



Development	Planning permission for the erection of a single storey building to rear of existing house for a workshop/toolshed clad in timber with roof pitched to match existing house/artist studio.		
Location	Ballinagam Lower, Ballygarrett, County Wexford.		
Planning Authority Ref.	20250353		
Applicant(s)	Mark and Pauline Kiernan.		
Type of Application	Permission.	PA Decision	Refuse Permission.
Type of Appeal	First Party	Appellant	Mark and Pauline Kiernan
Observer(s)	None		
Date of Site Inspection	15/12/25	Inspector	Fergal Ó Bric

1.0 Site Location and Description.

1.1 The appeal site is located in the rural townland of Ballinagam Lower, which is accessed off a cul-de-sac road, which in turn is accessed off the L1031-2, a local road linking the village settlements of Ballygarrett and Ballycanew. The subject site is located approximately 1.2 kilometres north-west of the village settlement of Ballygarrett, approximately three hundred metres west of the Ballygarett GAA

complex and immediately south of the Killenagh Wanderers Soccer complex. Site levels within the appeal site fall gradually from the adjoining cul-de-sac road. The appeal site currently comprises a dormer dwelling house with an outbuilding, permitted as an artist studio within the rear garden space and two shipping container structures located to the side (south) of the main dwelling.

1.2 The workshop/toolshed structure, which is the subject of this appeal would be located to the rear (east) of the dwelling house and north-east of the artist studio structure. The appeal site boundaries comprise some mature hedgerow, tree planting and shrubbery along the western, southern and northern site boundaries. The eastern site boundary comprises a post and wire fence.

2.0 Proposed development.

Planning permission is sought for the erection of a single storey building to rear of existing house for a workshop/toolshed clad in timber with pitched roof to match existing house/artist studio. The workshop/toolshed structure would comprise a stated floor area of 125 square metres, and the maximum ridge height is stated to be 5.1 metres. The structure would be finished externally in timber clad panels, consistent with the existing artist studio structure on site.

3.0 PA's Decision:

A single reason for refusal was set out by the Planning Authority as follows: The applicant has not provided a response to further information point one. As such, insufficient information has been supplied in regard to the operations of the proposed development. This is contrary to Sections 5.1 and 5.4 in Volume 2 of the Wexford County Development Plan 2022-2028, which outlines the requirements for all developments and details to be submitted with planning applications. Therefore, the proposed development is contrary to objective ED49 and ED127 in the absence of any information in relation to the proposed development operations and as such is contrary to the proper planning and sustainable development of the area.

Internal referrals:

Roads Department: No objections

SEE Environment Section: Recommended refusal of permission due to lack of compliance with planning condition number 7 under planning reference 2017/0284 in relation to growing willow trees, importation of free draining soil and implementation of land drainage measures.

4.0 Planning History

Planning Authority reference numbers 20230091, in 2023, Mark and Pauline Kiernan were granted planning permission for the erection of a single storey building to the rear of existing dwelling for use as an artist studio/workshop clad in timber with pitched roof to match roof of existing dwelling on site and permission for rooflights facing into the property to provide additional natural light.

Planning Authority reference number 20170284, in 2017, Myles Connors was granted permission for retention of dwelling house and associated site services and permission to provide a splayed entrance and a new borehole on site.

Planning Authority reference number 2004/3577, in 2004, Sally Ryan was granted planning permission for the erection of a dwelling house and associated site services on site.

5.0. Local Planning Policy

5.1 Wexford County Development Plan 2022 -2028

The Wexford County Development Plan 2022 -2028 was adopted by the Planning Authority on 13th day of June 2022 and came into effect on the 22nd day of July 2022. Volume 2, Chapter 3, and Section 3.2 specifically relates to the development of domestic garages and stores.

Volume 2:

Section 3.2 Domestic Garages/Stores

The development of a domestic garage/store for use ancillary to the enjoyment of a dwelling house will be considered subject to compliance with the following standards:

- The domestic garage/store shall be single storey only, shall have a maximum floor area of 80m² and a maximum ridge height of 5m. In urban areas, domestic garages and stores will be assessed on the scale of the space around the dwelling and any impact on neighbouring properties.
- The design and external finishes of the domestic garage/store shall be in keeping with that of the dwelling house.
- The domestic garage/store shall only be used for purposes ancillary to the enjoyment of the dwelling house.

The Planning Authority may consider exceptions to these criteria having regard to the need for the development and the location and characteristics of the subject site.

Section 5: Enterprise and Employment Developments

Section 5.1: Requirements for all Developments

Section 5.4 Home Based Economic Activities

Relevant policies and objectives include:

ED49: To ensure that commercial development in rural areas is related to agriculture, horticulture or other rural related resource or activity. Exceptions to this objective are detailed in Section 6.7.6, of this chapter, Chapter 7 Tourism Development, Chapter 12 Coastal Zone Management and Marine Spatial Planning, Volume 8 County Retail Strategy and Volume 10 Energy Strategy.

ED127: To facilitate new development and/or the conversion of part of a dwelling to an appropriate home-based economic activity in rural areas, where the dwelling remains as the main residence of the practitioner, and the economic use is clearly ancillary to the residential use and subject to compliance with normal planning and environmental criteria and the development management standards contained in Volume 2.

5.2 Natural Heritage Designations

The closest designated European Site is the Cahore Marshes SPA (004143) which is located approximately 3.3 kilometres south-east of the appeal site. The Cahore

Polders and Dunes SAC (site code 000700) is located approximately 3.8 kilometres south-east of the subject site.

6.0 The Appeal

6.1 First Party Appeal.

The applicants submitted an appeal against the decision of Wexford County Council to refuse planning permission for the erection of a workshop/toolshed structure. The main issues raised within the appeal statement relate to the following matters:

- The workshop/toolshed will be used for domestic and private use only with no commercial or business activity carried out from same.
- The proposed structure would be used as a space for the applicants' woodworking hobby and furniture restoration and would provide space for bulky tools such as table saws, a wood planer and for the storage and handling of long timber lengths.
- The structure would be a secure and organised space for the storage of household tools and equipment, including their ride-on lawn mower.
- Garden furniture and related items would be stored within the structure during the winter months.
- At present these items are stored in two shipping containers on site. These containers are visually obtrusive and unsightly. These structures would be removed from the site upon receipt of planning permission for the workshop/toolshed structure.
- The proposed structure would be larger than the standard 80 square metres. However, the site is large enough to accommodate a structure of this scale without any adverse impacts upon neighbouring properties arising.
- The proposed structure is set well back from the public road ensuring that it would not be visually intrusive within the local landscape.

- The building would not be connected to the water nor sewerage services, underpinning its domestic use.
- The consolidation of storage and hobby space within a single structure reduces clutter and provides for a more sympathetic and permanent solution compared to the existing temporary storage shipping container structures.
- The workshop would generate minimal noise and traffic. Its use would be occasional and for private hobby purposes only. No commercial activity, deliveries or increased vehicle movements are planned.
- Any equipment will be operated responsibly, and woodworking activities will be limited to times that respect neighbouring amenities.
- The proposed workshop is proportionate to the scale of the property and respectful of its setting.
- It would support a private hobby, provide practical domestic storage and enhance the visual appearance within the site by removing unsightly shipping containers without causing disturbance or increased traffic

6.2 P.A. Response

- None.

7.0 EIA Screening – Please see Appendix 1 at the end of this planning report.

Having regard to the nature of the proposed domestic structure and its location removed from any sensitive locations or features, there is no real likelihood of significant adverse effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 AA Screening - The subject site is located approximately 3.3 kilometres north-west of the Cahore Marshes SPA (004143) appeal site. The Cahore Polders and Dunes SAC (site code 000700) is located approximately 3.8 kilometres south-east of the subject site. Having regard to the scale and nature of the proposed domestic structure and to the location removed from any European Sites and with no

surface water hydrological connectivity between the appeal site and any European site, it is considered that no Appropriate Assessment issues arise. The development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 WFD Screening: The nearest water body to the appeal site are the Cahore Marshes which are located approximately 3.31 kilometres south-east of the appeal site.

The development would comprise the construction of a domestic workshop/toolshed. The detailed development description is set out within Section 2.0 of my report above.

Surface water would be managed on site through the use of soakpits, as per the details submitted as part of the planning documentation. Surface water management was raised as an issue within the request for further information and the applicants stated that the structure would tap into the existing on site surface water drainage system, including soakpits and outfall to an adjacent boundary ditch.

I have assessed the planning documentation and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water bodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the relatively minor 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:

- Having regard to the relatively minor scale and nature of the development
- The separation distance between the appeal site and the Cahore Marshes,
- The existing established on-site surface water management measures.

Conclusion

I conclude that on the basis of objective information, the proposed development will not result in a risk of deterioration on any water body (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.

2.0 **Assessment**

2.1. **Introduction**

2.1.1. The key issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Principle of development
- Scale and Design of Development
- Appropriate Assessment

2.2. **Principle of Development**

2.2.1. The applicants are seeking planning permission for the erection of a workshop/toolshed structure with a stated floor area of 125 square metres (sq. m.) and a stated maximum ridge height of 5.1 metres.

2.2.2. I note the provisions set out within Section 3.2, Volume 2 of the current Wexford County Development Plan (WCDP) 2022, which sets out standards for domestic garages/sheds. I consider that these standards would also be applicable to proposals for the development of a domestic workshop/toolshed. I note that the applicants have stated within their appeal statement that the purpose of the proposed structure would be to serve the woodwork and furniture restoration hobbies of the male applicant and also for domestic storage purposes, including the storage of tools, garden furniture and a ride-on lawn mower. The applicants have also stated that there would be no commercial activity conducted from the proposed structure.

2.2.3. In conclusion, I consider that the principle of the domestic workshop/toolshed is provided for within the Development Plan as set out within the paragraphs above within Section 2.2.2. Therefore, the assessment below will focus on the scale and design of the proposed structure and compliance in relation to the specific Development Plan provisions and whether the reason for refusal as set out within the Planning Authority decision in relation to the nature and justification for the structure has been adequately addressed in accordance with the Development Plan provisions.

2.3. Scale and Design of Development

2.3.1. The refusal reason as set out within the Planning Authority (PA) decision references the absence of detailed information in terms of whether the development would be for domestic or commercial purposes and being contrary to Sections 5.1 and 5.4 within Volume 2 of the current WCDP. The PA also reference policy objectives ED49 and ED147 which relate to commercial development in rural areas and home-based economic activities. Based on the absence of information that was available to the PA at the time of the decision in relation to whether the uses conducted from the structure would be of a domestic or commercial nature, I consider the stance adopted by the PA was reasonable given that they had sought this specific information as part of the further information request. Subsequent to the issuing of the further information response, the PA stated that it remained unclear to them the precise nature of the uses/activities to be conducted from the structure would entail.

2.3.2. The applicants have provided further detail as part of their appeal submission received by the Coimisiún. The applicants have stated that the proposed structure would be used for domestic purposes only and that no commercial activities would be conducted from the proposed structure. The applicants have also provided details of the precise nature of the uses that would be conducted from the structure. They state that the proposed uses would relate specifically to woodworking and furniture restoration, whereby table saws and wood planes would be used, long lengths of timber would be stored and used and that the structure would also be used for the storage of garden furniture in the winter months and their ride-on lawn mower. These were all considered to be appropriate uses by the Planning Authority, and I would concur that domestic hobby uses and domestic storage ancillary to the main dwelling on site would be acceptable and appropriate in principle.

2.3.3. As set out in Section 2.2 above, given the domestic nature of the proposals, it is Section 3.2 of the current WCDP that is the appropriate section where specific guidance is offered in terms of domestic garages/sheds. The first requirement is that the structure 'be for use ancillary to the enjoyment of dwelling house'. Given the stated use is mainly to serve the woodwork hobby of the male applicant and for domestic storage purposes ancillary to the dwelling on site, I consider that the uses proposed would be ancillary to the enjoyment of the main dwelling on site in this instance. The second of the criteria relates to the scale and height of the structure

and requires that the structure be single storey, have a maximum floor area of 80 sq. m and a maximum ridge height of five metres. In this instance the proposed structure is single storey with a maximum ridge height of 5.1 metres which I consider satisfy the relevant criteria. I note the scale of the two existing shipping storage containers on site would comprise an area of approximately 25 square metres. The applicants state that these would be removed upon construction of the proposed workshop/toolshed. However, I note that the floor area of the proposed workshop/toolshed is stated to be 125 sq. m, which would be in excess of 50% above the standard recommended within Section 3.2 of the WCDP.

2.3.4. I note the applicants have stated that this floor area is needed to cater for the table saws and wood planers and for the handling of long lengths of timber. The applicants also state that the proposed structure would be used to store household tools and equipment, garden furniture during the winter months and the ride-on lawn mower. I acknowledge the various uses and needs outlined by the applicants within the planning documentation submitted. I note that the existing permitted artist studio in the rear garden space has a stated floor area of 75 sq. m and a maximum ridge height of 4.5 metres and, therefore, complies with the provisions of Section 3.2 within Volume 2 of the WCDP. Therefore, on balance, I consider that at 125 sq. m, the proposed workshop/toolshed structure is excessive in scale and would significantly exceed the standards for the scale of domestic garages/stores detailed within Section 3.2, Volume 2 of the current Development Plan. I consider that the standards provided within Section 3.2 within the Plan are reasonable. The current proposal would establish an undesirable precedent and would be contrary to the proper planning and sustainable development of the area.

2.3.5. In conclusion, on balance although the principle of the development would be acceptable, I consider that the scale of the proposal in this instance is excessive for the proposed domestic uses and would not comply with the provisions of Section 3.2, Volume 2 within the current WCDP and would be contrary to the proper planning and sustainable development of the area. .

Appropriate Assessment

2.4.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located

approximately 3.31 kilometres north-west of the Cahore Marshes Special Protection Area (SPA-site code 004143) and approximately 3.81 kilometres north-west of the Cahore Polders and Dunes Special Area of Conservation (SAC-site code 000700). The development description was set out within Section 2 of the report above. The applicant did not submit an Appropriate Assessment (AA) Screening Report as part of their planning documentation. The PA conducted an AA screening exercise and concluded that 'having regard to the limited extent of the proposed works and the substantial distance to the nearest Natura 2000 sites, no element of the proposed project alone or in combination is likely to give rise to any impacts on the Natura 2000 sites and....and Stage 2 AA is not required'.

- 2.4.2 There are no watercourses nor drainage ditches located within the confines of the appeal site. There is an area of pluvial flooding identified within the OPW flood mapping located approximately seventy metres south of and outside of the southern subject site boundary. I note that the applicants state that surface water generated within the subject site would be managed through the use of existing on-site surface water soakpits and, therefore, would not increase the risk of flooding within the site or on adjacent lands.
- 2.4.3 One European site was identified within a three-and-a-half-kilometre radius of the appeal site, as referenced in Section 2.3.5 above. I consider that this site can be screened out due to the absence of surface water hydrological or ecological pathways from the appeal site to this European site. Therefore, I am satisfied that the appeal site does not contain any habitat that would be of particular interest in terms of resting, feeding, or roosting for the qualifying interest species associated with the Cahore Marshes SPA or SAC European sites.
- 2.4.4 I note that the applicants state that the proposed structure would not be connected to the existing water supply or wastewater treatment system on site and, therefore, would not add to the loading within with the wastewater treatment plant. Therefore, I

am satisfied that no adverse impacts on water quality, or the qualifying interest(s) or conservation objective(s) of European sites would arise in this instance.

2.4.5 I am satisfied that the implementation of the standard control construction measures including those of surface water management will not result in the proposed development adversely impacting upon surface nor ground water quality within the area. I consider that even in the unlikely event that the standard construction control measures should fail, an indirect hydrological link to the Cahore Marshes/Polders and Dunes SPA and SAC represents a weak ecological connection, given the separation distance to the nearest European sites. As such any pollutants from the site that should enter groundwater during the construction stage, via spillages onto the overlying soils, or via spillages into the surrounding drains, would be subject to dilution and dispersion within the groundwater body, rendering any significant impacts on water quality within the Cahore Marshes/Polders and Dunes SPA and SAC unlikely. This conclusion is supported within the Planning Authority's AA screening Report conclusion, specifically referenced in paragraph 2.4.1 above.

2.4.6 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 these two sites or any other European Site. The reason for this conclusion is as follows:

- The modest scale of the development, which relates to the construction of a workshop/toolshed structure.
- The separation distance from the nearest European sites and the absence of hydrological or ecological connectivity to any Natura 2000 site.
- The AA screening exercise conducted by the Planning Authority which concluded that either alone or in combination with other plans or projects, there would be no likely significant effects on any European sites.

2.4.7 I conclude, that on the basis of objective information, the proposed development would not have a 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 (as amended) is not required.

3.0 Reasons and Considerations

3.1 In conclusion, I consider the current proposals would be contrary to the provisions of Section 3.2, as set out within Volume 2 within the current Wexford County Development Plan 2022 relating to size and scale of domestic garages/stores. Having regard to the excessive scale and footprint of the structure sought to be erected which is not considered to be domestic in its current form, the Coimisiún are not satisfied that the proposed structure assimilates with or would be subservient to the dwelling on site and would conflict with the provisions within the Development Plan set out above. The proposed development would establish an undesirable precedent for future similar type development in this area and would be contrary to the proper planning and sustainable development of the area.

4.0 Recommendation

I recommend that planning permission should be refused for the reason set out below.

5.0 Reason:

1. Having regard to the excessive scale and footprint of the proposed workshop/toolshed which is not considered to be domestic in its overall form, the Coimisiún is not satisfied that the development results in a built form that assimilates appropriately or integrates effectively in this rural landscape and its surroundings. Furthermore, the development is considered to be contrary to the provisions of Section 3.2, Volume 2 within the Wexford County Development Plan 2022-2028 regarding the development of domestic garages/stores and specifically in relation to floor area. Accordingly, to permit the development would contravene this provision within the Development Plan, would establish an undesirable precedent for future similar development in the area 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.

Fergal Ó Bric

Planning Inspectorate

14th day of January 2026

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference		PL-500021-WX	
Proposed Development Summary		Permission for construction of a workshop/toolshed structure	
Development Address		Ballinagam Lower, Ballygarrett, Co. Wexford	
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	<input checked="" type="checkbox"/>
		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	Tick/or leave blank		
No	Tick or leave blank	The construction of a domestic workshop/toolshed does not fall within a class of development as per Schedule 5 within the current Planning & Development Regulations.	<input checked="" type="checkbox"/>
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank		
No	Tick/or leave blank		<input checked="" type="checkbox"/>

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?

Yes	Tick/or leave blank	Proposals relate to the construction of a domestic workshop/toolshed.	X
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5. Has Schedule 7A information been submitted?

No	Tick/or leave blank	X
Yes		

Inspector: _____ **Date:** _____