



An
Coimisiún
Pleanála

Inspector's Report PL-501652-CE-26

Development	Retention of a Dutch-style Barn, with new entrance and ancillary site works
Location	Gortavrulla, Caher, Co. Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	26104
Applicant(s)	Michael Keegan
Type of Application	Retention
Planning Authority Decision	Grant Retention with Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Marcus Edward Hulme
Observer(s)	None
Date of Site Inspection	30/09/2026
Inspector	Caryn Coogan

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1.0 Site Location and Description

- 1.1. The site is located in a rural area of east Co. Clare in the townland of Gortavrulla approximately 3.7km from Flagmount. The site area is 0.4644Ha. It is a field with 3No. access points.
- 1.2. The northern site boundary is a narrow public road and the site includes a mature hedge along this boundary and an access gate to the field at the eastern extremity.
- 1.3. The site slopes southwards to a small stream/ditch. In general the vegetation on the site demonstrates poor soil drainage.
- 1.4. The subject structure of this appeal is located at the southwestern site extremity. It consists of a concrete slab floor and timber frame three dimensional outline. It is located in close proximity to the private laneway which provides access to the subject structure, which also serves the applicants dwelling.
- 1.5. The site is enclosed by mature hedgerows and trees. I notes a small watercourse along the south site boundary.

2.0 Development

- 2.1. The retention of development is described as a Dutch Style Barn (54sq.m.), new entrance and ancillary site works.
- 2.2. The purpose of the structure is a sheep shed and to store farm machinery and hay/feed. There will be no slurry, dry bedding is proposed

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Clare County Council granted Retention of Permission subject to 5No. Conditions.
Condition No. 3

The use of the barn shall be restricted to agricultural purposes ancillary to the holding only and shall not be used for community workshops, events. Training

sessions or any non-agricultural or commercial activities unless otherwise permitted by way of a separate grant of planning permission.

Reason: In the interests of residential amenity and orderly development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The surrounding area includes a mix of residential and agricultural uses. The purpose of the barn is for storage of foodstuff/ hay and certain sheep handling for up to 15 No. sheep. This is considered to be an acceptable use.
- The matters raised in respect of the 1991 planning application are not relevant because the structure is not for residential use.
- The proposal includes a new entrance onto a private laneway shared with a limited number of users. There is a low level of activity associated with the access road, the traffic generation will be minimal. There is adequate visibility and safe ingress/ egress. No traffic safety concerns. Legal matters relating to the access are outside of remit of the planning application.
- Water supply is through rainwater collection. Dry bedding system and stated volumes of run off will be used on vegetable growing plots.
- The ridge height is 5.2m is considered to be acceptable. The existing hedgerows provide a degree of natural screening reducing visual impacts on neighbouring dwellings. The site is positioned on a lower than the road which further limits visibility in the immediate area. The barn would not appear to be out of character with the area.
- The structure at Gate A would place it on high ground resulting increased visual prominence.
- No flood risk.
- Permission recommended.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

The Prescribed Bodies were notified of the planning application. However there were no submission made.

3.4. Third Party Observations

A summary of the concerns expressed by three third parties submissions are as follows:

- The size of the of the proposed Dutch Barn
- The use of the land for sheep may pollute their water source. He had mentioned using the field as a community garden which would impinge on privacy.
- Access. The barn is currently accessed form a shared road leading to the applicants home. If the building and access were at the other end of the field it would be less of an intrusion. Gate A is the most obvious and safest choice, the furthest away from third party houses. Gate B is directly opposite neighbours. Gate C is the most hazardous. It would block access to their homes.
- Breach of Planning Process, no regard to planning legislation
- Environmental Degradation, removal of the hedgerow, pollution of watercourse.
- The siting, excessive scale and multiuse nature of the structure are inappropriate for this quiet rural area.
- Why is a second sheep barn required for 15No. sheep?

4.0 Planning History

4.1 Planning Reference 26/5

Retention of Dutch Style Barn - WITHDRAWN

5.0 Policy Context

5.1 Development Plan

Clare County Development Plan 2023-2029

6.20 Agricultural Development

Agriculture remains a highly important part of the local economy and the sector will be one of the main drivers of economic growth and employment creation in the coming years. Employment opportunities can be created through agricultural development/diversification to supplement farm incomes, to regenerate the rural economy and to sustain rural communities.

Development Plan Objective CDP 6.20

It is an objective of Clare County Council:

- a) To support and encourage the development of alternative farm enterprise, Agri-tourism projects and farm shops on agricultural lands which are complementary to the agricultural operation on the farm and the biodiversity supported by the farm, subject to compliance with appropriate planning, environmental and services requirements; and
- b) To support and encourage the reuse of redundant farm buildings of vernacular importance for appropriate Agri tourism enterprises subject to compliance with appropriate planning and services requirements.

Development Management

A1.8 Agricultural Developments

The rural countryside is a natural resource with agricultural activity being particularly important. In considering proposals for agricultural development (walls, fences, yards, stables, sheds, slurry pits etc.) the Planning Authority will have regard to the Department of Agriculture, Food and the Marine document Guidelines and Recommendations on the Control of Pollution from Farmyard Wastes, together with the following:

- Siting and design that is keeping with the surrounding area;
- The use of muted coloured materials;

- Grouping of buildings will be encouraged;
- Adequate effluent storage facilities; and,
- The Planning Authority will require adequate provision for the collection, storage and disposal of effluent produced from agricultural developments. The European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2014, set out the requirements for storage of farm effluents and the minimum holding periods for storage of farm wastes. In Clare the holding period required for the purposes of calculating waste storage facilities is 18 weeks. It is permitted to spread soiled water all year round, thus the minimum holding period is 10 days. For silage the short-term storage period is 3 days. All agricultural developments must be designed and constructed in accordance with the Minimum Specifications as set out by the Department of Agriculture, Food and the Marine. The Living Farmland - a guide to farming with nature in Clare, 2008, is a useful reference for consideration when planning farm developments.

5.4 Natural Heritage Designations

The development is within the Slieve Aughty Mountains SPA (Site Code 004168)

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 Roads 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 the report.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1 The following is a summary of the third-party grounds of appeal:

- The development represents a breach of the planning process. The commencement of the construction without planning permission represents a discard for due process and proper consultation with the community.
- There were three issues raised by the Council before his previous withdrawal of the planning application 11/03/2026). These issues have not been addressed.
- The removal of the native hedgerow and the disturbance of a natural area bordering a watercourse is not acceptable. The risk of pollution of the stream which is a feature of the local landscape, and the potential of contamination of groundwater sources represents a significant environmental threat.
- The siting and excessive scale and the originally proposed multiuse nature of the structure is inappropriate for this quiet rural setting. The structure will create a permanent visual intrusion, increase traffic on a private road and alter the peaceful character of the area to the detriment of the residents. The entrance is close to a blind bend. The safest option would have been the original entrance closest to the public highway.
- The need for more land is baffling. He planted 8 acres of deciduous woodland many years ago. If he had planted less trees he would have had enough space on his remaining acreage.
- If he had adhered to his original Section 38 in 1991 (planning application 91/11) there would be no dwellings on his remaining land.
- It would be relatively simple to dismantle and move the existing structure.
- There are possible compromises with respect to the location and scale of his Dutch type barn. He already has a large slab of concrete next to one of his dwellings that could accommodate several structures of the scale of his current construction.
- He is not an active farmer, none of his small flock have ear tags. If he has honest justification for building anything in the field, perhaps he could consider moving to the far end of the field accessed most safely from the public road and reducing its scale considerably which would partly mitigate the most severe impacts.

- Condition No. 3 states the use of the barn shall be restricted to agricultural purposes. We have little confidence in the planning enforcement system. The applicant had a previous retention request refused, and there has been plenty of time for the Council to enforce its removal yet the structure remains intact. We are concerned the Dutch like structure will morph into a dwellinghouse.

7.2. Planning Authority Response

A complete assessment of the issues was addressed by the planning authority and the Coimisiún is asked to uphold the decision to grant planning permission for the development.

8.0 Assessment

8.1. I have examined the appeal file and visited the subject site. I will examine the development under the following headings:

- Principle of the Development
- Layout and Design
- Impact On Amenities
- Traffic

8.2 Principle of the Development

8.2.1 The site notice describes the development as permission for retention of a Dutch Style Barn. In the application documentation state the structure is to accommodate sheep, farm machinery and hay/ food store. Access to the structure is off a private laneway owned by the applicant, who also owns 12 acres of land in the vicinity with 8 acres of same being a mixed broadleaf woodland. It is stated the barn, which is a small structure (54sq.m) will accommodate sheep on dry bedding, and the soiled bedding will be used on their vegetable plots within the landholding.

8.2.2 The barn structure is isolated from the applicants dwelling and independent of a yard area adjacent to his dwelling. I cannot understand the logic of locating the livestock at an isolated location from the applicant's dwellinghouse and yard area in terms of animal husbandry and welfare. Furthermore, the structure is in close proximity to a

third-party residence on the opposite side of the laneway. Housed livestock management requires daily interactions in terms of feeding, supervision and general husbandry. The structure is completely independent of the applicant's house and the applicant's other agricultural practices. The planning authority deemed the principle of the development to be acceptable given the surrounding landuses. The subject site is a field, adjoined by other fields, with two residential curtilages on the opposite side of the laneway which are owned by a third parties, and not the applicant.

8.2.3 Furthermore, although the application states the barn will operate on a dry bedding system with no runoff generated, the drawings submitted with the planning application are particularly vague, and do not demonstrate if the development meets with Minimum Specifications as set out by the Department of Agriculture, Food and the Marine or prove there is adequate provision for the collection, storage and disposal of effluent produced from the agricultural development. This element of development merely states the manure will be removed periodically and will be composted and reused on vegetable growing plots within the landholding. There is no indication of relationship to the development and location of the composting area or the vegetable plots. Plus, this will involve transporting the manure off-site to another location, which has not been clearly identified in the submission documents. In this regard the development does not meet with the basic requirements set out under Section A1.8 Agricultural Developments of the Clare County Development Plan 2023 2029 as outlined under Section 5 of this Report.

8.2.4 Section A1.8 states the planning authority have regard to Department of Agriculture, Food and the Marine document Guidelines and Recommendations on the Control of Pollution from Farmyard Wastes when assessing planning applications, but also the design and siting must be in keeping with the surrounding area, with the grouping of buildings encouraged. As stated above this is an isolated structure, it is not grouped with any other buildings or yard area. I consider the development is an ad hoc uncoordinated form of development, given the structure is removed from the place of residence of the owner/ operator. The design and siting are discussed in greater detail in the next section.

8.3 Layout and Design

- 8.3.1 The overall design of the Dutch Barn line structure is an irregular feature on the landscape. However the site falls away from the public road to the north, which also has the benefit of a mature hedgerow along its entire length. The structure would not be obtrusive or highly visible from the public road due to the topography and sitting on the lowest part of the site. In addition, the ridge height is 5.2metres which is modest in height.
- 8.3.2 A concern for me is the proximity of the building line to the access laneway, the front building line is located alongside the roadside boundary with very limited separation distance from the edge of the lane. Plate 1 from my photographs of the site inspection illustrates the proximity to the structure to the western site boundary. The photograph was taken from standing in the middle of the lane fronting the site. It leaves very little room, if any, for a setdown area to the front of the building or manoeuvrability into and out of the building from the laneway. In addition, the location on the southwestern extremity of the site, alongside the laneway implies the housing of livestock will be 31m from a third-party dwelling and 92m from another third-party dwelling. The impact of the development will impact on the adjoining third party residences and not the first party dwelling house. Therefore, I sympathize with the concerns expressed by the third parties on appeal and with the planning application. The structure is obtrusive when viewed from adjoining residences and the approach from the second house on the lane. Having regard to close proximity of the structure to the laneway and adjoining residences the structure is inappropriately sited.

8.4 Impact On Amenities

- 8.4.1 I note concerns raised in the submissions to the application, and the third party appeal. From inspecting the site, I observed the area around the building is not fenced, and there are no proposals for same. Similarly, the wider site boundaries while comprising hedging and trees may not be sufficiently stock-proofed at all locations, especially the southern boundary. In addition, there is a small stream along the southern boundary in close proximity to the structure which has not been indicated on the submitted drawings, (see photographs from my inspection). There

have been no details provided in the application documentation regarding surface water collection and disposal. The structure is within 5m of the small stream.

8.3.2. The structure is set back approximately 31m and 92m from the closest residential properties to the west (owned by third parties). I would have serious reservations given the close proximity of the structure to the laneway serving the dwellings, and the separation distance that there would be potential environmental concerns in terms of odours, noise, effluent and traffic which could impact negatively on the existing residential amenities of the dwellings.

8.5 Traffic

8.5.1 The appellants are concerned about traffic associated with the structure on the private lane serving 3No. dwellings and a yard area. There is a preference to use the original field entrance off the public road along the northern site boundary.

8.5.2 Given the small-scale nature of the development, a 54sq.m. agricultural shed in a rural area, the development is unlikely to result in a traffic hazard.

9.0 AA Screening

9.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000, as amended. The site is located within the Slieve Aughey Mountains SPA (Site Code 004168). The proposal concerns a small-scale Dutch barn to accommodate 15No. sheep, machinery and hay/feedstuff.

9.2. 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 appreciable effect on a European Site. The reason for this conclusion is as follows:

- Nature of the works i.e. small-scale nature of the development.

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

10.0 Water Framework Directive

- 10.1. The subject appeal site is located at Gortavrulla, Caher, Co. Clare and relates to the retention of a partially constructed Dutch barn, foundation slab for accommodating sheep, machinery and feedstuff. The appeal site is separated by a distance of approximately 600m from the River Granny which flows to Lough Graney, north of the site. The Ground Water Body is the IE-SH-G-157 Lough Graney and it has a Good status. The status of the River Graney 600m to the south is also 'Good'. The development provides for an agricultural structure which is 54sq.m. to accommodate 15No. sheep on dry bedding.
- 10.2. There is an existing shallow surface drain along the southern site boundary within 5m of the structure, which has not been indicated on the submitted drawings. It is proposed to transport the manure to vegetable plots within the landholding. There are no details provided regarding surface water collection and discharge from the development. No direct or indirect discharge to a watercourse is proposed, including surface water run-off, groundwater run-off or drainage.
- 10.3. I have assessed the development seeking permission 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, small scale and location of the project, I am not satisfied that it can be eliminated from further assessment because of the deficiencies in the manner in which waste and surface water is to be disposed of and the proximity of a small watercourse within 5m of the structure.

11.0 Recommendation

- 11.1. Having considered the appeal file, I consider the planning application to be seriously deficient in terms of basic information regarding agricultural development proposals and contrary to the provisions of the Management Guidelines for Agricultural Structure as set out in the current development plan. I therefore, recommend the development be refused for the following reasons

12.0 Reasons and Considerations

1. It is considered that the retention and completion of a Dutch Barn as proposed at this location, to accommodate livestock, machinery and feedstuff, would constitute an ad hoc and uncoordinated form of development in this rural area, given that the facility is removed from the place of residence of the owner/operator, and fails to comply with the provisions of Section A1.8 of the Development Management Guidelines in the Clare County Development Plan 2023-2029. Having regard to nature of the use concerned, its proximity to third party residential properties, restricted separation distance from the access lane and the absence of information regarding manure storage, composting and transportation, it is considered that the development proposed to be retained may give rise to a risk of environmental impacts in terms of odours, noise and effluent and would seriously injure the amenities of property in the vicinity of the site. The proposed development and development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information provided, the Commission is not satisfied that appropriate measures relating to the collection and disposal of animal waste arising from the facility have been satisfactorily demonstrated. In the absence of such satisfactory arrangements being provided, the development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Caryn Coogan
Planning Inspector

07/10/2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501652-CE-26
Development Summary	Retention of a Dutch style Barn, with new entrance and ancillary site works
Development Address	Gortavulla, Caher, Co. Clare
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	State the Class here

be requested. Discuss with ADP.	
☒ 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.	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 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination.
☐ 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 If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	State the Class and state the relevant threshold

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 3: Standard AA Screening Determination Template 2

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL501652-CE	
Step 1: Description of the project and local site characteristics	
Brief description of project	The retention of a Dutch-style barn with new entrance and ancillary site works
Brief description of development site characteristics and potential impact mechanisms	<p>The structure is 54sq.m. It will used to store animal feedstuffs and to carry out sheep husbandry on 15No. sheep. A concrete slab base has been laid and there is a timber frame erected on the site. The site is a greenfield with a north to south downward gradient. It is located within a rural area, with two one off houses immediately to the west. There is a wooded area to the south..</p> <p>It is located within the Slieve Aughy Mountain SPA (Site Code 004168</p>
Screening report	No
Natura Impact Statement	No
Relevant submissions	<p>Third parties expressed concern about the potential for water pollution.</p> <p>The Planning Authority's Screening concluded there is no potential for signifigant effects on the SPA from the works which have taken place on site.</p>

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Slieve Aughy Mountain SPA (004168)	Hen Harrier (Circus Cyaneus) (A082) Marlin (Flaco Columbarius) (A098)	Within the SPA	Within	Yes

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

There are no design or standard practice measures proposed in the application documentation regarding the collection and disposal of surface water, wastewater etc.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Slieve Aughy Mountain SPA (004168)	Direct: Site Clearance Completed Indirect Localised, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction	Site clearance has already taken place on the site. The habitat type is Rough Grassland plus cover Juncus as indicated on the 2014 Hen Harrier Habitat Mapping by the NPWS. The site is indicated to be of low ecological value and does not provide suitable

		foraging or roosting for the European Site's Conservation Interest
	The site is indicated to be of low ecological value and does not provide suitable foraging or roosting for the European Site's Conservation Interest.	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Step 4: Conclude if the proposed development could result in likely significant effects on a European site		
<p>The proposed development comprises a Dutch Barn style structure for agricultural purposes and housing livestock. No nature conservation concerns were raised in the planning appeal. While there is a shallow surface water drain immediately south of the structure, this potential hydrological link does not hydrologically connect to any European site, and it does not give rise to a likely significant effect on the European site, either alone or in combination.</p> <p>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:</p> <ul style="list-style-type: none">• Nature of the works i.e. small-scale nature of the development.• Separation distance between the appeal site and European site and distance and between surface water drain and European sites.• The type of vegetation of the site		
Screening Determination <p>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 Slieve Aughty Mountains SPA in view of the conservation objectives of this site and is therefore excluded from further consideration. Appropriate Assessment is not required.</p>		