



An
Coimisiún
Pleanála

Inspector's Report PL-501554-LH-26

Development	Permission for retention for, and use of existing shed for the storage of materials and plant for the duration of completion of development granted under planning reference number 21/1218.		
Location	Commons Road, Dromiskin, County Louth.		
Planning Authority Ref.	2660195		
Applicant(s)	MWAC Ireland Ltd..		
Type of Application	Permission.	PA Decision	Grant Permission.
Type of Appeal	Third Party	Appellant	Noel and Mary McQuillan
Observer(s)	None		
Date of Site Inspection	04/08/26	Inspector	Fergal Ó Bric

1.0 Site Location and Description.

1.1 The appeal site is located within the northern perimeter of the Village of Dromiskin, approximately six kilometres south-west of Dundalk and along the southern side of the Commons Road. The appeal site is presently a construction site where two detached dwellings previously permitted by the Coimisiún are at an advanced stage of construction, with the rising walls developed to wall plate level and construction ongoing at the time of my site inspection. The appeal site contains lots of construction materials and equipment stored externally in the form of steel and concrete lengths, scaffold, blocks, timber lengths, a sand pile, bags of cement and wooden pallets. Machinery in the form of a JCB loader, tractor and trailer and other site infrastructure including a portaloo were also on site. The shed, the subject of this appeal was locked at the time of the site inspection, but I could gain glimpses into the shed and see that there were some building materials stored within the shed in the form of insulated foil backed slabs and other construction materials.

1.2 The site is accessed off the Commons Road, to the north of the village, a road that links Dromiskin with the southern portion of Dundalk. The Commons Road in an easterly direction connects to the R132, the Old N1, National Primary Route and with the southern part of Dundalk. Site levels within the appeal site are consistent with those of the adjoining public roadway. To the south and east of the subject site are agricultural lands used for tillage purposes. To the west and south-west of the subject site are residential properties within the settlement of Dromiskin village. There is a 1.2 metre post and wire fence located along the eastern (side) and southern (rear) site boundary.

2.0 Subject Development.

Permission is sought for the retention for, and the use of an existing shed for the storage of materials and plant for the duration of completion of development granted under planning reference number 21/1218.

3.0 PA's Decision:

The Planning Authority recommended that permission for retention of the storage shed be granted subject to four conditions which can be summarised as follows:

2(a)-Shed to be use for purposes of storage of machinery and building materials associated with the development permitted by the Coimisiún under ref no. 312591-22 and not for any other business/commercial use.

2(b)-Storage shed, foundations and associated service infrastructure shall be removed from the site not later than three months prior to the expiry of permission 312591-22 and the site landscaped in accordance with the details agreed under compliance with condition no 7 under 312591-22.

3-To agree surface water management details within two months of this permission for retention

4(a)-Developer to be responsible for full cost of any damage to adjoining public road

4(b)-To take measures to prevent spillage of material on the adjoining public road.

4.0 Planning History

Coimisiún reference number 321775-25-The Coimisiún was asked whether a shed is or is not development and is or is not exempted development, whether the placing of a floor and the rebuilding of the exterior wall of said shed is or is not development and is or is not exempted development and whether the storage of goods and plant in the shed for planning permission 21/1218, the placing of hardstanding, the placement of a concrete pad and the storage of fill and hardcore is or is not development and is or is not exempted development. In December 2025, The Coimisiún determined that the shed, the subject if the current appeal is development and is not exempted development.

ABP-312591-22 – The Board made a split decision, on the 2nd of June 2023, to grant permission, subject to conditions, for the construction of two detached dwellings along the front of the site, alterations to existing access and all associated works, and refused permission for the retention of the shed (subject of the current appeal) and change of use of shed to domestic use associated with dwelling no. 1.

The refusal reason for the shed element of the development stated that, by reason of its height, bulk and design, the shed would be visually obtrusive to the rear of

two proposed detached dwellings and would have a negative visual impact on the surrounding residential area and the retention of the shed would be contrary to the residential zoning of the site and the proper planning and sustainable development of the area. The PA under reference number 21/1218, had granted permission, subject to conditions, for the shed and dwelling development.

Planning Enforcement:

Planning enforcement reference UD/25/003: Case in under review by LCC in relation to an unauthorised shed, rebuilding of shed walls, concrete floor, unauthorised storage of goods and plant in shed in relation to planning reference 21/1218 and unauthorised placement of hardstanding to west of structure.

5.0. Local Planning Policy

5.1 Louth County Development Plan 2021 -2027

The appeal site is located within the settlement boundary of Dromisikin. In accordance with the settlement hierarchy for Co. Louth (Table 2.4 of the CDP) Dromiskin is a Tier 4 (Small Towns and Villages) within the settlement hierarchy. The appeal site is zoned 'A1 Existing Residential'. The stated objective of such lands is: 'To protect and enhance the amenity and character of existing residential communities'.

Chapters 2-Core and Settlement Strategy-

Policy Objective CS 18 To ensure localised sustainable growth within the small towns and villages identified in the Settlement Strategy, is proportionate to the size of the settlement, prioritised on infill/brownfield sites and that economic related development is supported.

Chapters 13-Development Management Guidelines-

Section 13.9.10-Garages and Outbuildings

The purpose of garages and outbuildings within the curtilage of residential properties is normally for storage and needs that are incidental to the dwelling on site. Garages will normally be positioned to the side or rear of the dwelling and will

be designed and finished in materials that match the dwelling. The design and scale of any garage shall be proportionate to the dwelling.

5.2 Natural Heritage Designations

The closest designated sites to the appeal site are the following:

- Dundalk Bay SAC (site code 000455) – approximately 1.9 km east of the appeal site
- Dundalk Bay SPA (site code 004026) – approximately 1.5 km east of the appeal site
- Dundalk Bay pNHA (site code 000455) – approximately 1.9 km east of the appeal site.

6.0 The Appeal

6.1 Third Party Appeal.

The grounds of appeal are submitted from a family who reside adjacent to the subject property and the issues raised are summarised below:

- The applicants are attempting to establish a storage area alongside the appellants' property for use as a builder's yard and depot.
- The applicants are seeking to retain the shed on site under the previously refused permission by the Coimisiún under ref no 312591-22 by stating it is being used for temporary construction storage.
- The applicant is seeking to regularise a commercial builder's yard in an established residential area.
- By granting a temporary permission, the Planning Authority is facilitating the unlawful consolidation and incremental regularisation of an unauthorised building.
- Granting temporary planning permission for a structure which has been refused permanent planning permission by the Coimisiún and is unauthorised, does not overcome its illegal status.
- The Planning Inspectors Report under Coimisiún reference number 312591-22 sets out that the shed would be contrary to the A1 residential land use zoning objective, would be visually obtrusive, result in an adverse

impact on the surrounding residential area and would be contrary to the proper planning and sustainable development of the area.

- The Site Layout Plan as submitted to LCC encroaches upon the appellants' property. The applicants have not demonstrated that they have consent or sufficient legal interest to include this portion of land as part of their layout.
- The developer has installed additional ground floor windows within the western gable at ground floor level of a dwelling under construction that directly overlooks the appellants' property.
- If the shed structure on site is to be permitted, then there would be no justification for storage containers to remain on site. The shed to be retained would provide more than enough capacity to provide storage for the permitted dwellings during their construction period.
- In the event that the Coimisiún is minded to granting temporary permission for the shed, a robust planning condition requiring the removal of the shipping containers from the site within fourteen days of the Coimisiún's decision should be included.
- In the event that the Coimisiún is minded to granting temporary permission for retention of the shed, a robust planning condition requiring the demolition and removal of the shed from the site and restoration of the ground within six months of the Coimisiún's decision should be included. This should be independent of the completion status of the two detached residential units on site.
- The subject site is specifically zoned for residential development.
- The storage of heavy commercial plant, machinery and non-essential external building materials represents an unacceptable material change of use that introduces commercial traffic, noise and visual blight directly adjacent to their residential boundary of the appellants.

6.2 P.A. Response

Response received. The Planning Authority (PA) set out the following in relation to the third-party appeal submission.

- The Planning Authority note the grounds of the third-party appeal submission made to the Coimisiún.

- The PA request that the Coimisiún consider the content of the Planners' Report dated the 22nd /25th/29th day of May 2026 together with the content of the third-party appeal submission.
- LCC has no further comments to make over and above those made in the Planner's Report and in the Council's decision to grant permission for retention of the shed with planning conditions.
- The PA requests that the Coimisiún uphold the decision to grant permission for retention of the development.

7.0 EIA EIA Screening – Please see Appendix 1 at the end of this planning report. Having regard to the limited nature and scale of the development which relates to the retention of a shed structure for the storage of construction materials and plant and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, there is no real likelihood of significant effects on the environment arising from the proposed development. 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 1.9 kilometres west of the Dundalk Bay SAC (site code 000455) and the Dundalk Bay SPA (site code 004026). Having regard to the scale and nature of the shed structure sought to be retained 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 is the Irish Sea located approximately 1.9 kilometres east of the subject site, along the east coast of the Country.

The development relates to the retention of a shed structure for the storage of construction materials. The detailed development description is set out within Section 2.0 of my report above.

Surface water discharge is stated to be to soakpits. No issue in this regard was raised within the appeal.

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 and scale of the development and the 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 nearest waterbody,

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.

10.0 Assessment

10.1 Introduction

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
- Other Matters

10.2 Principle of Development

10.2.1 The planning notices submitted by the applicant's state that they are seeking planning permission to retain a shed structure for the storage of materials and plant for the duration of completion of development granted under planning reference number 21/1218. The appellants have referenced the refusal of planning permission which was part of a split decision issued by the Coimisiún under reference number ABP-312591-22 where permission was granted for the construction of two detached dwellings within the northern part of the subject site and refused permission for the retention of the shed (subject of the current appeal) and change of use of the shed to domestic use associated with dwelling no. 1. The reason for refusal in the decision by the Coimisiún related to the height, bulk and design of the shed being visually obtrusive to the rear of the proposed detached dwellings and would have a negative visual impact on the surrounding residential area and the retention of the shed would be contrary to the residential land use zoning objective of the site and the proper planning and sustainable development of the area.

10.2.2 However, the current appeal relates to a different proposal in relation to the same shed that was refused permission for retention under reference number ABP-312591-22. In the current appeal, the applicants state that they are seeking to retain and use the shed for the storage of construction materials and plant for the duration of completion of the development permitted under planning reference 21/1218. Planning reference 21/1218 refers to the retention of the shed for domestic purposes and construction of two detached

dwelling shed that was permitted by the PA and subsequently appealed to the Coimisiún, who issued a split decision referenced in the paragraph above. I noted that on the day of my site inspection the two detached dwellings permitted by the Coimisiún have been constructed to wall plate level and that construction work was active in progressing the residential development. To the rear of the site is the shed, the subject of this appeal, and a number of shipping containers and various construction materials and plant associated with construction activities. The appellant is concerned that the applicants would retain this shed permanently even in the event that a temporary permission for retention was granted by the Coimisiún. However, the appellant also acknowledges that if the shed is to be retained for a short period of time (they suggest for a period of up to six months) and that a robust planning condition is included as part of any planning decision whereby upon expiry of the six-month period that the shed be demolished and removed off site and that the land be restored and suitably landscaped.

10.2.3 I acknowledge the refusal of planning permission by the Coimisiún under 312591-22, albeit that proposal related to the retention of the shed structure as a domestic storage shed to serve dwelling number 1, currently under construction. In that decision, the Coimisiún considered that the height, bulk and design was inappropriate, that the shed would be visually obtrusive and have a negative visual impact upon the surrounding residential area and that the retention of the shed structure would have been contrary to the A1-residential land use zoning objective. In this regard, I do not consider that anything has changed materially within the site in relation to the shed structure, the subject of this appeal. The scale, bulk and height remains unacceptable and the shed remains visually obtrusive in this residential area and would be contrary to the A1-residential land use zoning objective and be contrary to the proper planning and sustainable development of the area. On this basis, I consider that permission for the retention of the unauthorised commercial shed structure should be refused.

10.3 Other Matters

Legal Interest:

10.3.1 I note that the appellants state that part of their property has been included within the red line boundary as set out within the applicants' Site Layout Plan. Section 5.13 of the Development Management Guidelines for Planning Authorities 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. Section 34(13) of the Planning and Development Act 2000 (as amended) states: A person shall not be entitled solely by reason of a permission under this section to carry out any development. I am satisfied that the provisions outlined above give the Board sufficient comfort to permit the completion of this residential development.

Modifications to permitted design:

10.3.2 The appellants referenced (including photographic images) of the installation of additional ground floor windows within the gable of the dwelling facing towards their property. This is not a matter for consideration under this appeal which specifically relates to the shed structure to the rear of the site, as per the public notices. The issue of additional windows in the gable of a dwelling permitted under 312-591-22 is a matter for the Planning Enforcement Section within LCC to investigate, should they deem it necessary.

Public Notices

10.3.3 I would like to bring to the attention of the Coimisiún that the planning notices submitted by the applicant's state that they are seeking planning permission to retain a shed structure for the storage of materials and plant for the duration of completion of development granted under planning reference number 21/1218. Under this permission, the Planning Authority granted permission for two detached dwellings and the retention of the shed structure (the subject of this appeal) as a domestic garage to serve dwelling no. 1. However, this decision was appealed under reference number ABP-312591-22 and a split decision was issued by the Coimisiún whereby permission was granted for the construction of two detached dwellings within the northern part of the subject site and refused permission for the retention of the shed

(subject of the current appeal) and change of use of the shed to domestic use associated with dwelling no. 1.

11.0 Conclusion

In conclusion, I consider that the retention of the unauthorised commercial shed structure would not be acceptable in this instance and would potentially establish an undesirable future precedent. I consider that the bulk, height and scale of the shed to be visually obtrusive within this residential neighbourhood and that its retention for commercial purposes would be contrary to the A1-residential land use zoning objective as set out within the current Louth County Development Plan 2021-2017 and would therefore, be contrary to the proper planning and sustainable development of the area.

12.0 Recommendation

I recommend that permission for retention of the existing shed for the storage of construction materials and plant for the duration and completion of development, permitted under reference number 312591-22 be refused for the reason set out below.

13.0 Reason:

1-The shed is located on lands zoned for residential development, A1-existing residential, in the Louth County Development Plan 2021-2027, where the objective is 'to protect and enhance the amenity and character of existing residential communities'. It is considered that, by reason of its height, bulk and design, the shed would be visually obtrusive to the rear of two permitted detached dwellings and would have a negative visual impact on the surrounding residential area and be contrary to the underlying land use zoning objective and establish an undesirable future precedent. The retention of the shed would, therefore, be contrary to the land use zoning objective pertaining to the subject site and 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

31st day of August 2026

Appendix 1 - Form 1
EIA Pre-Screening

An Bord Pleanála Case Reference	PL-501554-LH-26		
Proposed Development Summary	Permission for the retention and use of existing shed for the storage of construction materials and plant for the duration and completion of development granted planning permission under planning reference number 21/1218.		
Development Address	Commons Road, Dromiskin, Co. Louth		
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	x
		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	Retention of a shed structure for the storage of construction materials and plant does not fall within a class of development as per the Planning and Development Regulations.	x
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		X
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	Works relate to the retention and use of existing shed for the storage of materials and plant associated with two permitted dwellings currently under construction.	X

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	X
Yes		

Inspector: _____

Date: _____