



An
Coimisiún
Pleanála

Inspector's Report ACP-324254-26

Question

Whether the proposed relocation of an existing ancillary storage unit within the curtilage of a dwelling constitutes exempted development under schedule 2, part 1, class 3 of the Planning and Development Act 2000 (as amended) and is or is not exempted development.

Location

Portaferry House, Walterstown, Cobh,
The Great Island, Co. Cork. P24KF95

Declaration

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

D/231/26

Applicant for Declaration

Patrick Iball

Planning Authority Decision

Is not exempted development

Referral

Referred by

Patrick Iball

Owner/ Occupier

Patrick Iball

Observer(s)

Anthony Hennessy

Date of Site Inspection

14th of August 2026

Inspector

Karen Hamilton

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1.0 Site Location and Description

- 1.1. The subject site contained a one-off dwelling within the settlement of Ballymore, to the northeast of Cobh, Co. Cork. The dwelling is located to the rear of another one-off dwelling and has a separate private entrance from the main road.
- 1.2. The dwelling is a bungalow with a converted attic. It is modest in size and scale and has a private garden to the front and rear. There is a large steel storage container within the side garden, the subject of this referral.

2.0 The Question

- 2.1. *Whether the proposed relocation of an existing ancillary storage unit within the curtilage of a dwelling constitutes exempted development under schedule 2, part 1, class 3 of the Planning and Development Act 2000 (as amended) and is or is not exempted development.*

3.0 Planning Authority (PA) Declaration

3.1. Declaration

Cork County Council considered the relocation of the existing ancillary storage container within the curtilage of the dwelling was development and is not exempt development.

The PA had regard to the following:

- Section 3 (1) of the Planning and Development Act, 2000,
- Section 4 of the Planning and Development Act, 2000,
- Article 6 (1) and Article 9 (1) of the Planning and Development Regulations, 2001, as amended,
- Class 3, Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the declaration issued and is summarised below:

- The ancillary storage unit is proposed to be relocated to the south of the front line of the dwelling, set back a minimum of 1m. The unit does not exceed 3m in height and is below 25m². The remaining private amenity space exceeds 25m².
- The relevant legislation is noted.
- The proposal is considered development under Section 3 (1) of the Act.
- Section 4 of the Act lists works which may be considered exempted development and of relevance is Schedule 2 Part 1 of the Planning and Development Regulations (2001-2013), Class 3.
- Class 3 relates to the construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure to the following conditions/ limitations.
- The conditions and limitations of Class 3 are noted in particular no. 4 which states that the external finishes shall conform with those of the house.
- The permitted front elevation faces north towards the public road. The revised location of the unit to the west of the dwelling would constitute exempt development.
- Condition No. 4 of the limitations in Class 3 requires the material to be the same finish as the house (painted smooth plaster finish), the which is not the case, so the unit is not exempted development.
- The current location of the unit to the front of the house is not exempt development.

3.2.2. Other Technical Reports

None

4.0 Planning History

Reg Ref 79/5099

Permission granted for a bungalow.

Reg Ref 82/172

Permission granted for a dormer extension and a raised veranda decking.

5.0 Policy Context

5.1. Cork County Development Plan 2022-2028

The site is located within the Metropolitan Green Belt of Cork.

The surrounding area is classified as a High Value Landscape (HVL).

5.2. Natural Heritage Designations

The site is not located within any European or national designated site.

The site is c. 1.2 km to the south of the Cork Harbour SPA (004030) and the Great Island Channel SAC (001058).

6.0 EIA Screening

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. Refer to Form 1 in Appendix 1 of report.

7.0 The Referral

7.1. Referrer's Case

The refer, the owner of the site, has submitted an appeal to the decision of the PA declaration. The submission is summarised below:

Background

- The proposal relates solely to relocation of an existing ancillary storage structure within the curtilage of an existing dwelling.
- The structure is being repositioned entirely behind an established front wall line of a house, consistent with the Section 5.
- The PA has confirmed that the front elevation of the dwelling is to the north.
- The proposed location is to the side of the dwelling and not forward of the front wall.
- The structure complies with the height, floor area and private open space of Class 3. And can comply with Class 3, Part 1 of Schedule 2 of the Planning and Development Regulations 2001, (as amended).

Basis of Planning Authority Decision

- The refusal appears to arise solely from Condition No 4 of Class 3 which requires that the external finishes of the structures placed at the side of the house shall conform with those of the house.

Grounds for review

- The requirements have been interpreted in a manner that does not fully reflect its intended scope and is a narrow interpretation of the requirement that finishes 'conform with' those of the dwelling.
- The term 'conform with' does not require identical matches or finishes, but rather compatibility in appearance and absence of visual incongruity within the context of the dwelling and its curtilage.
- The dwelling incorporates a range of materials and finishes including the painted plaster walls, rick, painted metal structural elements such as painted

metal balcony columns, frames, painted metal windows, doors and timber balcony components and windows.

- The storage unit is a painted structure, consistent with the standard ancillary garden structure within residential curtilage.
- The dwelling is not characterised by a single homogeneous external finish, but rather a mix of finishes.
- The structure is ancillary in nature, modest in size and clearly subordinate to the dwelling.
- The siting behind the dwelling further reduces the visual impact in the context of the site and limits visibility from the public road.
- The proposed structure is not materially inconsistent with the external finishes of the dwelling and can satisfy the intent of Condition No 4.

Conclusion

- The proposed relocation of the ancillary storage structure complies with the conditions and limitations of Class 3, Part 1 of Schedule 2 of the Planning and Development Regulations (as amended) incusing the siting, scale and use parameters.
- The proposed development is exempted development.

7.2. Planning Authority Response

None received.

7.3. Observation

One observation has been received from a resident of a property in the vicinity of the site. The issues in the submission are summarised below:

- The proposal entails the movement of an industrial shipping container from the front of the house to the side of the house.
- The current position of the container is at the bottom of our garden at the boundary between both properties.

- In the PA decision the proposal does not comply with Schedule 2, Part 1 of the Planning and Development Regulations (2001-2013), Class 3.
- The shipping container is not a standard shed/garage.
- The container is noisy due to its construction.
- We are living in the house since 1986, and the introduction of the container and its locations has reduced our residential amenity.
- The container can be seen from all locations of our property.
- The container will be seen from the public road, in the new location.
- Photographs attached include views from the bedroom, kitchen and bottom of garden.

8.0 Statutory Provisions

8.1. Planning and Development Act, 2000, as amended (Act)

8.2. Section 2 (1) of the Act states the following:

- “development” has the meaning assigned to it by Section 3;
- “exempted development” has the meaning specified in Section 4;
- “works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

8.3. Section 3 (1) states that:

- ‘development’ means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or over land’.

8.4. Section 4(2) of the Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations, 2001, amended.

- 8.5. Section 4(4) of the Act sets out that if a development requires an Environmental Impact Assessment or Appropriate Assessment, it is not exempt.

Section 4(4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

8.6. **Planning and Development Regulations, 2001, as amended (Regulations)**

- 8.7. Article 6(1) of the Regulations, states as follows: “Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.”

- 8.8. Article 9(1) of the Regulations, provides a number of scenarios whereby development to which article 6 relates shall not be exempted development for the purposes of the Act, including if it would:

- 9(1)(a)i contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act

8.9. **Class 3 of Part 1 of Schedule 2 – Exempted Development –Development within the curtilage of a house.**

Column 1 Description of Development	Column 2 Conditions and Limitations
CLASS 3 The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.	1. No such structure shall be constructed, erected or placed forward of the front wall of a house. 2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or

	placed within the said curtilage, exceed 25 square metres. 3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres. 4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house. 6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such. 5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.
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9.0 Assessment

9.1. Is or is not development

- 9.1.1. The referral relates to the repositioning of an existing steel container, used for the storage of materials ancillary to the residential use on the site. Section 2 (1) of the Act states that “development” has the meaning assigned to it by Section 3 (1) as the

‘carrying out of works on, in or under the making of any material change in the use of any structures or other land’.

- 9.1.2. The structure is a large steel container located within the curtilage of a one-off dwelling. The placing of the storage unit within the curtilage of a dwelling is development and the relocation within the rear garden will require works to the ground. I consider the siting and relocation of the steel structure is **development**.

9.2. Is or is not exempted development

- 9.2.1. Class 3 of Part 1 of Schedule 2- Exempted development, of the Regulations, allows for the construction, erection or placing within the curtilage of a house any store, shed or other object, subject to certain conditions and limitations.

- 9.2.2. The PA considered these limitations and concluded that whilst the storage units could meet some of the requirements, the external materials (painted steel) of the storage structure was not in keeping with the external materials of the dwelling and could therefore not meet the requirements of Condition No 4 of the limitations which states:

4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.

- 9.2.3. The referrer, the owner of the site, states that the PA conclusion on the nonconformity of the materials of the steel structure and the existing dwelling is narrow interpretation and consider that the materials do conform with those of the house. They consider any reference to conform in the **Regulations** does not require identical matches or finishes. In stating this, they refer to the mix of external materials including the plaster walls, brick, painted metal structural elements including the metal balcony columns, frames, painted metal windows, doors and timber balcony components and windows. They consider the structure can meet all the conditions and limitations of Class 3.

- 9.2.4. In the first instance, the Commission will note that neither the PA nor the observer have raised any concerns with the use of the structure, or non-compliance with any of the other conditions and limitations of Class 3 apart from Condition No. 4. The PA note the size of the structure under 25m² and the size of the remaining garden

greater than 25m². In addition, no concerns are raised with regard the height of the structure over 3m.

- 9.2.5. I note no detailed planning drawings have been submitted to clearly illustrate the size of the unit. The applicant states it is below 25m² and the PA have accepted this. From the drawing submitted and site inspection I have no reason to question the use, size or remaining garden space. In addition, I note the PA comments in relation to the location of the front door the relocation of the structure to the rear, behind the building line of the dwelling, which I consider reasonable. I am satisfied that the referral matter can be confirmed to compliance with the external materials of the storage unit.
- 9.2.6. In relation to the external materials of the storage unit, I note the storage unit has the characteristics of an industrial steel shipping container with the external materials exclusive of green painted steel. The owner argument that there are a few external materials on the existing dwelling is noted although upon site inspection it was evident the main materials were smooth plaster and brick. I noted some metal elements on the balcony although these are considered minor and cannot, in my opinion, be classified as the external finishes of the dwelling. In this regard, I do not consider the materials on the container conform with those of the dwelling and cannot meet the conditions and limitations of Class 3, namely Condition No.4. Therefore, I consider the proposed structure is **not exempt**.

10.0 Appropriate Assessment (AA) Screening

- 10.1. I have considered this application in light of the requirements of section 177U of the Planning and Development Act, 2000 (as amended).
- 10.2. The dwelling is located in a small settlement within the Metropolitan area of Cork County. The referral involves the retention of a large steel container within the private garden of a dwelling. The associated works do not involve the connection of services and include storage ancillary of a small dwelling.
- 10.3. The nearest European site is Cork Harbour SPA and Great Island Channel SAC approximately 1.2km to the north. There are no hydrological connections between the site and these European Sites.

10.4. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European site. The reasons for this conclusion are:

- the relatively small scale and nature of the proposed development which comprises an ancillary residential storage area.
- the approximate 1.2km distance from the closest European site and lack of connections.

10.5. 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 AA (under section 177V of the Planning and Development Act, 2000 (as amended)) is not required.

11.0 Recommendation

11.1. I recommend that the Commission should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether the proposed relocation of an existing ancillary storage unit within the curtilage of a dwelling constitutes exempted development under schedule 2, part 1, class 3 of the Planning and Development Act, 2000 (as amended) and is or is not development or is or is not exempted development:

AND WHEREAS Patrick Iball requested a declaration on this question from Cork County Council and the Council issued a declaration on the 2nd of April 2026 stating that the matter was development and was exempted development:

AND WHEREAS referred this declaration for review to An Coimisiún Pleanála on the 27th of April 2026:

AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) Article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Class 3, Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the characteristics of the area and planning history of the site,
- (g) the nature and use of the storage facility,
- (h) the submission received from the referrer and the observer.

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) The external finish and design of the storage unit is that of a steel container which is not in keeping with the external materials of the dwelling, therefore, it is considered the storage unit cannot meet the conditions and limitations of Class 3, namely Condition No.4 which requires the external finishes to conform with those of the house and is not exempt.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (4) of the Planning and Development Act, 2000 hereby decides that the proposed relocation of an existing ancillary storage unit within the curtilage of a dwelling is **development** and is **not exempted development**.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Karen Hamilton

Assistant Director of Planning

28th of September 2026

Form 1 - EIA Pre-Screening

Case Reference	324254-26
Proposed Development Summary	Whether the proposed relocation of an existing ancillary storage unit within the curtilage of a dwelling constitutes exempted development under schedule 2, part 1, class 3 of the Planning and Development Act 2000 (as amended) and is or is not exempted development.
Development Address	Portaferry House, Walterstown, Cobh, The Great Island, Co. Cork. P24KF95
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ 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)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	

☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold

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)?	
Yes ☐	Screening Determination required (Complete Form 3) <i>[Delete if not relevant]</i>
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3) <i>[Delete if not relevant]</i>

Inspector: _____ Date: _____