



An
Coimisiún
Pleanála

Inspector's Report

PL-501058-MO-26

Development

Retention of existing agricultural shed and all ancillary site works including roadside wall, widened access with gates and hardstanding area.

Location

Clooncarha , Kilmovee , Ballaghaderreen Co. Mayo

Planning Authority

Mayo County Council

Planning Authority Reg. Ref.

2560743

Applicant(s)

Thomas Duffy

Type of Application

Retention

Planning Authority Decision

Grant Retention with Conditions

Type of Appeal

Third Party Normal Planning Appeal

Appellant(s)

Michelle O'Sullivan

Evelyn O'Sullivan

Observer(s)

Lisa Hartley

Date of Site Inspection

31st May 2026

Inspector

Kathy Tuck

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of c.0.500 ha and is situated within the townland of Clooncarha, Kilmovee, Ballaghaderreen, Co. Mayo. Clooncarha is located c.6km to the south-west of Ballaghaderreen and 500m to the west of the County boundary with Roscommon.
- 1.2. The site currently comprises of a number of agricultural buildings and shares its western boundary with a residential dwelling. There is a dilapidated dwelling located to the east and the L-5927 local secondary road directly abuts the northern boundary of the site.

2.0 Proposed Development

- 2.1. The development is seeking retention permission for an agricultural shed and all ancillary site works. The shed has a stated area of c.270sq.m.
- 2.2. The structure has a length of c.17.1m, a width of c.16.475m and is finished with a pitched roof profile with a maximum height of c.6.335m.

3.0 Planning Authority Decision

3.1. Decision

Following a request for further information, the Planning Authority issued a decision to grant planning permission subject to 12 no. conditions. Conditions of note are as follows:

Condition no. 3

Within 3 months the applicant shall submit for the written agreement of the planning authority an amended site layout plan to detail the provision of surface water drainage soakaway(s) on site to address surface water as a consequence of the overall development. The provision of surface water drainage mechanisms at the site access shall also be detailed to ensure surface water does not exit the site onto the public road.

Reason: In the interest of proper planning & sustainable development. To avoid flooding.

Condition no. 7

Farmyard manure, slurry, silage effluent, soiled water and chemical fertilisers shall be landspread in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2025

Reason: In the interest of public health and to avoid pollution

Condition no. 8

Soiled yard areas shall be minimised in order to reduce the volumes of soiled water produced on site and to ensure the public road in proximity is maintained in a clean condition.

Reason: In the interest of public health and to avoid pollution.

Condition no. 9

There shall be no change in the approved method of agricultural waste storage and disposal on site and livestock numbers shall not be increased in a manner that results in the storage requirements as outlined in the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 being exceeded.

Reason: In the interest of public health

Condition no. 10

Sightlines at the entrance shall be maintained free from obstruction.

Reason: In the interests of proper planning and development and traffic safety.

Condition no. 12

Development Contribution - €1,350.00.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st report of the Planning Officer dated the 12th December 2025 sets out details of the site location, the development seeking permission, the planning history pertaining to the site and adjoining area, a summary of 3rd party submissions received, and details of consultee reports received from internal sections.

The report also provides for an EIA Screening determination and AA Screening determination. The assessment expresses concern in relation to the siting of the development to be retained immediately abutting the roadside at this location along the public road and its proximity to the boundary of the neighbouring habitable dwelling to the west and considered this needs to be addressed. Issues are also raised over legal interest of applicant, the intended use of the structure, sightlines required, surface and water discharged. As such the report recommended that a request for the following further information be requested:

- Item 1

Identify the extent of the applicants' existing farmyard complex and submit all land registry details and corresponding folio maps and mapping for all lands owned/in control of the applicant outlined in blue.

- Item 2

Clarify the extent of the applicants' red line boundary and please address concerns raised in submissions received in relation to setback boundaries.

- Item 3

Clarify the exact nature and use of the proposed 'agricultural' shed

- Item 4

Submit proposal for effluent storage and disposal associated with farming practices carried out.

- Item 5

Submit a Nutrient Management Plan (NMP) including:

- a) Nerd number and include number and types of animals.
- b) Submit evidence that there is adequate storage available for all agricultural effluent.
- c) Submit details of land banks (as relevant) which will be used for spreading slurry and other agricultural effluents from this farm.
- d) Revised site location map showing all lands under the applicant's control outlined in blue, including any wayleaves outlined in yellow.

- Item 6

Submit a revised site layout plan showing the maximum achievable sightlines available in accordance with the requirements.

- Item 7

Submit details of surface water disposal.

- Item 8

Submit a contiguous elevation to the west of the application site (include the existing dwelling).

An Advise note attached to the request for further information issued makes reference to Mayo County Development Plan 2022-2028 Volume 2 Section 10.1.1 and Section 10.1.3 and states *‘The applicant is advised that the planning authority express significant concern in relation to the siting of the development to be retained immediately abutting the roadside at this location along the public road and its proximity to the boundary of the neighbouring habitable dwelling to the west.’*

A response to the request for further information was received on the 6th February 2026 and can be summarised as follows:

- Item 1

Applicant submitted land registry folio and revised site layout plan installing lands within their ownership and lands subject of this application. The Plannign Officer noted concerns raised by 3rd party observation but considered issues of ownership to be a civil matter. As such, details submitted were considered sufficient and adequately address point 1.

- Item 2

The same response and consideration was given by the Planning Officer.

- Item 3

The applicant stated that the shed is used for the winter housing of sheep for lambing. A letter from the applicant’s agricultural advisor outlining compliance requirements for farming activities was submitted along with an NMP for

farming activities of the applicant and includes land for spreading – response was considered to be acceptable.

- Item 4

It was stated that the shed is to be used for winter housing of sheep who lie on loose straw bedding over slats which is removed manually and spread over the farm. Fields for spreading were identified in the submitted NMP – response was considered to be acceptable.

- Item 5

An NMP was submitted for farming activities and included maps of lands for spreading along with a letter from the applicant's agricultural advisor outline compliance requirements for farming activities– response was considered to be acceptable.

- Item 6

Submitted drawing no. P-102 which indicates achievable sightlines onto local secondary road L-5927. The assessment of the Planning Officer notes that vehicular access utilise an existing historical agricultural entrance evident from google street view imagery - sightlines are noted and having regard to status of the local road, there being few inhabited properties along this particular stretch, it is considered that the sightlines from the existing enlarged vehicular entrance serving this site, are sufficient having regard to the nature of the proposal for agricultural use. Therefore, Planning Authority satisfied that the proposal would be acceptable from an access/egress perspective.

- Item 7

Submitted that surface water runoff is to be piped to an existing open land drain. Report of the Planning Officer states that the applicant should be requested to submit a proposal for soakway to address surface water runoff from hardstanding area.

- Item 8

Submitted a contiguous elevation which details the development in the context of the adjoining properties. The Planning Officer notes in response that having

carried out a site inspection and reviewed the submitted drawings the Planning Authority are satisfied that the development is not be overly prominent on the receiving rural landscape where development of this nature i.e agricultural shed is a prominent feature of the landscape.

The assessment concludes that having regard to the agricultural nature of the development within an existing farmyard complex, the content of the planning application, the pattern of development in the area and on review of historical mapping available that the development is erected within the partial footprint of a pre-existing structure and aligns with the building line of the existing block wall to the east and to the presence of an enclosed yard area and structure separating the development and the existing dwelling to the west, it is considered that the development to be retained would not be injurious to the residential, visual or general amenity of the area, does not represent a significant public health issue or traffic hazard and would be an appropriate form of development within the rural area in which it is sited and as such a recommendation to grant permission was made.

3.2.2. Other Technical Reports

- MCC Area Engineer: further information is sought in relation to sightlines
- MCC Environment Section: No objection.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

The Planning Authority received 2 no. submission which raise concerns similar to that raised within the grounds of the 3rd party appeals. They can be summarised as follows:

- Issues over land ownership and red line/blue line on site layout plan.
- Subject site omitted from plans relating to PA Ref 2460779 – structure marked as existing neighbouring shed: wholly inaccurate as the shed belongs to the applicant.
- No justification why a shed of this size was required - use(s) of the shed has not been defined.
- Seriously detracts from any residential amenity.

- Not in compliance with, nor is it sympathetic, to amenities and/or landscape.
- There was always a field where the unauthorised development now stands; a larger shed already exists on the site.
- Disturbances will occur anytime day/night with vehicles/lights/associated noise.
- visually, audibly, olfactory intrusive.
- Redline is incorrect and encroaches on neighbouring property.
- no information with regard to surface water treatment.
- A section through the building has not been provided.
- No details with regard to effluent storage and disposal.

4.0 Planning History

4.1. Appeal Site

None.

4.2. Within the Vicinity

PA REF 2460779 Permission GRANTED for 1. To refurbish derelict house to include alterations to elevations and construct new extension. 2. To install upgraded treatment system and percolation area and carry out all ancillary site development works at Clooncarha, Ballaghaderreen, Co. Mayo.

5.0 Policy Context

5.1. Mayo County Development Plan 2022-2028

Volume 1 – Written Statement

Chapter 4 – Economic Development

Section 4.4.9 Agriculture, Agri-Food, Agri-Tech

Policy EDP 23 To maintain a vibrant and healthy agricultural sector based on the principles of sustainable development, whilst at the same time supporting alternative employment in or close to rural areas to sustain rural communities.

Policy EDO 57 To support, promote and consider, on their individual merits, the reuse of redundant agricultural buildings and the development of new buildings to accommodate farm diversification / enterprise within an overall farmyard complex.

Chapter 10 – Natural Environment

Per Map 10.2 (Scenic Routes and Views) the site is located along a designated scenic route and with a scenic view to the rear.

Policy NEP 14 To protect, enhance and contribute to the physical, visual and scenic character of County Mayo and to preserve its unique landscape character.

Objective NEO 25 To consider applications for development, along Mayo's' Scenic routes, that can demonstrate a clear need to locate in the area concerned, whilst ensuring that it:

- Does not impinge in any significant way on the character, integrity and distinctiveness of the area.
- Meets high standards in siting and design.
- Contributes to and enhances local landscape character.
- Satisfies all other criteria, with regard to, inter alia, servicing, public safety and environmental considerations. Rural housing applications along Scenic Routes must comply with the requirements set out in Objective RHO 3 (Chapter 3).

Volume 2 – Development Management Statement

Section 7: Roads and Parking

7.6 Access Visibility Requirements

The visibility shall be measured from a minimum of 3m from the edge of the carriageway or as determined by Mayo County Council. In limited instances this may be reduced to 2.4m and to 2.0m in difficult circumstances on urban roads. Illustrations and additional information on access visibility requirements are set out in this section

below. Site visibility requirements shall be provided within the development boundary of the site or on lands in the control of the applicant or lands in public ownership.

On narrow Local Roads with poor horizontal and vertical alignment which have an 80 Km/h Speed Limit Sign, the speed level applied for the Access Visibility Requirements should be the Speed in Km/h that one can drive the Road in a safe manner. This can be assessed as the 85th Percentile speed drivers travel on the road. The visibility will then be assessed on the 85th Percentile Speed for that Road.

Table 4: Access Visibility Requirements.

Section 10: Agriculture and Extractive Industries

10.1 Agricultural Development

10.1.1 Siting

In the construction and layout of agricultural buildings, the Council requires that buildings be sited as unobtrusively as possible and that the finishes and colours used blend the development into its surroundings. New agricultural buildings shall be located within or adjacent to existing farm buildings, unless it has been demonstrated that the building must be located elsewhere for essential operational reasons.

10.1.3 Protection of Amenities

Proposed agricultural developments shall demonstrate that the proposal:

- Will not result in a detrimental impact on the amenity of residential dwellings outside of the applicant's landholding in relation to noise, odour, pollution or visual amenities
- Will not result in a pollution threat to sources of potable water, water courses, aquifers or ground water
- Will not create a traffic hazard
- Makes proper provision for disposal of liquid and solid waste; and
- Does not impact significantly upon Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Natural Heritage Areas (NHAs), Areas of High Amenity, Landscape Sensitivity Areas, Key Scenic Views and Prospects and Key Amenity Routes, sites of heritage or cultural value, or areas at risk of flooding.

5.2. **National Policy**

S.I. No. 588/2025 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 refers to standards for disposal and collection of farm waste based on the Government's Nitrates Action Programme which seeks to protect waters from pollution arising from agriculture.

5.3. **Natural Heritage Designations**

The subject site is not located within or adjacent to any Natura 2000. The subject site is located C.6.95km to the south-west of the Tullaghanrock Bog SAC (Site code 002354) and the Tullaghanrock Bog pNHA (site code 002013) and 8.2km to the south-west of the Callow Bog SAC (site code 000595). The site is also situated c.5.29km to the north-east of the Derrinea Bog SAC (Site code 000604).

6.0 **EIA Screening**

- 6.1. The proposed development does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of report.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

The Commission received 2 no. third party appeals against the decision of the Planning Authority. The grounds of both these appeals have been set out below:

7.1.1. Michelle O'Sullivan

1. Application should have been invalidated for following reasons:

- a) Site layout plan indicates applicant is owner of adjoining property to west – included blue line.
 - Gate that controls access to appeal site slides into that adjoining property.
 - Permission PA REF 24/60779 excluded adjacent farmlands and was made in the same name as this applicant.

- Site layout plan describes adjoining dwelling (subject to PA REF 24/60779) as existing neighbouring shed.
 - Applicant has purposely excluded details of landownership which conflicts with Planning Regulations.
- b) Site layout plan and shed floor plan do not have a north point.
- c) Western boundary incorrect and encroaches on appellants land – red line includes a boundary wall and fence which are both internal to appellants land holding and does not represent a common boundary.
- d) Correct distance to site boundary not included.
- e) Layout of appellants property indicated on site layout is incorrect.
- f) Position of site notice on drawing is not where they are located on site.
- g) Extent of hard paved area to be retained is undefined as drawing is truncated – no dimension or colour of the extent and surface undefined.
- h) Only 3 token spot levels on site layout plan:
- One is the ridge height of the building.
 - level is given to 4 decimal places and is incorrect – only 0.4985m over ground level.
 - No finished floor levels on hard paved area.
 - No benchmark or levels on the public road.
 - Insufficient information provided to understand extent of site works.
- i) No information provided regarding storm water control/disposal.
- Q20 on application form – states not applicable.
 - Area of impervious surface is extensive.
 - Relevant information as domestic septic tanks located on both sides of application site
 - Risk of run off onto the adjoining properties and public road.
- j) No section through building provided.

- k) Building appear to be to house livestock – no information to effluent storage/disposal.
- l) No information regard to the use of hard paved area.
- m) In response to the further information – red ad blue line on layout plan have been altered.

2. Objections to Development

- a) Building is a high, large structure – located to close to public road and neighbouring boundary.
 - Also located 30m from additional farm buildings.
 - Location conflicts with Section 10.11 of Mayo County Development Plan – Siting.
 - Building is intrusive in the landscape and dominates public road.
 - Separation of 2 no. large buildings spreads the farming activity over a wider area.
- b) Building significantly projects forward of building line established by dwelling on both sides of the site.
 - Siting at such a location disregards the amenity and building lines established.
- c) Building is too close to appellants boundary and causes over-shadowing of part of the neighbouring property.
- d) Building has an industrial appearance
 - Visual impact from both public road and neighbouring property.
 - Intrusive and dominant
 - Could have been negated if the building was set back from the public road and appellants boundary and clustered with other farm buildings on site.
- e) The building is 6.3m high with an eaves level of 4.0m
 - Northern gable forms roadside boundary.

- Conflicts with S. 7.11 – building lines of Mayo County Development plan
 - Requires that new building should be set back a minimum of 10m from roadside.
- f) Building located 21m from appellants dwelling
- Concern over activity carried out in the building.
 - Intended use will give rise to noise/odour/effluent storage/light pollution/traffic movement/nighttime activity.
 - Building and hard paved area too close to residential dwelling and private amenity area.
- g) Limited information with regard to stormwater collection and disposal on site layout and at Further Information Stage.
- Potential risk cannot be assessed.
 - Public road has been subject to flooding.
 - Potential impact on septic tank percolation area serving appellants house.
 - Planning Authority imposed condition no. 3 relating to stormwater requiring information be submitted within 3 months – problematic because:
 - No commencement of the period of 3 months.
 - No mechanism for 3rd parties comment on proposal.
 - While some information was provided – no information with regard to the surface treatment of the hardstanding area or the collection, control and disposal of stormwater runoff from such area.
- h) No information with regard to collection, separation and control of contaminated water and uncontaminated water run-off from the development.
- There is a well located to the front of appellants property.

- Notwithstanding Condition 6 – the avoidance of pollution there is no drawing or detail as to how this is achieved.
- i) Hard paved area extensive and undefined and no purpose given.
- Section 7 of RFI response states – Existing farmyard area is as existing with no development works taking place.
 - Planning application includes for retention of hard standing area.
 - Evident that site development works has occurred beyond the building on the south side and that it appears to be unfinished works.
 - Spot levels on plans are inadequate to get an understanding of ground level – indicate that the ground rises towards the open drain.
 - No indication on any documentation of extent or layout of farmyard.
 - Still images from Google Earth attached indicate that site was entirely undeveloped in 2010 and 2016 – by 2020 topsoil was stripped.
 - By June 2023 farmyard area is further developed with more hardcore and topsoil stockpiled – this is beyond or on the south side of the open drain indicated on Existing Site Layout.
 - Documents submitted do not define farmyard – appears to be an evolving development which is unsatisfactory.
 - Farmyard appears to be incomplete.
- j) Applicant operates a plant hire company.
- Machinery used was stored or parked on appeal site in the past.
- k) Construction activity on the application site – carries on all times of the day and night.
- Source of annoyance and disturbance
 - Concern that such construction activities will continue at inappropriate times.
 - Construction on-going during planning phase.

- l) Negative impact on privacy and amenity of adjoining land owner.
 - Building dominates narrow public road and approach to applicants' property.
 - Use of building has potential to cause a source of nuisance to amenities.
 - Conflicts with Section 10.1.3 – Protection of Amenities of the Mayo County Development Plan.
- m) Existing Site Layout submitted at RFI stage provides information available sightlines at the entrance gates.
 - Sightline distances indicated and measured as straight lines and not parallel to or measured along the edge of road as required – therefore incorrect.
 - Sightlines indicated are impacted by roadside boundary features so cannot be achieved without interference with such.
 - Removal will require consent of 3rd Party – none been provided.
 - Sightline distances are substandard and do not concur with requirements.
 - Achievable sightline distance measured for sight triangles at an object height of 1.15m and a eye height of 1.05m will be significant less than that indicted on drawings.
 - Condition no. 10 cannot be achieved.

3. Supporting comments in response to Request for Further Information

- 1) Block Wall and timber fence do not represent common boundary – both were erected by previous owner of appellants property.

Does not accept applicant is owner of a small plot of land submitted on existing site layout plan.

Photos of situation on the ground – not accepted.

- 2) Use stated is noted however not accepted.

Use for extensive hardstanding not specified.

Has been used in the past for storing machinery relating to plant hire company.

- 3) Stated applicant is solely a sheep farmer – not correct.

Applicant advertises and carries out plant hire.

- 4) Images from google street view indicate roadside boundary was timber fence in 2009 while in 2004 boundary consisted of gable wall.

Sheeting is not galvanised sheeting as indicated on plan.

- 5) Images from OSI depict that in 2001 there were no buildings of any kind on site.

Old buildings referred to were demolished – would have been single storey and not looked into appellants property.

- 6) Photographs attached indicate farmyard is utilised to store trailers, machinery and equipment and indicated light pollution at night.

4. Appeal

- Structure constitute unnecessary and avoidable intrusion into the rural landscape due to height scale and proximity to public road and separation distance to other large structure on applicants' property.
- Dominates adjacent single storey dwelling on one side and appellants two storey property on the other.
- Vehicular entrance creates a potential traffic hazard not consistent with Mayo County Councils Road design requirements.
- Negatively impacts amenities enjoyed and conflicts with Mayo County Development Plan 2022-2028 Section 10.1.3.
- Extent of Farmyard hardstanding is undefined
- Development of the farmyard is on-going.

7.1.2. Evelyn O'Sullivan

A. Impact on Residential Amenity

- Section 10.1.1 of Development Management Standards

- Planning Officers report references that structure constructed partially in footprint of pre-existing structure:
 - Footprint of low-lying cottage from over a century ago to justify a 6.3m high agricultural shed.
 - Challenging to understand and does not comply with Section 10.1.1.
- Planning Officer in RFI raised concern to location of structure directly abutting the roadside and proximity to neighbour dwelling to the west.
 - Response to RFI refers to a map c.1888-1913 citing provides dwelling location -never a shed at this location.
 - Not clear what the relevance is.
 - 2016 – google image shows site was a green field.
- Previous building does not justify retention of shed given significant landholding of applicant.
 - Current siting of development is most obtrusive given proximity to residential dwelling – 20m from dwelling (photo attached).
 - Visually obtrusive and intrusive.
 - Section 10.1.1 of the County Plan requires agricultural building to be located in farm complex unless demonstrated that it has to be location elsewhere for operational reasons.
 - Shed does not accord with such – has not been demonstrated that building is required at this location.
- No justification of size of shed and why required.
 - Already a large shed on site.
 - RFI response does not address concern of Planning Officer and siting.
 - Does not specify need for shed.
- No construction/permission with adjoining neighbour to consider alternative location.

- Section 10.1.3 of Development Management Standards states agricultural shed shall demonstrate it will not result in detrimental impact on residential movement in terms of noise/odour/pollution/visual amenity
 - Videos and photos attached demonstrate results in detrimental impact
- Planning Officer states shed would not be injurious to residential, visual or general amenity:
 - Difficult to understand on a factual basis.
 - Housing livestock 20m from an existing dwelling.
- Planning Officer relies on presence of an enclosed yard and existing dwelling:
 - Courtyard and single storey structure in appellants land.
 - Argument unsatisfactory and unreasonable when shed directly causes injury to residential amenity.
 - Fails to consider noise/disturbance/odour.
 - Restricts use of outdoor building and space due to ongoing aural, visual and olfactory impacts of structure.
 - Therefore, does not comply with Section 10.1.3 of Development Management Standards.

B. Sightlines

- Incorrect information regarding sightlines and lack of consent from 3rd Party – not addressed in RFI response.
- Planning Officer concluded that sightlines acceptable given agricultural use:
 - Misguided given agricultural use not sole use.
 - Site used for digger hire and groundworks.
 - Screenshot of advertisement attached.
 - Use this vehicular access detrimental to neighbouring property.
 - Movement of machinery.

- Therefore, Planning Officer opinion is not in keeping with Mayo County Council Road design requirements for safe entrance on/off public roads.
 - Entrance not solely used for agriculture.

C. Inconsistencies in Planning Application

- Reference to farmyard area was referenced as a courtyard in previous site layout under 2025 application on adjoining site:
 - Confusing and unclear.
 - Not clarified in any document.
 - No indication of extent of farmyard.
 - Planning Authority did not have sufficient information to satisfy themselves that development accords with proper planning.
- RFI reference to existing farmyard area with no development taking place
 - Incorrect as evidence in video submitted shows.
- Planning Authority includes reference to retention of hard standing area:
 - Not indicated on plans
 - Planning authority neglected this issue.
 - Therefore, how can permission be granted in accordance with proper planning and sustainable development.
- Planning Officer report stated not possible to enter site on site visit
 - Again not in accordance with proper planning and sustainable development.

D. Conditions set out by Planning Authority

- Condition no. 10 – Sightlines at the entrance shall be maintained free from obstruction.
 - Cannot be achieved
 - Sightlines impacted by existing roadside boundary.
 - Cannot be achieved without interference.
 - Will require consent from 3rd party – not provided.

- Condition no. 11 – The site shall be kept in a clean and tidy condition at all times.
 - meaningless given current situation – see attached photos.
 - Dumping of 40ft box trailers/tyres/old machinery.
 - Had a site visit been undertaken it would have been seen.
- Submission to Response to Further Information
 - Not considered by Planning Officer- evidence attached.
 - Correspondence from Planning Authority included.
 - Observation submitted prior to statutory deadline.
 - Reference in Planning Officer report is to other submission received.
 - Administrative error meant submission was not considered
 - Was not included on planning portal.
 - Therefore no option but to lodge appeal.

7.2. Applicant Response

A response from the appellant was received on the 20th April 2026 which notes the following:

In response to the appeal received from Michelle O'Sullivan it states:

- Claims raised not supported by evidence or properly contextualised.
- Reference made to overshadowing – no evidence has been provided.
 - Videos and photographs submitted – do not demonstrate any potential overshadowing.
- Potential risk of stormwater runoff – not accepted that there will be any impact from the structure.
 - Appellants dwelling constructed at a significantly lower level than public road & addresses rising ground – therefore susceptible to water accumulation attributed to natural topography.
 - Confirmed that no surface water discharges from site onto either public road or adjoining lands.

- If it has occurred reasonable to expect photographic evidence.
- Septic Tank/Percolation Area
 - Percolation area serving appellants property not wholly located within boundary of their lands.
 - Any concern arising from adequacy of their septic tank and percolation area therefore arises from the location and arrangement of their own system rather than the development on this site.
 - Any works required to their system does not arise from the development of the appeal site.
 - Not a matter for determination as part of this appeal.
- Reference to hard paved area:
 - Appellant is misinformed as to what this area comprises – incorrectly assumed to relate to an external farmyard outside the shed.
 - Consists solely of the concrete floor area located entirely within the confines of the agricultural shed.
 - Internal concrete floor is a functional and necessary component of the building and is required for winter livestock management.
- Section 3 of appeal – requires clarification
 - Boundary
 - Reference to block wall and timber fence – it is the appellant who has encroached onto the lands of applicant.
 - Been in place for 48 years – not 4 like stated.
 - Matters relating to boundary alignment is a civil matter – not for consideration of the Commission.
 - Use of structure
 - Assertion that use is not only for agricultural use is factually incorrect.
 - Has been designed specifically for sheep farming – includes sheep slats.

- Purpose built for livestock housing and winter management.
- Claims made in this regard is unfounded
- Nature of farming and occupation outside farming.
 - Holding operated solely as a sheep enterprise
 - Any separate employment has no planning relevance.
 - Does not impact the character/use or scale of the agriculture development.
- Scale of previous structure
 - A substantial hay shed previously existed on the appellants own land.
 - There is an old granary building located directly across the public road.
 - Existing and former agricultural structures form part of the established rural and agricultural context of the area.
- presence of trailers
 - Trailers do not form part of this application.
 - Deliberately place in the yard to provide a degree of privacy screening from ongoing surveillance being undertaken by neighbours.
 - Their placement is temporary.
- Light pollution
 - Photographs referenced show vehicle lights from applicants jeep while attending to livestock during the winter.
 - Cannot be reasonably described as light pollution – particularly having regard to the time shown in the images (17.52).

In response to the appeal received from Evelyn O’Sullivan it states:

- No permission or consultation with neighbour
 - Misleading assertion.
 - Property purchased by appellant in 2022 – development was already under construction.

- Discussion took place between applicant and previous owners and no objection was raised.
- Engagement with neighbour across the road was also undertaken.

CCTV Images/Videos/Photographs

- Many not relevant to this appeal.
- Duplicated and display incorrect or inconsistent dates and times – some from 2 years ago.
- Some contain information which is unsupported by fact or context.
- One refers to cutting or drilling noise when in fact the activity is the brief use of a impact gun to change a tractor tyre.
- Others outline noise from a power washer which is a normal part of yard cleaning.
- Use of multiple clips gives misleading impression of repeated or continuous activity.
- Reference to digger working in the yard - normal part of farm operations.
- Whether machinery is owned or hired is not relevant.
- Concern over the inclusion of this CCTV, videos and photographs which captures activity within a private farm property – appellants CCTV deliberately angled to record areas outside of their ownership.
- Represents active and targeted surveillance.
- Material is totally unrelated to the planning considerations of the appeal.
- Gives rise to data protection concerns.
- Appellant is acting as a data controller under GDPR.
- Recording and submission of such undertaken without lawful basis.
- Constitutes unlawful disclosure of personal data.
- While not included in data submitted, children have been recorded by appellant when present in the farmyard.

Request that Commission disregard the CCTV footage and associated material submitted and remove from the file and confirm that it will not be relied upon in this appeal – solely to ensure that appeal is assessed solely on the basis of proper planning and sustainable development of the area.

7.3. Planning Authority Response

None received.

7.4. Observations

The commission received 1 no. observation from Lisa Hartley. The observation states:

- Lived directly opposite the appeal site for more than 19 years.
- While the agricultural shed has not been in place for the entire time, it has not given any difficulty, dispute or negative impact of any kind.
- Applicant has always been an excellent neighbour.
- Shed has not produced excessive odour/noise/nuisance.
- Finishes blend into surrounding rural area.
- No light pollution on surrounding area.
- Shed has not negatively impacted on residential amenity.
- Shed is entirely consistent with the rural and agricultural setting.
- Long-term experience of living at this location does not align with concerns raised by 3rd party appellant.
- Shed has not caused any issues since construction.

8.0 Assessment

8.1. Introduction

8.1.1. Having examined the application details and all other documentation on file, including the appeal and observation and having inspected the site, I consider that the main issues for consideration are;

- Impact on Visual Amenities

- Impact on Residential Amenities
- Traffic Issues
- Environment and Farming Operations.
- Issues Arising.

8.2. Design and Layout

- 8.2.1. Both 3rd party appellants to this appeal have raised concern over the layout and siting of the structure proximate to the road way and the neighbouring dwelling. It is contended that the structure is more akin with an industrial area and that it is not in keeping with the rural landscape. The appellants state that it is visually obtrusive to the public road and adjoining residential property and that it would fail to comply with Section 10.1.1 of Development Management Standards of the Mayo County Development Plan 2022-2028.
- 8.2.2. Section 10.1.1 of the County Plan relates to siting of agricultural buildings and states that *“the Council requires that buildings be sited as unobtrusively as possible and that the finishes and colours used blend the development into its surroundings. New agricultural buildings shall be located within or adjacent to existing farm buildings, unless it has been demonstrated that the building must be located elsewhere for essential operational reasons.”*
- 8.2.3. The Planning Officer in their original assessment raised concern over the siting of structure immediately abutting the roadside and the proximity to the boundary of the neighbouring habitable dwelling to the west. In response the applicant submitted a contiguous elevation which details the development in the context of the adjoining properties.
- 8.2.4. The Planning Officer concluded that they are satisfied that the development is not overly prominent on the receiving rural landscape where development of this nature i.e agricultural shed is a prominent feature of the landscape. The report also notes that from a review of historical mapping available the development has been erected within the partial footprint of a pre-existing structure and aligns with the building line of the existing block wall to the east and to the presence of an enclosed yard area and structure separating the development and the existing dwelling to the west.

8.2.5. From undertaking a review from the historic mapping system available to me on [Historic Environment Viewer](#) I note that there does appear to be a building situated on the location of the structure subject to this appeal on the OSi Cassini 6 inch raster mapping which is dated early 20th century -1950s. The appeal site is situated within a rural area where there are a number of farmyard complexes and as such I consider that the location is acceptable and is in keeping with the agricultural landscape in which it is located.

8.3. Impact on Amenities

- 8.3.1. Concerns have been raised over the impact the structure will have upon the current level of amenities enjoyed by the neighbouring property in terms of overshadowing, noise, odour and a general source of nuisance given the intended use of the building for farm practices.
- 8.3.2. In the first instance I note that the structure has a northern facing elevation and as such having regard to the orientation of the site relative to the path of the sun, I do not accept that the structure will give rise to undue issues of overshadowing.
- 8.3.3. The appeal site forms part of a wider farmyard where farm practices have been ongoing. Furthermore, the site is within the open countryside and surrounded by a number of similar farm operations. The applicant submitted a Nutrient Management Plan (NMP) and provided the Planning Authority with proposal for effluent storage and disposal associated with farming practices being carried out which was considered to be acceptable.
- 8.3.4. With regard to the concerns raised relating to odour, I note that the operation of the farmyard is governed by separate codes of practice which requires good maintenance to accord with the current health and safety regulations. The farmyard is also subject to inspection on a regular basis. Details have also been included in the Nutrient Management Plan (NMP) to this extent.
- 8.3.5. I therefore consider that the impacts of the farmyard will not negatively impact upon the amenities of the adjoining properties.

8.4. Traffic Issues

- 8.4.1. The principal concern raised by appellants to this appeal relates to the sightlines available at the entrance to the appeal site. The appellants contend that the sightline drawing submitted in response to the request for further information is incorrect and that the sightlines are impeded by roadside boundary features which are not within the ownership of the applicant to remove or maintain. Overall, it is contended that the sightlines indicated do not comply with the requirements of the Mayo County Development Plan 2022-2028 and therefore it is not possible that the applicant can comply with the requirements of Condition no. 10 of the grant of permission.
- 8.4.2. Condition no. 10 of the grant of permission states that 'Sightlines at the entrance shall be maintained free from obstruction.'
- 8.4.3. The applicant in response to the request for further information submitted an amended site layout which indicated the provision of sightlines of 90m to the west and 50m to the east and it is stated that the applicant is aware that he will have to maintain the hedge on his adjoining property to maintain visibility. It was further stated that this entrance was utilised to serve the existing farmyard prior to the erection of the shed structure.
- 8.4.4. Access to the appeal site is provided from the L-5927 which is a local road. The L-5927 has a posted speed limit of 60km/hr and as such in accordance with section 7.6 of volume 2 of the County Plan the entrance would require sightlines of 90m in each direction from a set back of 3m. The County Plan notes that the minimum 3m set back may be reduced to 2.4m and to 2.0m in difficult circumstances on urban roads.
- 8.4.5. The amended site layout plan, submitted to the Planning Authority on the 6th February 2026 indicates 90.1m visibility to the west and 50m to the east. I note that the set back from the edge of the carriageway is indicated as being 2m. While the applicant had indicated that lands to the east are within their ownership to maintain, the distance falls significantly short of the required 90m and without a clear indication that this is achievable it fails to demonstrate compliance with the requirements of Section 7.6 of the County Development Plan.
- 8.4.6. Furthermore, the set back provided of 2m also falls short of the required setback of 3m. The development plan only allows for a relaxation of this requirement in limited

instances in difficult circumstances on urban roads. The L-5927 is a local road and as such this relaxation cannot be applied.

- 8.4.7. While the applicant has indicated that this entrance pre-exists the erection of the subject structure on site and was utilised to serve the farmyard. Notwithstanding its prior use, the construction of the shed structure has intensified the farm use on site and as such will lead to an intensified use of the vehicular entrance. Therefore, the entrance needs to demonstrate compliance with the required sightlines.
- 8.4.8. Overall, having regard to the requirements of Table 4: Access Visibility Requirements of Section 7.6 of Volume 2 of the Mayo County Development Plan 2022-2028, the information on file, and from what I witnessed on site, the applicant has not demonstrated that the entrance to serve the subject site can achieve the required sightlines and that it would not give rise to a traffic hazard. I therefore recommend that retention permission be refused in this instance.

8.5. Site Operations

- 8.5.1. The appellant to this appeal has stated that there are operations ongoing on site that do not constitute farming practices such as plant hire. This has been supported by extracts from social media. Furthermore, it is contended that there is discrepancies in plans submitted with regard to the extent of the hard standing area
- 8.5.2. The applicant in response has designed specifically for sheep farming. The structure includes sheep slats and has been purpose built for livestock housing and winter management. It is contended that claims made in this regard is unfounded.
- 8.5.3. I consider that the use of the building is restricted by the statutory description as per the notices associated with the application submitted and that any deviation from such would be a matter for enforcement which comes within the remit of the Planning Authority.
- 8.5.4. Plans submitted indicate that internal finish of the structure comprises of concrete flooring and that the area immediately outside of the structure comprises of a hardstanding area. The area further south of the structure, still within the red line boundary, is indicated as being a courtyard. I note from undertaking a site visit that the plans submitted correctly reflects the on-ground situation. I am unsure as why the

appellant requires the area to be defined as the plans submitted are indicated to be of a scale of 1:500 with the principle dimensions indicated to allow for the area to be calculated.

8.6. Public Health

- 8.6.1. It is contended by a 3rd party to the appeal that limited information has been provided with regard to stormwater collection and disposal on the site layout. It is argued that this has the potential to impact the septic tank serving the adjoining dwelling. It is further argued that Condition no. 3 which requires that within 3 months the applicant submit an amended site layout plan to detail the provision of surface water drainage soakaway(s) is not obtainable as firstly there is no commencement so 3 month period undefined and that there is no mechanism to allow 3rd parties to comment on the response.
- 8.6.2. In the first instance I consider that the 3-month period referenced within condition no. 3 relates to 3 months from the date of the final grant issued by the Planning Authority. Secondly, post consent conditions which require compliance are a common practice and permissible in terms of the Planning and Development Act, 2000 (as amended).
- 8.6.3. I do not accept the concerns raised by the 3rd Party in this instance and consider that the information provided by the applicant to the Planning Authority was acceptable and the inclusion of condition no. 3 is common practice.

8.7. Issues Arising

8.7.1. Legal Issues

Appellants to this appeal raise concern over the incorrect red line boundary being presented on plans submitted and it is argued that the applicant has included a block wall and fence to represent the common boundary between their property and the appeal site. It is contended that this boundary was erected by previous owner of appellants property. The applicant argues that this has been in place for 48 years.

I note that while the appellant makes reference to the boundary being include within their deeds there is no evidence submitted, by way of a copy of the maps associated

with the deeds, to support such comments. The applicant states that issues surrounding boundaries is a civil matter and I would agree with this assertion.

I draw the commissions attention to section 5.13 of the Development Management Guidelines for Planning Authorities that advise that the planning system is not designed as a mechanism for resolving disputes about rights over land and that these are ultimately matters for resolution in the Courts. Furthermore, Section 34(13) of the Planning and Development Act 2000, (as amended), states that a person shall not be entitled solely by reason of a permission to carry out any development.

Therefore, I consider that the disputes between the parties in relation to land ownership or boundaries are ultimately civil / legal issues that would be dealt with more appropriately outside of the planning process and ultimately a matter for the courts.

8.7.2. Inadequacies in Planning Application

Appellants to this appeal make a number of assertions over inconsistencies and inadequacies with regard to the planning application documentation submitted.

I note that it is the role of the Planning Authority to undertake a validation check of any planning application submitted against the requirement of the Planning and Development Regulations, 2001 (as amended). In this instance, the Planning Authority undertook their functions to a standard that allowed the Planning Officer to undertake their assessment.

A further concern of one of the Appellants related to their submission at further information stage not being included for consideration by the Planning Authority due to an administrative error. While I note that this was concerning to the appellant involved, the issues that would have been included within that submission have now been presented in their appeal to which I have given due consideration in my assessment above.

8.7.3. CCTV Images and Recordings

The applicant has raised concern over the contents of the 3rd party appeals with regards the CCTV footage and imagery submitted. The applicant considered that the contents of such constitutes unlawful disclosure of personal data and has requested that the Commission disregard the CCTV footage and associated material submitted and remove from the file and confirm that it will not be relied upon in this appeal.

I note that this issue has been raised with the Deputy Data Protection Officer within the Commission and a response to the concern raised was issued to the applicant on the 4th June 2026. I consider that issues surrounding GDPR and the outcome of such to be a separate procedure than that of my assessment and as such I will not comment further on this issue.

8.7.4. Development Works

Appellants to this appeal raise concern over on-going development works and expansions to the farmyard which have been undertaken during the assessment period of this application/appeal. Furthermore, it is asserted that the applicant is operating non farming related operations from the appeal site.

I note that any works being undertaken outside of scope of the development described within the statutory notices associated with the application subject to this appeal do not form part of my assessment and should be dealt with through Planning Enforcement which is within the remit of the Planning Authority not the commission.

9.0 AA Screening

9.1. See Appendix 2 of this report for Appropriate Assessment Screening Determination. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Tullaghanrock Bog SAC (Site code 002354), the south-west of the Callow Bog SAC (site code 000595) and the Derrinea Bog SAC (Site code 000604) or any other European site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.2. This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- Distance from and weak indirect connections to the European sites.
- Taking into account screening determination by LPA

- 9.3. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

10.0 Water Framework Directive

- 10.1. The subject site is located at Clooncarha , Kilmovee , Ballaghaderreen, Co. Mayo. The proposed development comprises of the retention of an agricultural shed together with all associated site works.
- 10.2. The Killaclare river flows approximately 186m to the south of the subject site and the Ishlaun River flows c.628.7m to the north-east of the site. Both of these rivers are noted as not being at risk. The site is also situated in the Curlew Mountains which has a good status.
- 10.3. I have assessed the proposed development 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 and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.4. The reason for this conclusion is as follows:
- Nature of works regard the scale;
 - Location-distance from nearest Water bodies and/or lack of hydrological connections.
- 10.5. 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.

11.0 Recommendation

I recommend that the decision of the Planning Authority be overturned and retention permission be refused for the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to the restricted sight lines availability at the proposed entrance and the failure of the applicant to demonstrate that the required sightlines would be available from the required setback, it is considered that the proposed vehicular entrance would be contrary to Table 4 Access visibility requirements, Section 7.6 Access Visibility Requirements, of the Mayo County Development Plan 2022-2028 and would represent a serious traffic hazard. Therefore, to grant retention permission would 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Kathy Tuck

Planning Inspector

26th June 2026

Appendix 1

Form 1 EIA Pre-Screening

Case Reference	PL-501058-MO-26
Proposed Development Summary	Retention of existing agricultural shed and all ancillary site works including roadside wall, widened access with gates and hardstanding area.
Development Address	Clooncarha , Kilmovee , Ballaghaderreen Co. Mayo
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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(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)	
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	State the Class and state the relevant threshold

If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
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)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2

AA Screening Determination

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the permission seeking retention permission in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located at Clooncarha, Kilmovee, Ballaghaderreen Co. Mayo and situated C.6.95km to the south-west of the Tullaghanrock Bog SAC (Site code 002354) and 8.2km to the south-west of the Callow Bog SAC (site code 000595). The site is also situated c.5.29km to the north-east of the Derrinea Bog SAC (Site code 000604).

Retention permission is being sought for an agricultural shed.

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;
- distance from nearest European site;
- Taking into account screening report/determination by the Planning Authority.

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.

