



An
Coimisiún
Pleanála

Inspector's Report PL-501056-OY-26

Development	Permission sought for retention of a shed for domestic use and all associated site works.
Location	Clonmore, Rhode, Co. Offaly.
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	2560292
Applicant(s)	John Spollen
Type of Application	Retention
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Niall Kenny
Date of Site Inspection	18 th May 2026
Inspector	Colin McBride

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.133ha, is located 6.5km northwest of Edenderry. The site is located on the southern side of the L-1010-2. The site is occupied by a single-storey dwelling and with an existing shed located in the southeastern corner of the site. Adjoining land uses include existing dwellings to the east and west (appellant's property to the east), and agricultural lands to the south. Boundary treatment on site consists of hedgerow along the eastern, western and southern boundaries and a brick wall along the roadside (north) boundary. As well as planting along the eastern boundary of the site, there is block wall between the appeal site and the dwelling located to the east.

2.0 Proposed Development

2.1 Permission is sought for the retention of a shed for domestic use and all associated site works. The structure for retention has a floor area of 140sqm and a ridge height of 5.814m. The shed features walls of unrendered masonry block and metal cladding on the upper portion of the walls and roof which features a shallow pitch. The shed is located in the southeastern corner of the site to the rear of an existing dwelling.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 3 conditions of note are following conditions:

Condition no. 2: The garage shall not be used for human habitation, or any commercial activity or for any other purpose than a purposes incidental to the enjoyment of the dwelling.

3.2. Planning Authority Reports

3.2.1. Planning Report (20/08/25)

- Further information required including review of the third-party submission and clarification on the items raised, demonstrate justification for a structure of this scale in the context of Policy DMS-57 Domestic Stores/Garage under the Offaly County Development Plan.

Planning Report (06/03/26):

- The design and scale of the development was considered appropriate in terms of visual impact, adjoining amenity and Development Plan policy. The proposed development was considered to be in accordance with the proper planning and sustainable development of the area. A grant of permission was recommended subject to the conditions outlined above.

3.2.2. Other Technical Reports

District Engineer (11/08/25):

- No objection.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

1 submission. The issues raised can be summarised as follows.

- Excessive scale of structure in the context of Development Plan policy, use of the structure for commercial use, noise, surface water discharge and overshadowing.

4.0 Planning History

03/114: permission granted for a dwellinghouse with associated septic tank and percolation area.

UD24/03: Enforcement/warning letter issued regarding unauthorised development concerning the structure subject to retention.

5.0 Policy Context

5.1 Development Plan

The relevant Development Plan is Offaly County Development Plan 2021-2027.

Chapter 13: Development Management Standards (DMS).

1. DMS-57 Domestic Garages/Stores:

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

- The garage/store shall have a maximum floor area of 100m² and a maximum height of 5 metres in the open countryside;
- The maximum floor area and height of a garage/store in urban areas will be assessed on a case-by-case basis having regard to the size of the dwelling it serves, the rear garden size and potential to overshadow adjacent properties;
- The design and external finishes of the domestic garage/store shall be in keeping with that of the dwelling house.

The Council may consider exceptions to these criteria having regard to the need for the development and the characteristics of the site.

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 Road 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 this report.

7.0 The Appeal

7.1. Grounds of Appeal

A third-party appeal has been lodged by Niall Kenny. The grounds of appeal are as follows:

- The structure for retention is excessive in scale and height and contrary to the terms of Policy DMS-57, which specifies a maximum area and height for sheds in the open countryside.
- The structure for retention is 1m from the eastern boundary of the site adjoining a residential garden meaning it is visually dominant/overbearing from the adjoining property.
- The structure is more consistent with a workshop than a domestic garage type structure and the external appearance is not in keeping with the existing dwelling.
- The nature of the structure and presence of mechanical equipment give rise to noise, disturbance and light spill and the absence of proven commercial use does not negate the impact of the nature and intensity of the development and impact on adjoining residential amenity.
- The reliance on boundary treatment as mitigation is inappropriate as it is not clearly indicated on submitted drawings or secured by way of condition.
- The conclusion regarding limited noise impact is based on a limited site inspection and not based on times when disturbance is occurring (weekdays after 20:00hrs and weekends).
- The Planning Authority's reasoning for granting permission does not address the failures to adhere to Development plan policy restrictions on area and height and the reliance on the location of shed to the rear of the site and existing planting does not negate the impact the proposal has on the neighbouring residential property.

7.2. Planning Authority Response

Response by Offaly County Council

- The Planning Authority refer the Commission to the technical and planning reports on file and request that the Commission support its decision to grant permission.

8.0 Assessment

8.1. 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 as follows:

Principle of the proposed development

Development Plan policy/Visual/Physical Impact, Design and Scale Other Issues

Noise/commercial activity

8.2 Principle of the proposed development:

8.2.1 The proposal is for retention of a shed located to the rear of an existing dwelling within a rural area. The shed has a floor area of 140sqm and a ridge height of 5.814m. The description of the proposal is that the shed is for domestic use ancillary to the enjoyment of the main dwelling on site.

8.2.2 I consider that the principle of the proposed development would be acceptable in the context of the fact it is a proposal for a shed within the curtilage of an existing dwelling and is to be used for purposes ancillary to the enjoyment of the dwelling. The physical and visual impact of the proposal is to be assessed in the following sections of this report and will be assessed based on its merits.

8.3 Development Plan policy/Visual/Physical Impact, Design and Scale:

- 8.3.1 The third-party appellant highlights the scale of the proposal in the context of Development Plan policy, its impact in terms of adjoining amenities and the nature of activity being carried out within it.
- 8.3.2 As indicated in the Planning policy section above, Objective DMS-57 of the Development Plan relate to Domestic Garages/Stores indicates that garage/store shall have a maximum floor area of 100m² and a maximum height of 5 metres in the open countryside and the design and external finishes of the domestic garage/store shall be in keeping with that of the dwelling house. It is indicated that the Council may consider exceptions to these criteria having regard to the need for the development and the characteristics of the site.
- 8.3.3 The shed for retention exceeds both the floor area and height specified under the objective being 140sqm in floor area and 5.814m in height. As indicated above exceptions may be considered having regard to the need for the development and the characteristics of the site. The applicant was requested to justify the need for the size by way of further information with the response indicating the desire for large garage in the context of being in a rural location with the Council deeming such to be acceptable.
- 8.3.4 I would consider the location in a rural area taken in conjunction with the fact that policy does allow for deviation from the specified size limits is acceptable subject to the proposal having a satisfactory visual impact and impact on the amenities of adjoining properties. Subject to such I would consider the development size to be acceptable.
- 8.3.5 The proposed shed for retention is within the curtilage of an existing dwelling in a rural area with the shed located to the rear of the site. In terms of overall scale relative to the site, the shed would not be excessive in scale with the site. Overall visual impact of the shed is limited in terms of visibility from the public road as a result of its location to the rear of the existing dwelling, intervening structures such as the existing dwelling on site, existing boundary treatment and vegetation surrounding the site. I would be of the view that the structure for retention has a limited visual impact at this location from the surrounding area.
- 8.3.6 The third-party appellant raises concerns regarding the overall physical and visual impact of the proposal relative to their property. I have inspected the structure in

question from the rear garden of the appellant's dwelling. The structure in question is located in the southeastern corner of the site and is close to the boundary between the appeal site and the appellant's property and is visible from the rear garden of the appellant's property. Despite being close to the boundary between the two properties and visible from the rear garden of appellant's property, views of the structure are partial and mitigated by the level of existing planting and vegetation along the boundary between the two properties. In addition, the rural location of the site means both the appeal site and the appellant's' property are generously proportioned and the structure has a modest footprint relative to the amenity spaces serving both the appeal site and the appellant's property. Having regard to such I consider that the structure for retention would not have a significant impact either in visual terms or overbearing relative to the adjoining property. I would also consider that given the size of the appellant's rear garden and the location of the shed a significant distance from the rear elevation of the appellant's dwelling, taken in conjunction with existing screen planting would have no significant or adverse impact in terms of overshadowing relative to the adjoining property.

8.3.7 In this regard I would consider that the structure is satisfactory in terms of overall design, scale and visual amenity based on its merits and having regard to the rural location, I would be satisfied that the proposal satisfies the criteria of Objective DMS-57, which does allow for consideration of structures above the specified size limits.

8.4 Noise/commercial activity:

8.4.1 The appellant has raised concerns regarding noise impact of the proposed development with the appellant noting that activities at the shed have generated noise in the evening time. It has been emphasised the structure is not being used or will not be used for commercial activity, and I would consider that such can be dealt with a standard condition requiring use to be ancillary to the enjoyment of the existing dwelling on site.

8.4.2 At the time of site inspection there is no evidence to suggest the structure is being used for commercial use (no operations being carried during normal business hours). I would consider that a condition to the effect that the structure shall be used for any commercial or business purposes and shall be ancillary to the use of the

existing dwelling is a sufficient control measures in this case and is an enforceable condition. In relation to noise issues, I would highlight that the nature of the proposal being considered is for a shed for domestic use and based on this fact and the merits of the case (design and scale), I am satisfied the proposal would not have an adverse impact on adjoining amenities subject to implementation of an appropriate condition regarding use of the structure.

8.5 Conclusion:

8.5.1 I am satisfied subject to appropriate conditions that the proposed development would be acceptable in the context of Development Plan policy, the visual amenities of the area and amenities of adjoining properties and would be satisfactory in the context of the proper planning and sustainable development of the area.

9.0 **Appropriate Assessment**

9.1 I have considered the proposal for the construction of a shed within the curtilage of an existing dwelling in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located in a rural area and 10.5km from The Long Derries, Edenderry SAC (000925), which is the nearest European Site(s).

The proposed development comprises retention of a shed to the rear of an existing dwelling. No nature conservation concerns were raised in the planning 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:

- Nature of works are small scale in nature.
- Location-distance from nearest European site and lack of connections.

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 Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1 An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

11.1. I recommend a grant of permission subject to the following conditions.

12.0 Reason and Considerations

Having regard to the nature and scale of the proposed development, its location within the curtilage of an existing dwelling and subject to appropriate conditions, the proposed development would be acceptable in the context of the visual amenities of the area and in accordance with the policies of the Offaly County Development Plan 2021-2027. The proposal would also be satisfactory in the context of the amenities of adjoining properties and would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, 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.

Reason: In the interest of clarity.

2. Surface water runoff shall be discharged on site and shall not be allowed to discharge onto the public road or any adjoining properties.

Reason: In the interest of public health and surface water management.

3. The shed shall be ancillary to the enjoyment of the existing dwelling and shall not be used for any commercial purposes or as an independent dwelling unit.

Reason: In the interests of orderly 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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Colin McBride
Senior Planning Inspector
16th June 2026

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

Case Reference	
Proposed Development Summary	Retention of a shed for domestic use and all associated site works.
Development Address	Clonmore, Rhode, Co. Offaly.
	In all cases check box /or leave blank
<p>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</p> <p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> - 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) 	<p><input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.</p>
	<p><input checked="" type="checkbox"/> No, No further action required.</p>
<p>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</p>	

<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.	<p style="text-align: center;">State the Class here</p>
<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 development under Article 8 of the Roads Regulations, 1994. No Screening required.	

Inspector: _____

Date: _____