### 10.2 Residential Extensions and Garages/Domestic Outbuildings

Development contributions shall be levied on the additional amount of floor space in excess of the originally constructed dwelling / garages and domestic outbuildings. In the case where permission is sought to construct a domestic shed/garage ancillary to an existing dwelling house or extend/replace an existing domestic shed/garage ancillary to an existing dwelling house, then the development will only be levied for the additional floor area proposed in the case of a new domestic shed/garage i.e. the floor area in excess of 25 m<sup>2</sup>. New garages or sheds ancillary to a house that are already constructed and where development contributions have already been paid shall not be levied.

### **10.3 Change of Use**

Applications for change of use shall be charged at the balance between the normal charges that would be imposed for the development's proposed use and normal charges that would be imposed for the current use.

### **10.6 Retention Permissions**

Retention permissions shall be charged at double the applicable rate of the development contribution. No exemptions or waivers are applicable for retention permission. Retention of minor changes to previous permitted developments shall be assessed on a case by case basis.

Section 10.7 sets out Reductions and Exemptions. These do not refer to change of use.

## **5.3. Natural Heritage Designations**

The appeal site lies within c.300m of Killala Bay/Moy Estuary SAC, Killala Bay/Moy Estuary pNHA and Killala Bay/Moy Estuary SPA.

## **6.0 EIA Screening**

The development comprises a change of use of an existing structure which is not a project of the purposes of the EIA Directive. While works are proposed as part of the associated works / alterations to the structure, they would not constitute 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 (or Part V of the 1994

Roads Regulations). 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.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

John and Caroline Barry make the following points in their first party appeal against condition no. 7 of the decision to grant permission:

- The amount was incorrectly calculated.
- The structure was granted permission under P15/552 and no development contributions were charged at that time.
- There was no need to have applied for retention permission in this case as the structure had not been brought into short-term letting use at date of application.
- The application should have comprised retention of the physical alterations to the structure and permission for change of use.
- This would have resulted in reduced fees and contributions.
- It is not disputed that the commercial rate would apply.
- The existing shed would generate a fee of €15/sq-m.
- Section 10.3 of the scheme provides that a COU will give rise to a contribution for the balance arising from the new use.
- This would be calculated as:  
$$(\text{€}20 / \text{sq.m. (Class 5)} - \text{€}15 / \text{sq.m. (Class 4)}) \times 144.4\text{-sq.m.} = \text{€}720.$$
- Photographs attached to the PA Planners report confirm that the use had not yet commenced and the structure was not connected to the sewerage system.
- This was confirmed verbally at the time of inspection.
- While internal works are substantially complete, the change of use had not occurred. No material change of use has occurred.



- It is accepted that the application of the fee for retention was a result of the incorrectly framed application.
- The contribution which would be applicable to the original shed should be discounted in calculating the relevant contributions in this instance.

## 7.2. Planning Authority Response

The planning authority make the following comments in response to the first party appeal:

- The development contribution was calculated on the basis of the development description as per the application submitted – i.e. retention of change of use and alterations and to carry out ancillary site works.
- The shed structure was previously permitted under ref. 15/552. Condition no. 3 required that it be used ancillary to the dwelling only and shall not be used for agriculture, industrial or commercial purposes or converted for human habitation.
- At site inspection the development was set up for habitable use and has been fully fitted out internally.
- The stated area to be retained for commercial use is 144.4-sq.m.
- The development is subject to Class 5 Development Contributions – €20 / sq.m.
- Retention permission is chargeable at double the applicable rate and no exemptions or waivers are applicable for retention permission.
- The basis for the calculation was:  
$$144.40\text{-sq.m.} \times €20 = €2880 \times (\text{retention}) = €5776.$$

## 7.3. Further Responses

While the PA response to the appeal was circulated to the first party, no response was received within the prescribed period.

## 8.0 Assessment

This is a first party appeal under S.48(10) against development contribution condition (no. 7) attaching to the planning authority decision to grant permission. There has been no other third-party appeal against the decision. In this regard and in accordance with s.48(10)(c) I propose to confine consideration to whether the terms of the scheme were properly applied by the planning authority and will not consider the merits or otherwise of the scheme itself.

The subject structure was originally permitted under PA ref. 15/552, with a stated floor area of 103.4-sq.m. which appeared to exclude the loft area. This was the basis of the planning application fee calculation in that case. Condition no. 3 attaching thereto restricted its use to that ancillary to the private dwelling and also provided it should not be converted for human habitation.

The development the subject of the current application has a stated floor area of 144.4-sq.m. The difference between the current and previously permitted floor area appears to be accounted for by the proposed first floor games room and landing.

The commercial rate of contribution (Class 5 - 20 euro / sq.m.) has not been disputed in the appeal, and I note that this would reflect the level of contribution if the structure was considered under Class 1 or 3.

Section 10.3 of the Development Contribution scheme provides that a change of use will be charged contributions in respect of the balance between the existing and proposed uses. In this case, the existing authorised shed structure would attract a development contribution as follows:

Class 4: €15 / sq.m. x (103.4-sq.m. permitted floor area – 25-sq.m. threshold) =  
€1,176.

The proposed development is described as retention for change of use along with alterations and to carry out all ancillary site works. The first party argue that as the use has not yet commenced, notwithstanding the development description, the relevant contributions should be charged at the standard rate. There may be some merit to this argument in respect of the change of use, particularly in light of the absence of a sewer connection to serve the development.

I note however, that the structure has been converted to habitable use, with the installation of 2 no. bedrooms, bathroom, kitchen etc. Such conversion is contrary to condition no. 3 of PA ref. 15/552 and therefore is subject to retention permission, notwithstanding that the change of use may not have yet commenced. I do not consider that these conversion works can be separated out from the application, with due regard to the description of development used in the notices. The first party appeal acknowledges that the application should have comprised retention of the physical alterations to the structure and permission for change of use.

On this basis, therefore, I consider that the planning authority were correct in applying the retention rate of contribution to the proposed development.

The relevant calculation for the development to be retained is therefore:

$(144.4\text{-sq.m.} \times \text{€}20 / \text{sq.m.}) \times 2 \text{ for retention} = 5,776 \text{ euros.}$

I do concur with the first party that an offset for the existing structure on the site should be applied under section 10.3 of the contribution scheme, as calculated above. The relevant development contribution would therefore be:

**Proposed development €5,776    minus    Existing structure €1,176**  
**= €4,600.**

## 9.0 AA Screening

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located within c.300m of Killala Bay/Moy Estuary SAC, Killala Bay/Moy Estuary pNHA and Killala Bay/Moy Estuary SPA. The proposed development comprises minor works and change of use of an existing structure within the serviced area of Killala. No nature concerns were raised during the course of the application or appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- The small scale nature of the works and use, and the serviced nature of the site.

- The absence of connections to the nearest European site.
- Taking into account screening report/determination by the planning authority.

I conclude, 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.

## 10.0 Recommendation

I conclude that, in accordance with section 48 of the Planning and Development Act, 2000, as amended, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of conditions number 7, and recommend that the Council be directed to Amend condition number 7 and the contribution payable thereunder for the reasons stated.

## 11.0 Condition

No. 7: The developer shall pay to the planning authority a financial contribution of **€4,600 (four thousand, six hundred euro)** in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

## 12.0 Reasons and Considerations

Section 10.3 of the Mayo Development Contribution Scheme provides that Applications for change of use shall be charged at the balance between the normal charges that would be imposed for the development's proposed use and those that would be imposed for the current use. Furthermore, the scheme provides that retention permission shall be charged at double the applicable rate of the development contribution. No exemptions or waivers are applicable for retention permission.

Having regard to the planning history relating to the site and the scale of authorised development thereon, to the nature of the development the subject of the application and appeal and the extent of development carried out to date, the Board is satisfied that a reduction in respect of the structure authorised on the site under planning reference 15/552 is appropriate. Further, the Board concluded that the extent of the development for which retention permission is sought includes internal works which were subject to restriction under condition no. 3 of 15/552. The relevant development contribution rate is therefore that relating to retention permission.

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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Conor McGrath

Assist. Director of Planning  
25/06/25

## Form 1 - EIA Pre-Screening

|   |  |
|---|--|
| <b>Case Reference</b>   | ABP-322091-25  |
| <b>Proposed Development Summary</b>   | Retention of change of use and alterations and associated site works.  |
| <b>Development Address</b>  | Georges Street, Killala, Co. Mayo  |
|   | <b>In all cases check box /or leave blank</b>  |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br><br>(For the purposes of the Directive, "Project" means:<br>- The execution of construction works or of other installations or schemes,<br><br>- Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources) | <input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.   |
|   | <input type="checkbox"/> No, No further action required.<br><br>Note: The development includes a change of use of an existing structure which is not a project of the purposes of the EIA Directive. The associated works would, however, constitute a project |
| <b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>   |  |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1.<br><br><b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>   | State the Class here<br><br>.  |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3  |  |
| <b>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?</b>   |  |
| <input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8   | While works are proposed as part of the associated works / alterations to the structure, they would not constitute a Class for the purposes of Schedule 5.   |

|   |  |
|---|--|
| <p>of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>   |  |
| <p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>  | <p><b>State the Class and state the relevant threshold</b></p> |
| <p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b><br/> <b>OR</b><br/> <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p> | <p><b>State the Class and state the relevant threshold</b></p> |

|  |  |
|--|--|
| <p><b>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)?</b></p> |  |
| <p><b>Yes</b> <input type="checkbox"/></p>   |  |
| <p><b>No</b> <input checked="" type="checkbox"/></p>   | <p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p> |

Inspector: Conor McGrath Date: 25/06/25