



An
Coimisiún
Pleanála

Inspector's Report PL-500001-CK

Development	Retention of domestic shed.
Location	'Neidin', Kilcondy, Crookstown, Co. Cork. P14 R256
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	254401
Applicant(s)	Michael and Elaine Jones
Type of Application	Retention
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	James Kiernan
Observer(s)	None
Date of Site Inspection	2nd December 2025
Inspector	Carol Smyth

1.0 Site Location and Description

- 1.1. The subject site at 'Neidin', Kilcondy, Crookstown, is located within the administrative boundary of Cork County Council and is approx. 1.5km to the north-east of Lissardagh village on the west side of a rural road.
- 1.2. The site has a stated area of 0.535 ha and comprises a two-storey detached house which is setback approximately 34 metres from the road. The site forms part of a larger landholding with an approximate area of 1.45 ha, outlined in blue on the submitted site layout plan. The site slopes upwards to the west, towards the rear of the site. A metal clad shed is located in the rear garden of the property which is the subject of this third-party appeal against the Planning Authorities decision to grant retention permission. The shed is set back 49 metres from the rear elevation of the house and separated from the house by a post and wire fence. The shed is offset a stated 4 metres from the southern boundary of the site which comprises mature hedgerow and trees.
- 1.3. The site is bounded by an existing private laneway adjacent to the southern boundary which serves an equestrian centre which bounds the site to the rear. The appellants property is located to the south of the private laneway, approximately 14 metres from the shed.

2.0 Proposed Development

- 2.1. Permission for the retention of as built domestic storage shed together with all other ancillary site works, at 'Neidin', Kilcondy, Crookstown, Co. Cork.

3.0 Planning Authority Decision

3.1. Decision

Cork County Council issued a decision to grant retention permission on the 4th September 2025. The following 3 no. conditions were attached to the grant of retention permission:

1. The retained development shall be carried out in accordance with plans and particulars lodged with the Planning Authority on 7/03/2025, and by further

information received on 20/08/2025, save where amended by the terms and conditions herein.

Reason: In the interests of clarity.

2. The retained domestic storage shed shall be used solely for the use incidental to the enjoyment of the house and shall not be used for the carrying out of any trade or business or for human habitation.

Reason: In the interest of clarity and residential amenity.

3. Surface water shall be disposed of within the site by means of soakaways and shall not be allowed to flow onto public road.

Reason: To prevent the flooding of the public road.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report is consistent with the decision notice issued.

The initial Planners Report sought clarification regarding whether the use of the shed was domestic or agricultural. In addition, the Area Engineer requested further information regarding the location of the existing well and wastewater treatment systems and details regarding surface water disposal.

Having regard to the response to the further information (RFI) request, which included internal photographs of the shed and an amended site layout plan indicating a pathway linking the shed to the dwelling and the location of the existing well, septic tank and percolation area, the Planning Authority was satisfied that the shed was ancillary to the dwelling.

3.2.2. Other Technical Reports

- Area Engineer's Report - Following a request for further information, as outlined above, in relation to the location of the septic tank, percolation area and well, the Area Engineer raised no objection to the retention of the shed subject to a condition in relation to surface water.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

- 3.5. One observation was received in relation to the application. The issues raised in relation to the planning application also form the third-party grounds of appeal and are addressed below in Section 7.

4.0 Planning History

- 4.1. The following recent relevant planning history relates to the appeal site:

- **Cork CC Reg. Ref. 12/5470** - Permission granted for the construction of domestic storage shed and Retention Permission granted for alterations to existing dwellinghouse granted under Planning Reg. No. 10/4033, the changes include the conversion of roof space into attic space with velux rooflights serving same, alterations to first floor windows, addition of window to the south eastern and north western elevations at attic level, addition of window at first floor level on north western elevation together with alterations to the window fenestration to the sun room.
- **Cork CC Reg. Ref. 10/4033** - Permission granted for the demolition of existing dwelling, treatment unit and associated works (change of site boundaries and layout from previous Grant of Permission 09/7879).
- **Cork CC Reg. Ref. 09/7879** - Permission granted for demolition of existing dwelling and construction of a new dwellinghouse, effluent treatment system and all associated site works and services.
- **Cork CC Reg. Ref. 09/5904** - Permission granted for minor amendments to design permitted under 08/8589.
- **Cork CC Reg. Ref. 08/8589** - Permission granted for extension to existing dwelling.

4.2. Enforcement History

- **EF 24/182** - Alleged unauthorised construction of an out-building.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is governed by the policy and objectives of the Cork County Development Plan 2022-2028 (referred to hereafter as the Development Plan). The subject site is located within a 'Rural Area Under Strong Urban Influence' where the characteristics are a rapidly rising population, evidence of considerable pressure from the development of (urban generated) housing in the open countryside due to proximity to such urban areas / major transport corridors, pressures on infrastructure such as the local road network and higher levels of environmental and landscape sensitivity.

5.1.2. Objective HE16-21; Design and Landscaping of New Buildings

- a. Encourage new buildings that respect the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.
- b. Promote sustainable approaches to housing development by encouraging new building projects to be energy efficient in their design and layout.
- c. Foster an innovative approach to design that acknowledges the diversity of suitable design solutions in most cases, safeguards the potential for exceptional innovative design in appropriate locations and promotes the added economic, amenity and environmental value of good design.
- d. Require the appropriate landscaping and screen planting of proposed developments by using predominantly indigenous/local species and groupings and protecting existing hedgerows and historic boundaries in rural areas. Protection of historical/commemorative trees will also be provided for.

- 5.1.3. Section 18.2.4 - Ancillary Uses, states that where planning permission is sought for developments which are ancillary to the parent use, i.e. they rely on the permitted parent use for their existence and rationale, they should be considered on their merits irrespective of what category the ancillary development is listed in the 'Land Use Zoning Categories' section of this Chapter.

Objective ZU 18-7: Ancillary Uses

Ensure that developments ancillary to the parent use of a site are considered on their merits.

5.2. Natural Heritage Designations

5.2.1. The subject site is not located within any designated site.

5.2.2. The site is situated proximate to the following natural heritage designations:

- The Gearagh SAC (site code 000108) and pNHA (site code 000108) is situated approximately 7.7 km to the north-west of the site.
- The Gearagh SPA (site code 004109) is situated approximately 9.1 km to the north-west of the site.
- Lough Gal pNHA (site code 001067) is situated approximately 7.6 km to the north of the site.
- Glashgarriff River (site code 001055) is situated approximately 7.5 km to the north of the site.

5.3. EIA Screening

5.3.1. See EIA Pre-Screening Form 1 in Appendix 1. The development is not a class of development requiring mandatory or sub-threshold EIA and therefore there is no EIA Screening requirement.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal against the Planning Authorities decision to grant retention permission. The following provides a summary of the content of the appeal:

- The structure exceeds exempted development limitations in terms of scale.
- The structure overlooks and is in close proximity to the rear of the adjacent property.

- The shed structure is constructed above the well of the adjacent property and has the potential to contaminate water supply.
- Concerns that the shed will be used for agricultural purposes to store animals and animal feed.
- The shed structure should be located elsewhere on the applicant's land and positioned away from neighbouring property.

6.2. Applicant Response

- The building is a modest size and regardless that it exceeds exempted development limitations was granted retention permission by the Planning Authority.
- The building does not overlook or overshadow the third-party's house as there is a mature hedge and private laneway separating both properties.
- The building is being use for the storage of dry domestic storage of bulky items and poses no health risk through contamination.
- The applicant undertake and confirm that the building is for domestic storage and therefore alleviate any concerns raised by the third-party.

6.3. Planning Authority Response

No further comment to make.

6.4. Observations

None on file.

6.5. Further Responses

None on file.

7.0 Assessment

Having examined the applications details and all other documentation on file, including the submission received in relation to the appeal, the report/s 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 issue in this appeal to be considered is the appeal are:

- Impact on adjacent residential amenity.
- Other matters – unauthorised use and contamination of well

7.1. Impact on adjacent residential amenity

- 7.1.1. The proposed works involve the retention of a single storey domestic metal clad shed to the rear of an existing dwelling on the site. I highlight to the Commission that permission was previously granted on this site under Cork CC 12/5470 for the construction of a domestic shed with a floor area of 55.5sqm and an overall height of 5.3 metres which was positioned 12.5 metres from the rear elevation of the dwelling also aligning with the southern boundary of the site, which was not constructed.
- 7.1.2. This current application/appeal seeks retention permission for a metal clad shed whereby the floor area has been increased from 55.5sqm previously permitted to 84.7sqm as constructed with the overall height reduced from 5.3 metres previously granted to 4.4 metres as constructed. In addition, the position of the shed to be retained on the site has been altered from that previously proposed and has been moved further away from the dwelling from the 12.5 metres previously granted to a setback of 49 metres to be retained. The metal clad shed structure to be retained comprises a roller-shutter door and a separate door on the side elevation.
- 7.1.3. The Planning Authority is satisfied with the scale and location of the shed and considered that the shed was ancillary to the dwelling. The Planning Authority consider that the proposal would have little to no impact on the adjacent property to the south given the mature hedgerow and the laneway separating the two properties along the southern boundary of the site.
- 7.1.4. The grounds of appeal relate to the scale of the shed which the third party considers not representative of the scale of a domestic shed and refer to the exempted development limitations as outlined in Schedule 2, Part 1 of the Planning and

Development Regulations 2001 (as amended). This refers to development which is exempted from planning permission subject to conditions and limitations. It is not intended as a benchmark to assess development which fall outside the limitations and conditions as outlined in Schedule 2. In this regard each individual planning application is assessed on its own merits in relation to the proper planning and sustainable development of the area.

- 7.1.5. I further note that Objective ZU 18-7 of the Development Plan seeks to ensure that developments ancillary to the parent use of a site are considered on their merits. Having visited the site and viewed the interior of the structure, I confirm that the shed was being used for domestic storage. Having regard to the scale of the shed, it is my view that the shed for domestic use is ancillary to the dwelling and is of a scale, height and design that is suited to the site and surrounding rural context.
- 7.1.6. In terms of impacts on residential amenity, I note the contents of the third-party grounds of appeal which contend the shed overlooks their property. Objective HE16-21: Design and Landscaping of New Buildings of the Development Plan seeks to encourage new buildings that respect the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape and require the appropriate landscaping and screen planting of proposed developments. Having visited the site I note that the shed is not visible from the private laneway along the southern boundary of the site which separates the subject site from the appellants property given the mature dense evergreen boundary screening.
- 7.1.7. Given the separation distances and having regard to the location and scale of the shed structure, I do not consider that there is any visual impact or overlooking issues arising from the shed on the neighbouring property. I am satisfied that the development to be retained is of a use, scale, height and design appropriate to its location and context. I am therefore satisfied that the proposed development is in accordance with the provisions of the Development Plan, including Objective HE 16-21 and Objective ZU 18-7 of the Development Plan and is in keeping with the pattern of development in the vicinity of the site and is in accordance with the proper planning and sustainable development of the area.

7.2. Other Matters

- 7.2.1. The grounds of appeal raise concerns regarding the possible unauthorised agricultural use of the shed and the subsequent contamination of the appellant's well. Any matters of unauthorised development and are a matter for the planning authority outside the remit of this planning appeal. Notwithstanding, I recommend that if the Commission is disposed towards a grant of permission, that a condition be attached to any such grant stipulating that the proposed domestic shed be used ancillary to the enjoyment of the dwelling as such and that no commercial enterprise or agricultural use be carried out within the proposed structure, without a prior grant of planning permission. I highlight Condition No. 2 of the planning authority decision in this regard and recommend a similarly worded condition.
- 7.2.2. In addition, the Third-Party has raised concerns regarding the construction of the shed above their well and possible contamination of the same due to the agricultural use of the shed. As noted in my assessment above, the shed to retained is for domestic storage which is ancillary to use of the dwelling. No evidence of the location of the appellants well and the construction of the shed over the same was submitted with the grounds of appeal. In this regard I note that the report from the Council's Area Engineer in relation to this retention application raised no concerns regarding the location of the shed relative to the adjacent well. I further note that the third-party did not raise this as an issue in their submission to the Planning Authority regarding the retention application.
- 7.2.3. Having regard to the topography of the site, I assume that the Third-Party is referring to the shed being constructed at a higher ground level relative to the well, given the sloped nature of the site. I have viewed the planning history of the neighbouring property to the south of the subject site, and I note that under Cork CC Reg. Ref. 04/2824, the water supply was indicated as being from the neighbouring farm which was considered unsatisfactory to the Planning Authority. A condition was attached to the grant of permission under Cork CC Reg. Ref. 04/2824 requiring the applicant to submit details of a separate water supply for the site to the satisfaction of the Area Engineer.
- 7.2.4. I am therefore satisfied that the shed has not been physically constructed over the well of the neighbouring property. Furthermore, having regard to the domestic nature of the shed, I do not consider that the shed would cause any contamination of the adjacent well.

8.0 Recommendation

- 8.1. I recommend that retention permission for the development be GRANTED.

9.0 Water Framework Directive

- 9.1. The subject site is located in a rural area which adjoins the Bride (LEE)_030 river. The subject site is located c. 336 metre to the west of the Bride (LEE) River. The Ballinhassig East ground waterbody (IE_SW_G_004) underlies the site.
- 9.2. The proposed development comprises the retention of a domestic shed.
- 9.3. 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. Having considered the small scale and nature 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.
- 9.4. Conclusion
- 9.5. 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 Reasons and Considerations

- 10.1. Having regard to the design, layout and scale of the development to be retained and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the development would not seriously injure the visual or residential amenities of property in the vicinity and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1	<p>The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 20th day of August 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2	<p>The shed/store shall not be used for human habitation or for commercial or agricultural purposes or for any purposes other than for purposes incidental to the enjoyment of the dwelling.</p> <p>Reason: To protect the residential amenities of the area.</p>
3	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage</p>

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.

Carol Smyth
5th January 2026

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Coimisiún Pleanála Case Reference	R500001-CK		
Proposed Development Summary	Permission for the retention of as built domestic storage shed together with all ancillary site works		
Development Address	'Neidin', Kilcondy, Crookstown, Co. Cork. P14 R256		
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	X
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	X	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____