



An
Coimisiún
Pleanála

Inspector's Report

ABP-322524-25

Development	Retention for the provision of a single-storey structure comprising of a storage facility, home office & home gym, ancillary to the use of the dwelling granted under Pl. Ref. 00/4863 and on increased site boundaries. Gross floor space of work to be retained: 115.00 sqm.
Location	Derrydonnell North, Oranmore, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	2560250
Applicant(s)	Helen Treanor
Type of Application	Retention Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party

Appellant(s) Helen Treanor

Observer(s) None

Date of Site Inspection 17 July 2025

Inspector Paul Christy

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Form 1: Water Framework Directive Screening

1.0 Site Location and Description

- 1.1. The subject site is on the edge of a large cluster of 15 no. 'one-off' dwellings in the rural area of Derrydonnell North. The cluster is located c.785m to the south of the M6 and is centrally located between Junction 19 serving Oranmore and Galway Airport to the west and Junction 18 (M6, M17, M18 Interchange). The site is accessed off a long private laneway that, in turn, is connected to a minor public road some 1.29km to the south-east of the subject site as the crow flies¹.
- 1.2. The property is relatively generous in scale. The original plot, prior to the extension for which Retention Permission is sought, is c.90m wide x c.70m wide, thereby providing an area of 0.66 hectares (or 1.59 acres). The boundary is defined by low, traditional stone walls, with occasional rear planting. The 'parent dwelling' sits generally in the middle of the plot, and is also relatively large in scale. The design is generally two-storey over a basement with double front gables. 8 no. bedrooms were included in the permitted design.
- 1.3. The plot extension for which Retention Permission is sought is located behind the original rear boundary. It is rectangular in shape and, on the basis of the submitted plans, scales at c.51m x c22m. A yard formed of hardcore has been provided to the front of and (south-western) side of the structure.

2.0 Proposed Development

- 2.1. The proposed development is described in the application form and public notices as '*Retention for the provision of a single-storey structure comprising of a storage facility, home office & home gym, ancillary to the use of the dwelling granted under PI. Ref. No. 00/4863 and on increased site boundaries*'. In the submitted site layout plan, a generally square plot containing the host dwelling and measuring 0.66 hectares is identified in green and the associated notation refers to this as '*Original Site Boundaries Granted Under PI Ref. No. 00/4863*'. Also on the site layout plan, an extended red line identifies a larger plot containing both the original plot and an

¹ Information based on Galway County Council's 'Public Planning Viewer'.

additional, much smaller rectangular-shaped area 'appended' to the rear of the original plot at its south-western corner and containing the subject building. The notation refers to the subject building as a '*Timber Storage Cabin*'. The notation also includes a site area of 0.77 hectares for the extended plot.

- 2.2. In his appeal statement, in Reply 1, para. 4, the agent for the Appellant describes the structure as a 'Log Cabin'. The structure is generally rectangular in shape, but also incorporates a central design feature over the front door comprising a roof projecting from, and at right-angles to, the main structure and beyond the front elevation supported by two columns. The area between the columns and the front elevation is described on the notation as an '*Open Porch*'. A similar feature is provided on the south-western side elevation.
- 2.3. The main structure is identified on the submitted plans as measuring 14.46m long x 8.46m wide externally, thereby providing a total footprint of 122m². The roof is a pitched roof finished in dark tiles with a ridge height shown as 3.95m. There are five windows on the front elevation, and three on the rear elevation. On one of the side elevations, there are two windows either side of a pair of french doors providing access from this side. On the other side elevation is a small window serving the 'Gym WC'.
- 2.4. Internally, the submitted plans identify an open plan area described as 'Home Storage Space/Games Room' measuring 8.16m x 7.98m. The plans identify the following elements in this space: a 'Fuze Ball'; a 3-seater sofa; a 'Pool Table'; and a 'Kitchenette'. The remainder of the structure is divided into five sub-areas/rooms: a 'Home Office'; a 'Home Office W/C'; a 'Gym' area; a second 'Gym' area; and a 'Gym W/C' centrally located between the two Gym areas and accessible from both.

3.0 Planning Authority Decision

3.1 Decision: Refuse

- 3.1.1. The decision was refused for six reasons, the key elements of which are summarised below.

- 3.1.2. Reason 1: The Planning Authority is not satisfied that the proposed development is in accordance with the provisions of Development Management Standard 6 of the Galway County Development Plan 2022-2028 whereby the design, form and materials should be ancillary to, and consistent with the main dwelling on site. It is considered that the design, scale and materials proposed are not reflective of a domestic garage as set out in the aforementioned standard.
- 3.1.3. Reason 2: Having regard to the existing residential uses in the immediate vicinity of the site and the nature, scale and size of the development, the location of the development within the curtilage of an existing dwelling house, the planning authority is not satisfied that the development will not negatively impact on the residential amenity of adjoining properties and the visual and rural amenity of the area,
- 3.1.4. Reason 3: In the absence of satisfactory details submitted with the application relating to the consent from Irish Water to connect to the public water mains 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 the structure.
- 3.1.5. Reason 4: Having regard to the proposed development which consists of 1 dwelling and 1 modular structure utilising a singular communal on-site wastewater treatment system, the Planning Authority is not satisfied on the basis of the evidence submitted with the planning application that the existing wastewater treatment plant can adequately service the proposed development, and that the effluent disposal proposal represents a sustainable approach to servicing the proposed development.
- 3.1.6. Reason 5: the planning authority is not satisfied that surface water generated on site can be satisfactorily disposed of on site.
- 3.1.7. Reason 6: Having regard to lack of information with regards to satisfactory surface water and waste water treatment the Planning Authority are not satisfied that the likely significant effects of the proposed development on European sites can be screened out.

3.2. Planning Authority Reports

- 3.2.1. [Planning Report]: One report on file dated 18 April 2025 signed by an A/Senior Executive Planner. The report addresses, inter alia, the undernoted issues.
- 3.2.2. Appropriate Assessment: The development is within a 15km radius of 12 Natura 2000 sites (8 Special Areas of Conservation; and 4 Special Protections Areas). The report then outlines the concerns expressed in Refusal Reason 6.
- 3.2.3. Strategic Assessment: A detailed justification has not been provided for the proposal. Furthermore, the proposal does not comply with Development Management Standard 6 of the Galway County Development Plan 2022-2029 relating to domestic garages. The report then outlines the concerns expressed in Refusal Reason 1.
- 3.2.4. Site Specific Assessment (Technical Issues): Notes, inter alia, that: enforcement procedures have been undertaken; 'no evidence or letter of feasibility' from Uisce Eireann re water supply, contrary to Policy WS 4 of the Development Plan; surface water proposals not shown on site layout plan; no details of capacity and working order of existing wastewater treatment plant (given that it is proposed to connect to the existing plant); in a previous 2024 application (Ref. P24/61698), the subject structure was shown connecting to an additional septic tank and percolation area, which plant is not shown on the site layout plan for the subject application.
- 3.2.5. Siting, Design, Visual Impact: Notes that 'the modular home is not a "modern" modular pod or design. Through its design, scale, size and materials, it is considered that the proposed structure creates a negative visual impact on the surrounding landscape. Furthermore, it is not compatible in design and style with the existing dwelling on site and neighbouring dwellings. The Planning Authority is not satisfied that the development is sufficiently proportioned in terms of size and scale and reflective of the established built design of existing developments in the area.
- 3.2.6. Conclusion: The concerns expressed earlier in the report are repeated here. However, in addition, further concerns regarding negative impacts on the residential amenity of adjoining properties and the visual and rural amenity of the area are also raised: *'having regard to the existing residential uses in the immediate vicinity of the*

site and the nature, scale and size of the development, the location of the development within the curtilage of an existing dwelling house,'.

3.2.7. [Other Technical Reports]

3.2.8. None.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

4.1. Subject site:

4.1.1. P.A. Ref. 002850 (Outline Permission) Construction of a dwellinghouse with septic tank and all associated services: 2000 Grant, subject to standard conditions.

4.1.2. P.A. Ref. 004863 (Approval) Construction of a dwellinghouse with septic tank and all associated services: 2001 Grant, subject to standard conditions.

4.1.3. P.A. Ref. 2461698 Retention of a single-storey structure comprising of a storage facility, home office & home gym: Withdrawn Feb. 2025.

5.0 Policy Context

5.1. Development Plan: Galway County Development Plan, 2022-2028²

5.1.1. Zoning: The subject site is in the rural area of the County and is unzoned.

² The site is located close to, but outside of, the area of the Galway Metropolitan Area Strategic Plan

5.1.2. Log Cabins:

Chapter 4: ‘Rural Living and Development’, Policy Objective RH 17: Log Cabins and Pods: *‘The construction of log cabins and pods or wooden structures will be permitted in locations where they can be integrated into the existing landscape or where an application can demonstrate that an appropriate landscape will be designed around the structure.’*

Chapter 15: Development Management Standards, DM Standard 10: Log Cabins/Pods: *‘Log Cabins and Pods or similarly designed structures are not vernacular typologies of the Galway countryside and are only permitted in limited cases where a unique siting and landscape situation allows (i.e., log cabins may have potential in a woodland setting).’*

5.1.3. Landscape: The Development Plan identifies four categories of landscape sensitivity. The site is in the lowest sensitivity designation: ‘Class 1 – Low: Unlikely to be adversely affected by change.’

Policy LCM 3 Landscape Sensitivity Ratings’ provides as follows: *‘Consideration of landscape sensitivity ratings shall be an important factor in determining development uses in areas of the County...’*³

DM Standard 46: Compliance with Landscape Sensitivity provides that in Class 1 - Low Sensitivity Areas, the following types of development will be generally acceptable: *‘All developments which are of appropriate scale and design and are consistent with settlement policies.’*

5.1.4. Strategic Designations: The site is located within the following strategic designations identified on Map 2.1, ‘Core Strategy’ in the Development Plan):

a. **‘Strategic Economic Corridor’:** This Corridor runs between Oranmore and Athenry. In ‘Section 5.7.1 of the Development Plan, this area is cited as being *‘Central to the development strategy for Galway’*. Policy Objective EL2 provides as follows:

³ The policy goes on to make specific reference to areas of high landscape sensitivity.

'In relation to the Strategic Economic Corridor the Planning Authority will take steps to:

- Reserve lands to support nationally and regionally significant activities and to attract specialist enterprise development that is large scale of high value;*
- Facilitate opportunities for employment and technology-based uses;*
- Ensure that development is compatible with the enhancement, preservation and protection of the environment and cultural resources recognised within the corridor;*
- Identify sites of adequate size and location to accommodate necessary infrastructure or support activities which would not be appropriate in proximity to centres of population or sensitive environments or environmentally sensitive economic activities;'*

b. 'Strategic Development Corridor': Strategic Development Corridors emanate from Galway City in all four directions - northerly, westerly, southerly and easterly, and generally following strategic road and rail corridors.

c. 'Galway County Transport Planning Study': In Section 12.1.3 of this Study, it is noted that the Study *'has informed the identification of key priorities for Transport provision during the period of the County Development Plan (2022– 2028); these priorities and aspirations have subsequently been developed into a series of Policy Objectives which are described within Chapter 6 of the CDP. The GCTPS describes how these policy objectives will be achieved through the implementation of specific measures by the Council and other stakeholders, including the NTA and TII; supporting measures, including development and planning policies relating to the assessment of new developments, have also been assessed for this purpose.'* Policy Objective GCTPS 1 provides as follows:

'It is a policy objective of Galway County Council to support and facilitate the implementation of the Galway County Transport & Planning Study and Galway Transportation Strategy across all modes of transport.'

5.1.5. Water Supply

Policy Objective WS 4 Requirement to Liaise With Irish Water – Water Supply

'Ensure that new developments are adequately serviced with a suitable quantity and quality of drinking water supply ...'

DM Standard 36: Public Water Supply and Wastewater Collection: Includes: *'All new developments will be required to utilise and connect to the public water and wastewater network, where practicable. Applicants who need to get a new or*

modified connection to public water supply or wastewater collection infrastructure must liaise with Irish Water.'

5.1.6. Effluent Treatment

DM Standard 38: Effluent Treatment Plants: This Guidelines includes: '*The suitability of a site for the treatment of wastewater shall be determined, in accordance with the criteria set down in the EPA Wastewater Treatment Manuals (1999, 2009) or any revision or replacement of these manuals or any guidelines issued by the EPA concerning the content of these manuals.*

For single houses the EPA Wastewater Treatment Manuals-Treatment Systems for Single Houses 2009 (including any updated or superseding document) shall apply;

Certification: Design details – Design calculations supporting the selection of a particular type and size of system.'

5.1.7. Surface Water Disposal

Policy Objective WW 7 Sustainable Drainage Systems: '*To require the use of Sustainable Drainage Systems to minimise and limit the extent of hard surfacing and paving and require the use of SuDS measures be incorporated in all new development (including extensions to existing developments). All development proposals shall be accompanied by a comprehensive SuDS assessment including run-off quantity, run-off quality and impacts on habitat and water quality.'*

DM Standard 67: Sustainable Drainage Systems Includes the following: '*All new developments (including amendments / extensions to existing developments) will be required to incorporate 'Sustainable Urban Drainage Systems' (SuDS) as part of the development/design proposals'; and 'Development proposals will be required to be accompanied by a comprehensive SuDS assessment that addresses run-off rate, run-off quality and its impact on the existing habitat and water quality.'*

5.1.8. Other Matters: In his report, the Local Authority's A/SEP listed a range of policies against which the strategic assessment of the application would be 'governed'. The

list included 'Policy Objective CD 1 – Assimilation of Buildings'. Having reviewed this policy in the Development Plan, I note that it addresses 'Commercial Developments in Rural Areas/Rural Enterprises'. As the application is for domestic uses ancillary to the use of the host dwelling, I do not consider this Policy Objective to be relevant.

5.2. Natural Heritage Designations

- 5.2.1. The Galway Bay Complex Special Area of Conservation and the Galway Bay Complex Proposed Natural Heritage Area are both comprised of a number of similarly-defined discrete sites located to the south-west and west of the subject site. There are three such sites for each designation between the N67 Road and the site at distances from the site ranging from 2.83km to 3.82km. The remainder of the sites are located to the west of the N67 Road and generally focused on Galway Bay. Having regard to the nature and modest scale of the development, I consider that only the three aforementioned overlapping sites for each designation require consideration. These are listed in the table below.

Designation	Townland	Distance from (nearest part of) Site (km)	Site Code
Galway Bay Complex Special Area of Conservation	Frenchfort/Carrowmoneash	2.97	000268
Galway Bay Complex Proposed Natural Heritage Area	Frenchfort/Carrowmoneash	2.97	000268
Galway Bay Complex Special Area of Conservation	Rinn/Oran More/Oran Beg	2.83	000268
Galway Bay Complex Proposed Natural Heritage Area	Rinn/Oran More/Oran Beg	2.83	000268

Galway Bay Complex Special Area of Conservation	Moneymore East/Rockhill/Rocklands/Oranmore	3.82	000268
Galway Bay Complex Proposed Natural Heritage Area	Moneymore East/Rockhill/Rocklands/Oranmore	3.82	000268

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.

5.4. Water Framework Directive Screening

- 5.4.1. The subject site is located in the rural townland of Derrydonnell North, Oranmore, Co. Galway. It lies c.3.2km to the north-east of the Carrowmoneash River, and is within the area of the GWDTE-Galway Bay Complex Fens (SAC000268) Groundwater body.
- 5.4.2. I have assessed the single-storey structure comprising of a storage facility, home office & home gym, ancillary to the use of the dwelling granted under PI. Ref. No. 00/4863, and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface or groundwater water bodies either qualitatively or quantitatively. The reasons for this conclusion are as follows:

- Nature of works: a small scale structure ancillary to, and immediately adjacent to the curtilage of, an established dwelling, and connecting to an existing on-site wastewater treatment plant;
- The distance (3.2Km) of the structure from the nearest water body, the Carrownameash River, and the absence of any known hydrological connections;
- The *minute* scale of effluent discharge and/or associated chemical leakages that may arise in the event of malfunctioning of the on-site effluent disposal system, relative to the scale of the 34km² area of the GWDTE-Galway Bay Complex Fens (SAC000268) Groundwater body.

5.4.3. **Conclusion:** I conclude that on the basis of objective information, that 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. Refer to Form 1 in Appendix 2 of report.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The appeal addresses each refusal reason in sequence, and subsequently provides a conclusion. The grounds of appeal are summarised below.
- 6.1.2. Refusal Reason 1: In their appraisal, the Planning Authority described the structure as a domestic garage and (concluded) that the design is not in keeping with a domestic garage. The structure was not constructed as a domestic garage but for a storage facility, home office and home gym, ancillary to the use of the existing dwelling. The structure can be described as a log cabin, and is strategically located within the mature grounds of an existing dwelling on a site which measures 0.77 hectares. The company that supplied the structure 'have installed such structures throughout the country and most local authorities.' A letter is attached from the supply company. In the letter, it is advised that the company has been supplying

structures as per the subject design for the past three years. It is also advised that 'where necessary, have obtained planning and retention planning' and 'the structure and design meets all BS and other European health and safety standards.' In conclusion, the appellants refute the Local Authority's conclusion in this reason that the development would constitute haphazard and disorderly development etc.

- 6.1.3. Refusal Reason 2: The structure can hardly be viewed from the public road. It backs on to a large forest and is totally screened from the direct view of the adjoining properties and does not in any way impact the residential amenity of adjoining properties and the visual and rural amenity of the area.
- 6.1.4. This area is in a cul-de-sac, where the properties in the main are all built for more than 15/20 years with most having already built separate external outbuildings/garages, most of which have a variety of uses. The subject structure has been in place for the past 4/5 years and no one has seen fit to object to the same. In contrast, there are many structures in the area built from galvanised steel 'steel-teck-units' and they seem to be acceptable. All surrounding properties are large extensive dwellings and all properties have large domestic garage structures. The subject structure would have no more adverse effect than any of these.
- 6.1.5. Refusal Reason 3: The facility is fully serviced with a water supply and the water to same is taken from the existing dwelling house, which has been constructed and serviced for more than 25 years so therefore the facility does not pose a serious risk to the public health of persons occupying the structure. The facility was not provided for the use of any additional persons other than those who occupy the existing dwelling so the Appellant therefore states that an independent water supply is not required.
- 6.1.6. Refusal Reason 4: The facility is fully serviced (and) connected into the existing proprietary effluent treatment system which services the existing dwelling house. Such a system was installed during construction (of the dwelling) although under Local Authority Ref. 00/4863 it was proposed to use the old septic tank system with an associated percolation area.

- 6.1.7. The Agent for the application, Gerald Hanniffy, Consulting Engineer, has inspected the layout and construction of the proprietary effluent treatment system, and although only slightly opening up of works occurred during inspection, confirms from a visual inspection the following: *'It would be my opinion that the system has been maintained regularly and is operating efficiently and effectively with an adequate and sufficient percolation rate from the tank that allows the disposal system to operate and efficiently and effectively and does not pose a risk to public health or to ground water/surface waters. There will be no additional loading therefore it is my professional opinion that the existing system is adequate to service the needs of the overall property.'*
- 6.1.8. Refusal Reason 5: The structure is currently discharging rain water to ground via the gravel yard surrounding it. However, it is proposed to collect and discharge all rain water collected from the roof and to discharge to a constructed and designed soak-away and in compliance with Objective WS7 and DM Standard 67 of the Development Plan. A report entitled 'Sustainable Urban Drainage System Report: Design of Stormwater Soakaways, May 2025' is attached.
- 6.1.9. Refusal Reason 6: From the information submitted in response to Refusal Reasons 4 and 5, it is clearly shown that there is no issue whatsoever with this structure having any negative effects on European sites, the nearest being the Galway Bay Complex 5.5km away from the site, or the local flora and fauna.

6.2. Planning Authority Response

- 6.2.1. None received.

6.3. Observations

- 6.3.1. None received.

7.0 Assessment

7.1. Overview

- 7.1.1. Having examined the application details, and all other documentation on file including the submissions 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 principle of development;
- public health; and
- water supply.

7.2. Principle of Development

- 7.2.1. Development Plan: I would agree with the concerns expressed in the Appeal Statement in relation to the Local Authority's Refusal Reason 1. In this Reason, the Authority states that it is not satisfied that the development is in accordance with Development Management Standard 6 of the Development Plan. The sub-header for Development Management 6 refers only to 'Domestic Garages (Urban and Rural)'. As the structure does not resemble a typical domestic garage, and as the application is not for such a structure, I would agree with the Appellant's inference that the application should not be assessed against this provision. Rather, the most relevant policy provisions against which to assess the principle of the proposed development in this rural area, in my opinion, are those relating to Log Cabins and Pods. ie. Policy Objective RH 17 (Chapter 4, 'Rural Living and Development) and Development Management Standard DM Standard 10 (Chapter 15, 'Development Management Standards') as set out at Section 5.1.2 of this Report
- 7.2.2. Both Policy Objective RH 17 and Development Management Standard DM Standard 10 include a focus on sympathetic integration of such structures into the landscape. Unfortunately, there is somewhat of an inconsistency in tone between the two. In

Policy Objective RH 17, it is provided that such structures 'will be permitted⁴ in locations where they can be integrated into the existing landscape or where an application can demonstrate that an appropriate landscape will be designed around the structure'. However, in DM Standard 17 it is cautioned that these structures 'are only permitted in limited cases⁵ where a unique siting and landscape situation allows (ie. log cabins may have potential in a woodland setting)' on the basis that these structures 'are not vernacular typologies of the Galway countryside...'

7.2.3. On the basis that greater weight should be given to policy objectives than development management standards, I will focus my consideration of the development against Policy Objective RH 17. In that Policy Objective, the key test is whether log cabins can be '*integrated into the existing landscape*'. In my opinion, the structure has been successfully integrated into the existing landscape. It is on a large site (c.0.77 hectares, or 1.90 acres) and significantly set back to the rear of the host dwelling, remote from the public road (c.100m) and, even then, it is largely obscured by intervening shrubbery between the structure and the road. It also benefits from a backdrop of dense forestry immediately to the rear (south). The structure is also remote from any other dwellings. The nearest dwelling is to the north of the host dwelling and is located c.90m away.

7.2.4. I am satisfied that the proposed development is in compliance with the previously-referenced Policy Objective RH 17 and I consider the Local Authority's application of Development Management Standard DM 6 re garage developments in the first refusal reason to be wrongly applied. I am further of the opinion that the proposed development will not negatively impact on the residential amenity of adjoining properties or on the visual and rural amenity of the area, for the reasons set out at para. 7.2.3 and therefore I do not agree with the Local Authority's rationale for Refusal Reason 2.

7.2.5. Ancillary Use: In both the application to the Local Authority and in the appeal statement, the structure is described as being 'ancillary' to the host dwelling. In the aforementioned Development Plan policy provisions, only the physical integration of

⁴ My emphasis

⁵ My emphasis

such structures is addressed. The concept of the need for such structures to be ancillary to the main dwelling is not considered, nor is any assistance contained in the associated narrative. Notwithstanding the absence of such policy guidance in the Development Plan, it is necessary to consider whether the structure is ancillary to the main dwelling in the context of rural housing policies, in my opinion, as not to do so may prejudice the effective implementation of the rural housing strategy in the Development Plan.

- 7.2.6. I would firstly consider the external appearance and scale of the structure. The external appearance, a simple rectangular structure with a pitched roof and with front and side door entrance features could easily be construed as a dwelling. The total internal floor area is 115m² (or c. 1,220 sq.ft.). According to the Central Statistics Office, the average new dwelling size in 2024 was 117.4m².⁶ Thus the 115m² structure is considered to be of more than adequate size to sustain use as a dwelling.
- 7.2.7. With regards to internal details, at my site inspection I observed the following 'permanent' features: a large open plan area (comprising c.56% of the overall floor area) containing a fitted kitchen; a room containing a heating system; a toilet/shower room; a second toilet/shower room; and three other rooms. I also observed the following 'non-permanent' features. In the large open plan area: a fuzball table; a pool table; a sofa; a running machine; a table and computer; and a rabbit hutch with animals present. In two of the three rooms without permanent fittings, I observed gym equipment. The third such room, I noted, was being used for general storage purposes.
- 7.2.8. Finally, I note that no evidence or information was submitted with either the planning application or the Appeal to substantiate the referenced ancillary use of the structure, other than simple statements that it is for use as a storage facility, home office and home gym. The absence of such justification must be considered to be significant, particularly in the context of the external design and internal layout of the structure, which design and layout present as being suitable for living accommodation.

⁶ Open Data Unit, Dept. of Public Expenditure, Infrastructure, Public Service Reform and Digitisation.

7.2.9. Having regard to the aforementioned, and in the absence of any substantive information or evidence to the contrary, it is my opinion that the structure is presently designed for the provision of living accommodation and therefore cannot be considered to be ancillary to the main dwelling. Further concerns around the proposed ancillary nature of the subject structure arise from: the fact that it was considered necessary to extend the original large plot to accommodate the structure when the structure could have been accommodated within the original plot with relative ease; and the fact that it is now proposed to further extend the 'curtilage' of the proposed structure as currently provided into the rural field to the side of the existing hardcored area around it.

7.3. Public Health

7.3.1. The parent dwelling was granted on the basis of connection to a septic tank and percolation area (P.A. Ref. 004863). In the subject application submitted to the Local Authority and in the Statement submitted with the appeal, the subject structure is shown to be connected to an existing secondary treatment plant serving the parent dwelling. Furthermore, in the Appeal Statement, the Agent for the Appellant advises that: *'Although, under Pl. Ref. No. 00/4863, it was proposed to use the old septic tank system with an associated percolation area to service the dwelling for effluent treatment a modern proprietary effluent treatment system with associated percolation was installed to service the dwelling during construction.'* The Agent, a qualified Consulting Civil Engineer, refers to having *'inspected the layout and construction of the ... system, where possible, ... although only slight opening up of works occurred during inspection.'* On this basis, he opines that *'the maintenance of the system has been maintained regularly and that (it) is operating efficiently and effectively with an adequate and sufficient percolation rate from the tank that allows the disposal system to operate efficiently and effectively and does not pose a risk to public health or to ground/surface waters.'*

7.3.2. Notwithstanding the positive, if guarded, assessment by the Appellant's Agent of the efficacy of the treatment plant to which the subject structure is connected, it is my opinion that the installation of a treatment system and percolation area is materially

different from the permitted septic tank and percolation, and that such an alternative system would require a separate planning permission. Such a permission has not been obtained. Furthermore, in the absence of a detailed site suitability assessment (inclusive of recommendations) undertaken by a suitably qualified and competent professional, and notwithstanding the assessment of the Appellant's Agent in the Statement submitted with the appeal, it is also my opinion that the suitability of the site for the treatment of wastewater in the manner now provided on-site has not been demonstrated by the Appellant. Therefore, to grant Retention Permission for the subject structure on the basis of being served, for effluent disposal purposes, by an unauthorised treatment plant for which a comprehensive site assessment has not been made available would be prejudicial to public health and would thereby be contrary to the proper planning and sustainable development of the area.

7.4. Water Supply

- 7.4.1. In its Refusal Reason 3, the Local Authority referred to the absence of satisfactory details relating to consent from Irish Water (Uisce Eireann) to connect to the public water mains, and stated that the development would pose a serious risk to the public health of persons occupying the structure and would be contrary to Development Management Standard DM 36 of the Development Plan, which standard addresses, inter alia, public water supply.
- 7.4.2. In the Appeal Statement, the Appellant's Engineer advises that *'the facility is fully serviced with a water supply and the water supply ... is taken from the existing dwelling house, which has been constructed and serviced for 25 years so therefore the facility does not pose a serious risk to the public health of persons occupying the structure.'* The Agent goes on to state that: *'The facility was not provided for the use of any additional persons other than those who occupy the existing dwelling so we therefore state that an independent water supply is not required.'*
- 7.4.3. The aforementioned Development Management Standard DM 36 of the Development Plan, and Policy Objective WS 4 are relevant to this issue, in my opinion, for the following reason. In both provisions, it is a requirement that

applicants intending to connect to a water supply liaise with Irish Water with regard to the infrastructure required. Specifically, Development Management Standard 36 provides that: '*Applicants who need to get a new or modified⁷ connection to public water supply or wastewater collection infrastructure must liaise with Irish Water.*' The proposed development, even if it were to be accepted as being ancillary to the main dwelling, would require such a modified connection to the public water supply. The Appellant would, therefore, be required to demonstrate the support of Uisce Eireann in order to comply with the Standard, in my opinion. Such support has not been demonstrated.

7.5. Other Matters

- 7.5.1. Surface Water: In its Refusal Reason 5, the Local Authority was not satisfied that surface water generated on the site can be satisfactorily disposed of on site and, therefore, stated that the development would materially contravene Objective WS7 and DM Standard 67 of the Development Plan. Both provisions require the incorporation of sustainable urban drainage systems into proposed developments (please refer to para. 5.1.7).
- 7.5.2. In the Appeal Statement, the Appellant's Engineer submitted a Sustainable Urban Drainage (SuDS) Report, which report details the design of a storm water collection and disposal system for the development. The Report advises that the design basis of the storm water system is to collect all rainwater from the non-permeable areas and roofs of the development, and allow all water to flow into on-site soakaways.
- 7.5.3. Having regard to the extents of the overall curtilage of the property and the evident capacity to accommodate such a soakaway, and to the aforementioned certified report provided by the Appellant's Engineer, I am satisfied that surface water run-off from the structure can be adequately managed to prevent any risk of run-off outside of the subject property.
- 7.5.4. Impact on Natura 2000 Sites: In its Refusal Reason 6, the Local Authority cited the lack of information with regards to satisfactory surface water and wastewater

⁷ My emphasis

treatment and stated that it was not satisfied that the likely significant effects of the proposed development on European sites can be screened out. I address these matters in Section 8.0.

- 7.5.5. Strategic Designations: At para. 5.1.4 I identify three strategic designations in the Development Plan, the respective areas of which include the subject site, these being: a 'Strategic Economic Corridor'; a 'Strategic Development Corridor' and the 'Galway County Transport Planning Study'. Having regard to the minor nature of the proposed development within an established residential curtilage, and the distances of the said property from any strategic transportation corridor, I am satisfied that the proposed development will not compromise the achievement of the strategic objectives associated with the aforementioned designations.

8.0 AA Screening

- 8.1 I have considered the proposed Retention Permission for the provision of a single-storey structure comprising of a storage facility, home office & home gym, ancillary to the use of the dwelling granted under PI. Ref. No. 00/4863 and on increased site boundaries at Derrydonnell North, Oranmore, Co. Galway in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located 2.83km from the Galway Bay Complex Special Area of Conservation (Rinn, Oran More and Oran Beg); 2.97km from the Galway Bay Complex Special Area of Conservation (Frenchfort and Carrowmoneash); and 3.82km from the Galway Bay Complex Special Area of Conservation (Moneymore East, Rockhill, Rocklands and Oranmore). The proposed development comprises retention of the subject structure, connection to an on-site proprietary treatment system that already serves the parent dwelling on the site, and connection to the public water supply that already serves the parent dwelling. In the Appeal, it is also proposed to provide a on-site soakaway to dispose of surface/rain water.

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: small scale structure set in a large established residential curtilage;
- 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 permission for the development be refused for the reasons and considerations as set out below.

10.0 Reasons and Considerations

1) The application seeks Retention Permission for a single-storey structure comprising of a storage facility, home office & home gym, ancillary to the use of the dwelling. However, having regard to the incongruous scale of the subject structure, the internal floor area of which measures c.115 m² and is comparable in size to the average new dwelling size in 2024 of 117.4m² (Central Statistics Office), and to the internal room layout and fit out of the structure inclusive of: a large open plan area containing a fitted kitchen; two no. toilet/shower rooms; a room containing a heating/water heating system; and three additional rooms, it is considered, in the absence of any substantive evidence to the contrary, that the structure is presently designed for the provision of living accommodation and is over-scaled to be considered as ancillary to the host dwelling. Accordingly, having regard to the material difference between: on the one hand, the description of the proposed development as contained in the planning application form and public notices submitted to the Planning Authority, and in the Statement submitted with this Appeal; and, on the other hand, the actual structure as currently configured, it is considered

that to permit the proposed development would thereby be contrary to the proper planning and sustainable development of the area.

2) Development Management Standard DM Standard 38: Effluent Treatment Plants in the Galway County Development Plan, 2022-2028 requires that: 'The suitability of a site for the treatment of wastewater shall be determined, in accordance with the criteria set down in the EPA Wastewater Treatment Manuals (1999, 2009) or any revision or replacement of these manuals or any guidelines issued by the EPA concerning the content of these manuals'. The structure for which Retention Permission is sought is connected to an effluent treatment plant that does not have the benefit of planning permission and for which the suitability of the site for the said existing treatment system has not been determined. Accordingly, to grant Retention Permission would be prejudicial to public health and would be contrary to the aforementioned provision of the Development Plan, and would thereby be contrary to the proper planning and sustainable development of the area.

3) It is a requirement of Policy Objective WS 4: 'Requirement to Liaise With Irish Water' (Uisce Eireann) and Development Management Standard 36: 'Public Water Supply and Wastewater Collection of the Galway County Development Plan 2022-2028 that applicants intending to connect to a water supply shall liaise with Irish Water with regard to the infrastructure required. Specifically, Development Management Standard 36 provides that Applicants who need to get a new or modified connection to public water supply must liaise with Uisce Eireann. The water supply serving the structure for which Retention Permission is sought has been achieved by means of modifying the water connection serving the parent dwelling. In the absence of any evidence of liaison with Uisce Eireann, the proposed development would be contrary to the aforementioned provisions of the County Galway Development Plan 2022-2028, would be prejudicial to the health of those persons using the structure, and would thereby 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

26th July 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-322524-25		
Proposed Development Summary	Retention for the provision of a single-storey structure comprising of a storage facility, home office & home gym, ancillary to the use of the dwelling granted under Pl. Ref. 00/4863 and on increased site boundaries. Gross floor space of work to be retained: 115.00 sqm.		
Development Address	Derrydonnell North, Oranmore, Co. Galway		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	
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: 26th July 2025

Paul Christy

Appendix 2 - Form 1

WFD Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	322524-25	Townland address	Derrydonnell North, Oranmore, Co. Galway
Description of project		Retention for the provision of a single-storey structure comprising of a storage facility, home office & home gym, ancillary to the use of the dwelling granted under Pl. Ref. 00/4863 and on increased site boundaries. Gross floor space of work to be retained: 115.00 sqm.	
Brief site description, relevant to WFD Screening,		Site is located on relatively flat ground immediately adjacent to an established residential curtilage. There are no drainage ditches identified on catchments.ie, or readily identifiable in the immediate environs of the site. The Carrowmoneash River is located c.3.2km to the south-west of the site. The site lies within the GWDTE-Galway Bay Complex Fens (SAC000268) Groundwater area, described as karstic on catchments.ie	
Proposed surface water details		In the planning application form submitted to the Local Authority, surface water disposal by means of a soakpit was proposed. The LA's refusal reasons included not being satisfied that the site could be satisfactorily drained. In the Appeal Statement, the Appellant has proposed a SuDS system to deal with surface water.	
Proposed water supply source & available capacity		Uisce Eireann mains water connection, via existing connection serving parent dwelling.	
Proposed wastewater treatment system & available capacity, other issues		Connection to existing on-site treatment plant serving parent dwelling. The LA's refusal reasons included not being satisfied that the said plant can adequately service the proposed development.	

Others?			n/a			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk Identified pressures on that water body	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	3.2km	Carrowmoneash_10	Poor (low confidence)	'Review' (SW 2016-2021)	'In the middle and upper reaches, septic tanks are a significant pressure.' (Source: WFD Cycle 2 Catchment Galway Bay South East; SubCatchment Carrnowmoneash (Oranmore)_SC_010)	None immediately identifiable.
Groundwater Waterbody	Underlying site	GWDTE-Galway Bay Complex Fens (SAC000268) IE_SE_G-0020	Good	Not at risk	No pressures	Possible pathway due to permeability of the Karst geology.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						
CONSTRUCTION PHASE						

No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Carrowmoneash_10 River	None immediately identifiable.	Whilst, in theory, hydrocarbons may be a potential impact, this is highly unlikely (due to distance between site and river, and absence of identifiable linkages).	n/a	No	Screened out.
2.	Ground	GWDTE-Galway Bay Complex Fens (SAC000268) IE_SE_G-0020	Potentially, due to permeability of underlying karst.	Whilst, in theory, hydrocarbons may be a potential impact, this is highly unlikely (due to minor scale of development relative to extent of groundwater body – c.34km ²)	n/a	No	Screened out.
OPERATIONAL PHASE							
3.	Surface	0010	None immediately identifiable.	None	n/a	No	Screened Out
4.	Ground	0020	Potentially, due to permeability of	Whilst in theory there is risk from	n/a	No	Screened out

			underlying karst.	contaminants from malfunctioning of the on-site treatment plant, the risk is extremely low due to the minimal levels of any potential discharges relative to the extent of the area of the groundwater (c.34km).			
DECOMMISSIONING PHASE							
5.	N/A						

Inspector: Paul Christy Date: 26th July *Paul*