



An
Coimisiún
Pleanála

Inspector's Report ACP-323211-25

Development	Retention for extension to two sheds and change of use/partial use, from domestic to commercial.
Location	Cloncannon, Mountmellick, Co. Laois
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	2535
Applicant(s)	Thomas and Noelle Goode.
Type of Application	Retention.
Planning Authority Decision	Refuse.
Type of Appeal	First Party.
Appellant(s)	Thomas and Noelle Goode.
Observer(s)	None.
Date of Site Inspection	30 th October 2025.
Inspector	Terence McLellan

1.0 Site Location and Description

- 1.1. The subject site refers to a dwelling and 0.492 hectare plot located in Cloncannon Lower, approximately 2.6km to the south-west of Mountmellick. The site comprises a single storey dwelling and two sheds in the rear concrete yard. There are two vehicular entrances from the road, one providing direct access to the rear yard. There is a neighbouring dwelling on the site to the immediate north-east.

2.0 Proposed Development

- 2.1. Permission is sought to retain extensions to both of the rear sheds in addition to retaining the change of use of shed 1 from domestic to commercial, the partial change of use of shed 2 from domestic to commercial, and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Planning permission was refused by Laois County Council on 7th July 2025 for the following reasons:
1. The ongoing noise and vehicular activity associated with the development, without any proposed or existing mitigation measures, cause disturbance to the quiet rural environment. This level of activity is more appropriate to a zoned urban location where such impacts can be better managed. As a result, the proposed development would seriously injure the amenities or depreciate the value of property in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.
 2. The application fails to demonstrate why the proposed commercial development requires a rural location rather than a suitably zoned urban site, contrary to Policy DM RL 2 of the Laois County Development Plan 2021-2027. If permitted, the development would set a negative precedent encouraging inappropriate commercial uses in rural areas, likely leading to incremental expansion that would further erode rural character and visual amenity. The

proposal is therefore contrary to the proper planning and sustainable development of the area.

3. The development would contravene materially a condition attached to an existing permission for development, namely condition no. 3 of the grant of permission under PI Ref 21/55.

3.2. Planning Authority Reports

3.2.1. The Planner's Report contains the following points of note:

- The two sheds were previously unauthorised and granted retention permission under Ref. 21/55. Condition 3 of this permission outlined that they were to be used for domestic purposes only and not for any commercial, workshop or non-domestic purposes.
- Floor area over 300sqm constitutes a commercial use in a rural unzoned area.
- There are ongoing issues with noise associated with the use which can be heard from the public road. The level of activity along with associated vehicular movements undermines the quiet, rural character of the area and a more appropriate location would be a zoned urban site where impacts could be better managed.
- No mitigation measures in relation to noise are in place or proposed.
- The development is visually intrusive, lacks sufficient screening, provides no information on car parking, results in noise impacts and is not supported by locational justification. It would affect visual and residential amenity.
- The development would set a negative precedent for similar commercial enterprises seeking to establish themselves in rural areas without adequate justification or regard for the established planning framework.
- The nature and scale of the current proposal, combined with the lack of clear operational boundaries and controls, gives rise to a strong likelihood that the development will expand over time in a setting not suitable for such commercial intensification, particularly given its impact on visual amenity, rural character, and noise levels generated from operation.

3.3. Other Technical Reports

- 3.3.1. **Laois Fire Authority (23.05.2025):** The application was not assessed. The Fire Authority recommend that the Applicant be reminded that the must comply with all relevant Building Regulations and Building Control Regulations.
- 3.3.2. **Roads Design (04.06.2025):** No objection, subject to standard conditions.
- 3.3.3. **Western Area Roads Department (04.06.2025):** No objections.

3.4. Prescribed Bodies

- 3.4.1. None.

3.5. Third Party Observations

- 3.5.1. One observation was made from neighbours Lorraine and John Sharp raising concerns regarding the noise coming from the sheds, involving constant drilling, banging and grinding of metal materials in the fabrication process. It is also submitted that the business is expanding.

4.0 Planning History

- 4.1. **Planning Authority Reference 21/55:** Permission was granted by the Planning Authority in March 2021 to retain a partially built shed and to complete and retain an extension to existing garage. Condition 3 stipulated that the sheds be used for domestic purposes only and specifically excluded commercial/workshop use or other non-domestic purposes.
- 4.2. **Planning Authority Reference 10/246:** Permission was granted by the Planning Authority in February 2011 to erect a single storey extension to the gable end of bungalow and retention permission for a double garage erected to the rear of existing dwelling and for an unauthorised second entrance to the south west of the front boundary of the site.

5.0 Policy Context

5.1. Laois County Development Plan 2021 – 2027

- 5.1.1. Chapter 9: Rural Laois, seeks to support the role of rural areas in maintaining a stable population base through a strong network of villages and small towns strengthening rural communities by supporting a resilient rural economy and sustainable management of land and resources.
- 5.1.2. Policy DM RL 2: Commercial Development in Rural Areas - Development proposals in the open countryside should satisfy a high standard of siting and design, while being properly located to ensure their assimilation into their rural setting. The following considerations should be taken into account:
1. Buildings should be kept simple and should be finished with materials appropriate to a rural setting such as nap plaster, stone and slate.
 2. Buildings should reflect the scale and pattern of rural development in the vicinity.
 3. Building height should be restricted to that required for the normal operation of the premises, buildings of excessive height will not be permitted.
 4. Buildings should be sited to make use of existing hedgerows and topography to provide natural screening, buildings in open landscapes should be avoided.
 5. Access roads and driveways should respect existing site contours.
 6. Car parking should be located to the rear of the building and in compliance with the car parking standards in Table 18.
 7. Advertising signs should be kept to a minimum.
 8. Large advertising signs at the road frontage will be resisted.
 9. Hedgerows or stone walls should be used for boundary treatments.
 10. Any new building will be required to respect the appearance of and character of the landscape.
 11. It will not be acceptable where it is unduly prominent in the landscape, where it results in build-up of development when viewed with existing

and/or approved building or where the impact of the ancillary works, including the creation of visibility splays would damage rural character or impact negatively on the environment or which fails to protect Natura Sites, conservation areas, natural heritage or the environment or fails to protect and improve or is injurious to amenities (including visual amenities).

12. A justification as to why the proposed development is to be located in a rural area over a settlement where adequate zoning is in place shall be submitted.

5.2. Natural Heritage Designations

5.2.1. The site is not located within a European site however it is located c. 80 metres from the River Barrow and River Nore SAC (Site code 002162).

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 (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.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A First Party appeal has been submitted by Thomas and Noelle Goode, against the decision of Laois County Council to refuse retention permission. The Applicant's submission includes various letters of support. The grounds of appeal can be summarised as follows:

6.1.2. Noise and Activity Levels

- The Planning Authority's estimate of predicted noise and vehicular activity is incorrect or overly cautious. A noise impact assessment has never been carried out.

- This is a family run business carrying out farm repairs and light fabrication work. Up to 60% of work is carried out on site and away from the yard.
- A maximum of two deliveries per month are received and the vehicular activity associated with the development is no different to any other rural area.
- The nearest neighbouring dwelling is 40 metres away and normal working hours are upheld.
- A sound barrier wall could be installed along the boundary and insulated sheeting could be placed on the inside of the shed to reduce noise.
- A small family run business would not be viable in a zoned location nor would it be possible to operate as a father/son team.
- The development, along with the proposed noise mitigation would constitute proper planning and sustainable development and would not have any undue amenity impacts.

6.1.3. Locational Justification and Undesirable Precedent

- Most of the work comes from the rural area.
- Shed space is approximately 4200sq ft with 900sq ft being used for domestic and 3300sqft being used for the business. This is not excessive and there are a number of similar operations in the area that have not had the same issues.
- Moving to an urban area would dramatically affect the running costs of a small business.

6.1.4. Material Contravention of a Condition

- It is proposed to use the shed at the rear for the business and the shed immediately to the rear of the house as domestic. This would reduce noise impacts as the shed to the rear is further away from the neighbour.

6.2. Planning Authority Response

6.2.1. No response on file.

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of 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/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Compliance with Policy DM RL 2
- Reason for Refusal 3

7.2. Compliance with DM RL 2

7.2.1. Policy DM RL 2: Commercial Development in Rural Areas sets out the relevant criteria to be considered for commercial development proposals in rural areas. Section 11 of this policy states that development will not be approved where, inter alia, it fails to protect and improve or is injurious to amenities. Section 12 requires justification as to why the proposed development is to be located in a rural area over a settlement where adequate zoning is in place.

7.2.2. The Planning Authority's first reason refusal relates to disturbance associated with noise and vehicular activity and the view that the level of activity would be more appropriate in a zoned urban location. The second reason for refusal considers that it has not been demonstrated that the commercial development requires a rural location rather than a suitably zoned urban site. In both cases, the Planning Authority argue that the development would be injurious to amenity.

7.2.3. The Applicant considers that the Planning Authority's estimate of predicted noise and vehicular activity to be overly cautious and it is stated that a maximum of two deliveries are received per month. It is further argued that it is a small family run business carrying out farm repairs and light fabrication work, with 60% of the work being undertaken on site and away from the yard. The Applicant submits that the nearest

neighbour is 40 metres away and that a sound barrier could be installed along the boundary, with insulated sheeting placed on the inside of the shed.

- 7.2.4. The Applicant states that most of the work comes from the rural area, that the space being used for the business is not excessive, and that moving to an urban area would dramatically affect the running costs of the business, making it less viable and also impossible to operate as a father/son team.
- 7.2.5. The sheds are located in the rear yard of an existing dwelling. Both sheds were originally constructed without planning permission and have since been granted retention permission, prior to their current extension and change of use. The neighbouring property is located on the eastern boundary, the dwelling and its long rear extension are located just 5 metres from the boundary, with the end of the rear extension being adjacent to the large rear yard on the subject site. I would note that the neighbouring property is inaccurately depicted on the Applicant's layout plans. In any event, the neighbouring dwelling is much closer than the 40 metres stated by the Applicant, being around 20 metres from shed 2, around 10 metres from the edge of the main commercial yard and c. 30 metres from shed 1.
- 7.2.6. The commercial use on the site is now a dominant feature/use of the site. In excess of 300 sqm of covered floorspace is now being used in association with the Applicant's business. At the time of my site inspection, I viewed a number of vehicles and people on site, storage of steel/metal in the yard and machinery associated with the business. No works were being undertaken at the specific time of my visit, and I acknowledge the Applicant's point that a noise survey has not been completed, however, the Planner's Report notes fabrication and welding works were observed during the site inspection and that noise could be heard from the public road. I am aware of the services and various products fabricated by the Applicant, and whilst I agree that vehicular activity may be low, I have no doubt that the nature of the works, the extent of the commercial use, the materials and machinery being used and the relationship to the neighbouring property is such that noise is a significant issue.
- 7.2.7. I acknowledge the Applicant's position that a sound barrier could be installed along the boundary. My opinion on that matter is that if noise levels are of such significance that a noise barrier is required then that is, in and of itself, a general indication that the commercial use is not suited to the site location within the rear yard of a residential

property and close to neighbouring dwelling. In any event, no specific mitigation is proposed, and it is not a matter that I would propose to deal with by condition given the likely scale, nature and positioning of any noise barrier and the potential impacts on the neighbouring dwelling and garden ground.

- 7.2.8. The Applicant states that most of the work comes from the rural area and that 60% of the work is on site. That indicates that a certain portion of the business is mobile which in my mind raises questions regarding the necessity of the business being located in the rural area. In terms of the fabrication works on site, which is the main element of the proposal and, from the Applicant's website, the principal nature of the business, I accept the Applicant's view that moving to an urban area would affect the running costs of this family business. This is certainly a compelling reason for considering the development on the site, however, it is not a sufficient planning justification and does not, on balance, outweigh my broader concerns regarding residential amenity, the overall lack of justification for such a business on a residential rural site, and the precedent it would set for inappropriate commercial development on such sites.

7.3. Reason for Refusal 3

- 7.3.1. In previously granting retention permission for the sheds, the Planning Authority imposed the following condition:

The sheds shall be used for domestic-related purposes only, and not for any commercial, workshop, or other non-domestic purpose. Reason: In the interests of amenity.

- 7.3.2. The Planning and Development Act does not preclude an Applicant from seeking permission to vary a condition of a permission and an application can legitimately be made for development which is contrary to a condition of a parent permission. That is effectively what is being proposed by the current application/appeal. The purpose of the original condition was to prevent commercial or non-domestic development in order to protect amenity. The nature and extent of the commercial operations now being sought for retention are such that there would be amenity impacts and whilst it would indeed be contrary to the previous condition, the issues raised are suitably captured in the reason for refusal set out in section 11 below.

8.0 AA Screening

8.1. I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located in the rural townland of Cloncannon Lower, c. 80 metres from the River Barrow and River Nore SAC (Site code 002162 which is the nearest European site. The development comprises a the retention of shed extensions and change of use from domestic to commercial. No appropriate assessment issues were raised as part of the 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 nature and scale of the works.
- The existing on site drainage regime.
- The lack of hydrological connections.
- The screening determination of the Planning Authority.

8.2. I conclude, on the basis of objective information, that the development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and development Act 2000) is not required.

9.0 Water Framework Directive

9.1. There are no water courses within the appeal site or immediately surrounding it. The River Barrow is c.80 metres to the south of the site. The proposed development comprises the retention of shed extensions and change of use from domestic to commercial. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development 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.

9.2. 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 and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- The nature and scale of the works.
- The existing onsite drainage regime.
- The lack of direct hydrological connections.

9.3. 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.

10.0 Recommendation

10.1. I recommend that the Commission REFUSE permission for the reason set out below.

11.0 Reasons and Considerations

1. It is a requirement of Policy DM RL 2 that justification be provided for locating commercial development in the rural area over a settlement where adequate zoning is in place. It is considered that there are no specific locational requirements of the development that justify or necessitate its location in the rural area. Furthermore, having regard to the specific nature of the development and proximity of the adjacent residential property, it is considered that the ongoing operation of the development would be injurious to residential amenity by reason of noise and disturbance. It is therefore considered that the development is contrary to Policy DM RL 2 (11) and (12) of the Laois County Development Plan 2021-2027, that it is not considered an appropriate rural commercial enterprise in this location, and 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.

Terence McLellan
Senior Planning Inspector

7th November 2025

Form 1 - EIA Pre-Screening

Case Reference	ACP-323211-25
Proposed Development Summary	Retention for extension to two sheds and change of use/partial use, from domestic to commercial.
Development Address	Cloncannon, Mountmellick, Co. Laois
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<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	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	

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

Inspector: _____ Date: _____

