

**LAOIS COUNTY COUNCIL
PLANNING DEPARTMENT**

PLANNING REPORT

PLANNING REF: 26/60193



Applicant Name:	Thomas and Noelle Goode
Development Description:	retain change of use of shed Nr.1 from domestic to agricultural machinery repair and welding to include for retention of a covered area for 1 Nr. vehicle (R1). Retention for the part change of use of shed Nr.2 from domestic to agricultural machinery repair and welding, (use ancillary to shed Nr.1). Retention of extension to shed Nr.2 (R2) and all associated site works.
Development Address:	Cloncannon, Mountmellick, Co. Laois
Type of Permission:	Retention
Date of Site Inspection:	21/05/2026
Decision Due Date:	02/06/2026
Recommendation:	Request further information

Site Location/ Context

The development site of 0.340ha is located in the rural townland of Cloncannon Lower, approximately c.2.6km southwest of Mountmellick Town Centre. The site currently consists of a single storey dwelling and two no. large sheds to the rear.

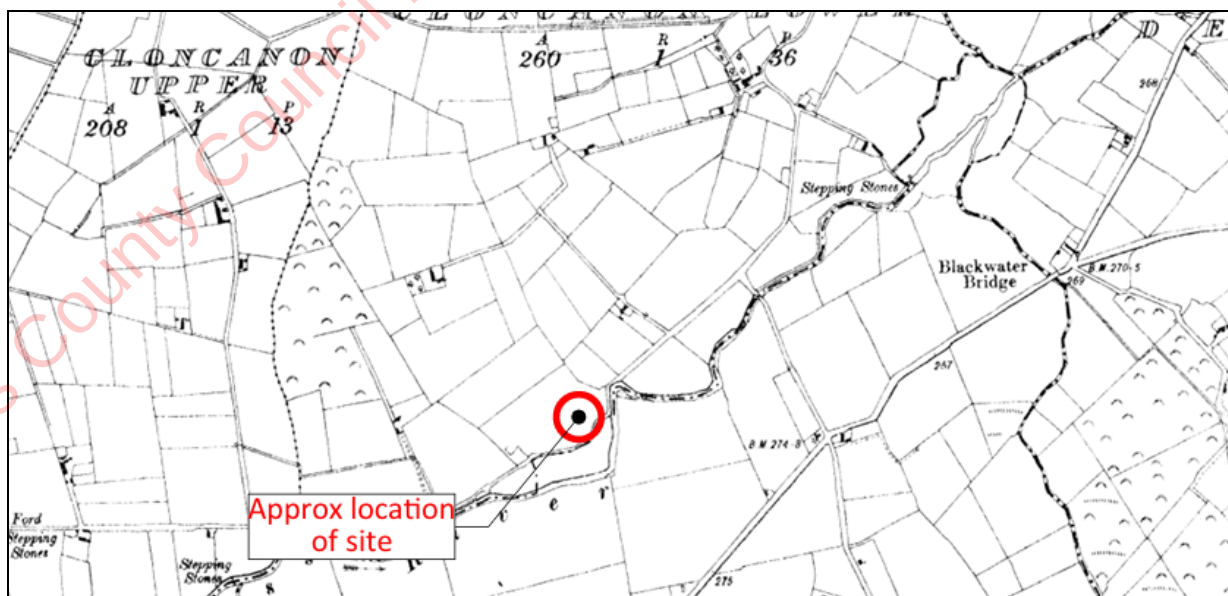


Figure 1: Site location map

Proposed Development

Retention for the change of use of shed Nr.1 from domestic to agricultural machinery repair and welding to include for retention of a covered area for 1 Nr. vehicle (R1). Retention for the part change of use of shed Nr.2 from domestic to agricultural machinery repair and welding, (use ancillary to shed Nr.1). Retention of extension to shed Nr.2 (R2) and all associated site works.

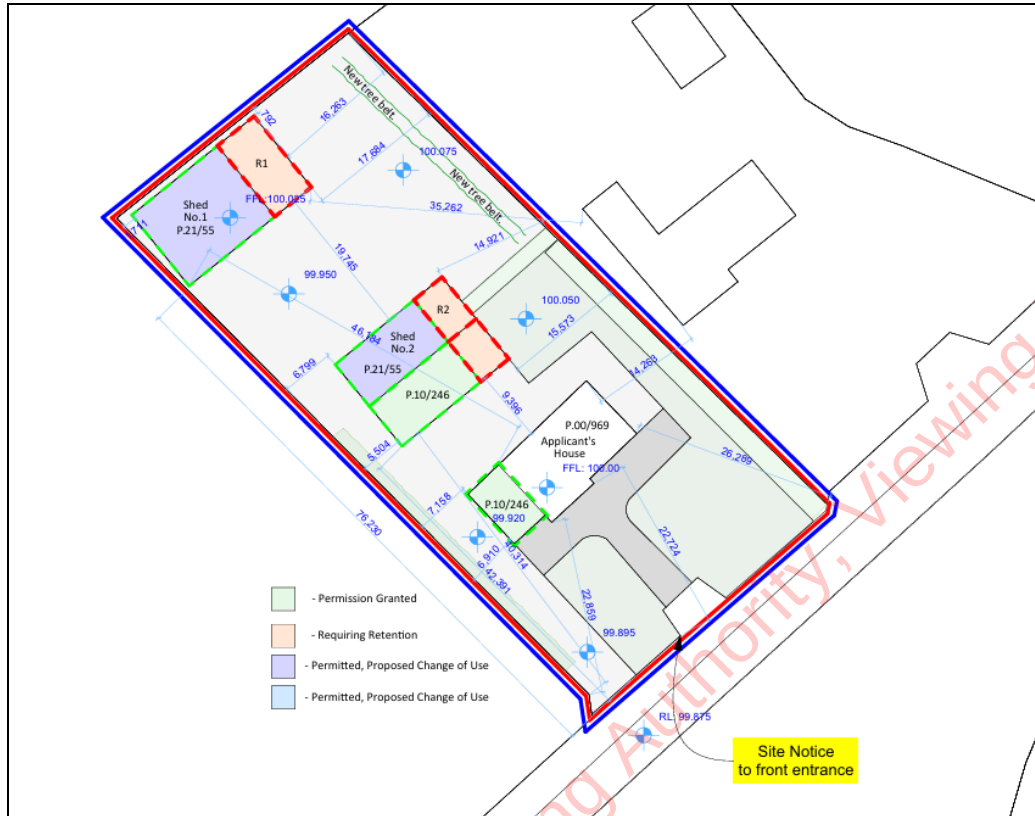


Figure 2: Site Layout Map

AA Screening

A screening for Appropriate Assessment Report was prepared and is appended to this report. It concludes that no likely significant impacts are predicted due to the nature of the proposed development.

EIA Screening

The proposed development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001(as amended). In any event, it is considered, having regard to nature, size and location, the proposed development would not be likely to have significant effects on the environment. Therefore, EIA is not required.

Flood Risk

The site is not within the critical Flood Zones A and B, as indicated on the Strategic Flood Risk Assessment of the Laois County Development Plan 2021-2027.

Archaeological and Architectural Heritage

No Monuments or Protected Structures within 500m of the subject site.

Submissions/ Observations / Representations

The last date for receipt of submissions/observations/representations was 12/05/2026. There was one submission received from Lorraine Sharp in relation to:

- This work continues to involve the making of trailers and equipment which involves drilling, angle grinding and banging of metal/steel material as well as driving forklifts around the area. This is causing huge disruption to our daily lives as this noise is constant throughout the day

Pre-planning

No pre-planning consultation was undertaken

Planning History

25/35

Refused permission to Thomas and Noelle Goode for change of use of shed no. 1 from Domestic to Commercial. Retention of extension of shed no. 1. Part Change of use of shed no.2 from Domestic to Commercial. Retention of extension to shed. 2 and all associated site works.

Refusal reasons:

1. Noise and Activity Levels

The ongoing noise and vehicular activity associated with the development, without any proposed or existing mitigation measures, cause disturbance to the quiet rural environment. This level of activity is more appropriate to a zoned urban location where such impacts can be better managed.

As a result, the proposed development would seriously injure the amenities or depreciate the value of property in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.

2. Lack of Locational Justification and Undesirable Precedent

The application fails to demonstrate why the proposed commercial development requires a rural location rather than a suitably zoned urban site, contrary to Policy DM RL 2 of the Laois County Development Plan 2021-2027. If permitted, the development would set a negative precedent encouraging inappropriate commercial uses in rural areas, likely leading to incremental expansion that would further erode rural character and visual amenity. The proposal is therefore contrary to the proper planning and sustainable development of the area.

3. The development would contravene materially a condition attached to an existing permission for development, namely condition no. 3 of the grant of permission under PI Ref 21/55.

Appealed to An Bord Pleanála and refused on 3 reasons:

It is a requirement of Policy DM RL 2 of the Laois County Development Plan 2021-2027 that justification be provided for locating commercial development in this rural area over a settlement where adequate zoning is in place. It is considered that there are no specific locational requirements of the development proposed to be retained that justify or necessitate its location in this rural area. Furthermore, having regard to the specific nature of the development proposed to be retained and its proximity to the adjacent residential property, it is considered that the on-going operation of the development proposed to be retained would seriously injure residential amenity by reason of noise and disturbance. The development proposed to be retained would be contrary to Policy DM RL 2 (11) and (12) of the Laois County Development Plan 2021-2027, would comprise an inappropriate rural commercial enterprise at this location, and would, therefore, be contrary to the proper planning and sustainable development of the area.

21/55: Retention Permission **granted** to **Thomas & Noelle Goode** to retain partially built shed and permission to complete; retain extension to existing garage at Cloncannon Lower, Mountmellick, Co. Laois.

10/246: Planning Permission **granted** to **Thomas & Noelle Goode** to erect a single storey extension to the gable end of bungalow and b/ to seek RETENTION permission for a double garage erected to the rear of existing dwelling and for an unauthorised second entrance to the south west of the front boundary of the site at Cloncannon Lower, Mountmellick, Co. Laois.

00/969: Planning Permission **granted** to **Thomas & Noelle Goode** to erect a bungalow and septic tank at Cloncannon, Mountmellick, Co. Laois.

Referrals

Internal Reports

This application was referred to the following, with a summary of the reports received indicated below.

Water Services;	No response at time of writing
Roads;	No objection subject to conditions
Municipal District Engineer;	No objection.
Fire:	Development shall comply with Building regulations and building control regulations
Enforcement:	The enforcement issued a response in relation to:

Warning Letter Issued: 14-05-2024.

Reason: Unauthorized development comprising two extensions to existing domestic sheds, non-compliance with conditions 1 and 3 of Planning Reference 21/55 at Cloncannon, Mountmellick, Co. Laois R32 X018. Furthermore an enforcement notice was issued on the 30th of August 2024. Requirements of the notice as follows:

1. Cease all commercial and non-domestic use within both unauthorised extensions to existing sheds on receipt of this notice.
2. Demolish both extensions to existing sheds, disposing of all waste to an unauthorised facility by 4pm Friday 4th October 2024. Proof of disposal of the waste will be required.

Prescribed Bodies/External Reports

This application was referred to the following, with a summary of the reports received as indicated below.

HSE Laois Offaly:
Uisce Eireann:

No response at time of writing
No response at time of writing

Policy and Objectives

Laois County Development Plan 2021 – 2027

DM RL 2 COMMERCIAL DEVELOPMENT IN RURAL AREAS

Development proposals in the open countryside should satisfy a high standard of siting and design, while being properly located to ensure their assimilation into their rural setting. The following considerations should be taken into account:

- 1) Buildings should be kept simple and should be finished with materials appropriate to a rural setting such as nap plaster, stone and slate;
- 2) Buildings should reflect the scale and pattern of the rural development in the vicinity;
- 3) Building height should be restricted to that required for the normal operation of the premises, buildings of excessive height will not be permitted;
- 4) Buildings should be sited to make use of existing hedgerows and topography to provide natural screening, buildings in open landscapes should be avoided;
- 5) Access roads and driveways should respect existing site contours;
- 6) Car parking should be located to the rear of the building and in compliance with the car parking standards in Table 18;
- 7) Advertising signs should be kept to a minimum;
- 8) Large advertising signs at the road frontage will be resisted;
- 9) Hedgerows or stone walls should be used for boundary treatments;
- 10) Any new building will be required to respect the appearance of and character of the landscape.
- 11) It will not be acceptable where it is unduly prominent in the landscape, where it results in build-up of development when viewed with existing and/or approved building or where the impact of the ancillary works, including the creation of visibility splays would damage rural character or impact negatively on the environment or which fails to protect Natura Sites, conservation areas, natural heritage or the environment or fails to protect and improve or is injurious to amenities(including visual amenities).
- 12) A justification as to why the proposed development is to be located in a rural area over a settlement where adequate zoning is in place shall be submitted.

Summary of Key Planning Issues and Assessment

Description of Development

Retention for the change of use of shed Nr.1 from domestic to agricultural machinery repair and welding to include for retention of a covered area for 1 Nr. vehicle (R1). Retention for the part change of use of shed Nr.2 from domestic to agricultural machinery repair and welding, (use ancillary to shed Nr.1). Retention of extension to shed Nr.2 (R2) and all associated site works.

Siting and design:

The extension to be retained to the side of Shed No. 1 matches the existing shed in terms of height and finishes. The covered area for which retention is sought measures 66sqm and the change of use area measures 166.5sqm.

The extension to be retained to the side of Shed No. 2 matches the existing shed in terms of height and finishes. It includes for a store area measuring 49.3sqm and part of the shed to the rear is subject to change of use as part of this application is to and same measures 88.6sqm.

I am satisfied the extensions to the sheds do not appear visually intrusive and by their design do not negatively impact on adjoining residential amenity. The use of the sheds and its impact will be discussed in further detail below.

Principle of development

The development comprises the retention of the change of use of Shed No. 1 from domestic to agricultural machinery repair, together with the retention of an associated extension to this shed. Shed No. 1, including its extension, is now used for agricultural machinery repair purposes and welding.

The application also seeks retention permission for the part change of use of Shed No. 2 from domestic to agricultural machinery repair and welding, as well as the retention of an extension to this shed.

The Cormak Engineering Facebook page lists Cloncannon as the business location. The facebook page indicates the business relates to an agricultural engineering service. During a site inspection, it was observed that machinery for welding and steel fabrication and spraying are located within the sheds which form part of this planning application. The existing business has opening hours of 8am – 5pm Monday – Friday with some occasional work on Saturdays.

The proposed development has been assessed against Policy DM RL 2 of the Laois County Development Plan 2021–2027, which outlines the criteria for commercial development in rural areas. The policy seeks to ensure that any such development is appropriately sited and designed to harmonise with its rural surroundings.

Another key consideration is the provision of car parking. Policy DM RL 2 requires that car parking be located to the rear of the building and comply with standards set out in Table 18 of the plan. No details have been provided regarding car parking arrangements.

In terms of signage, there are currently no advertising signs on the site in compliance with policy. It is noted from the site inspection the applicant has installed additional hedgerow along the party boundary.

Policy DM RL 2 sets out the applicant must justify as to why the proposed development is located in a rural area rather than within a designated settlement with appropriate zoning. The applicant has set out from a daft website search there were 14 properties listed for sale and none were suitable for the business needs. Furthermore, it is set out there were 4 premises for rent but these were either too large or did not have the required head room. No further details have been submitted in relation to the justification for the type of the development to be located in the rural area. It is not considered an appropriate type of development in a rural area given its proximity to residential dwellings and I am not satisfied that the applicant has adequately provided a justification for its current location.

The applicant has set out the business does not encourage customers to call to the yard, nor does it have any over the counter retail attached. The applicant has set out "the business model is one where a problem is identified at source. Cormac Engineering will disassemble the machine at the customers farm, bring the element needing repairing back to the workshop. From there the necessary pieces are repaired, machined and then brought back to fit on the machine belonging to the customer. On the odd occasion, arrangements are made to have items delivered due to their size". It is acknowledged customers may visit the premises from time to time and it would be difficult to control the frequency of this via conditions.

Impact on residential amenity:

Given the nature of the business, it is apparent there will be noise generated when repairs etc are being carried out. The applicant has submitted a noise report from Enfonics where a noise monitoring location was selected close to the boundary with the neighbouring dwelling for a one week period.

The noise report concludes as follows:

"There was no significant adverse effect associated with any of the site's operations as measured. The noise assessment identified the Forklift as the most significant during the survey and recommended mitigation measures will reduce/minimise the effect. External amenity noise criteria are satisfied".

The noise report recommends a number of mitigation measures to ensure the noise impact is reduced given the site is located in a rural area. These mitigation measures include:

Forklift:

- Careful operation so as not to increase impact noise, such as from dropping metal
- Minimise noise from reversing beepers, where applicable, by use of a broadband reversing source.
- Notifying neighbours about operational/delivery schedules.
- Unloading inside sheds where possible.

Other mitigation measures:

- Keeping all doors, shutters and windows closed when operating machinery or conducting tasks.
- Ensuring all doors, shutters, and windows are fully sealed to minimise noise breakout.
- Turning off equipment when it is not in use to avoid any idling noise.
- Regular noise monitoring programs

- Replace worn or damaged parts/plant that may be contributing to excessive noise in the future.

Given the applicant has not provided adequate justification for the business location in a rural area and given there will be noise audible from the proposed development I am recommending permission be refused.

Services

The site benefits from an existing connection to a public mains water supply. The site is served by a septic tank. Surface water is disposed of to a soakpit.

Access

The site benefits from two no. access points from the L-6090-0 Local Secondary Road. No alterations are proposed to the existing access arrangements on site. The applicant has not demonstrated that the required sight distances of 3m x 90m are available.

Recommendation

In accordance with the above assessment, it is recommended permission be refused for the reasons as set out below.

1. Lack of Locational Justification and Undesirable Precedent

The application fails to adequately demonstrate why the proposed commercial development requires a rural location rather than a suitably zoned urban site, contrary to Policy DM RL 2 of the Laois County Development Plan 2021-2027. If permitted, the development would set a negative precedent encouraging inappropriate commercial uses in rural areas, likely leading to incremental expansion that would further erode rural character, residential amenity and visual amenity of the area. The proposal is, therefore, contrary to the proper planning and sustainable development of the area.

2. Contravene a condition of previous permission

The development would materially contravene a condition attached to an existing permission for development, namely condition no. 3 of the grant of permission under PI Ref 21/55.



Carmel Cody
Executive Planner
26th May 2026

Memo

I refer to the above report and recommendation of Ms. Carmel Cody, Executive Planner dated 26th May 2026 for a refusal of permission in this case.

I have read the planning application and note the decision by the local authority and the Commission, following a first party appeal, to refuse permission for a similar application under PI Ref 25/35.

I also note the contents of the third party submission.

A noise impact assessment accompanies this application, unlike in the previous one.

I recommend that further information be requested at this stage instead.

Recommendation

Request further information as follows.

Noise Impact Assessment

1. [a] State the qualification of the author of the noise impact assessment.

[b] Provide examples of similar type assessments for planning applications carried out by the author in this and/or other local authorities.

2. Describe the weather conditions prevailing at the time the noise survey was undertaken.

3. With reference to *Table 5: Summary of Impact Assessment*, explain the difference[s] between the following column headings:

- Measured Noise Level (LAeq),
- Specific Noise Level (LAeqT) and
- Rating (Lr) Level

4. [a] With reference to Assumed Duty Cycle (Ref. 1hr) in said Table 5, there is reference to *m* in each reading. Explain *m*.

[b] Explain the percentage readings. Are they indicative of the percentage of the hour that each plant item is in use? Submit relevant details.

Traffic Generation

5. Indicate the likely daily number and type of traffic movements associated with the proposed development.

Third Party Submission

6. A third party submission has been received in respect of the proposed development.

Submit your comments and proposals in respect of the issues raised in the submission.

Application deferred etc.

Dónal Kiely

Senior Executive Planner, 29/05/2026

Agreed
DJ O'Hara
Senior Planner

29/05/26

mm29052026

ANNEX 1

APPROPRIATE ASSESSMENT SCREENING REPORT

**APPROPRIATE ASSESSMENT SCREENING REPORT
AND
DETERMINATION**

(A) Project Details			
Planning File Ref	25/60193		
Applicant name	Thomas and Noelle Goode		
Development Location	Cloncannon, Mountmellick, Co. Laois		
Site size	0.340ha		
Application accompanied by an EIAR (Yes/No)	No		
Distance from Natura 2000 site in km	The nearest Natura 2000 site is The River Barrow and River Nore SAC which is located c.50m east of the site.		
Description of the project/proposed development retain change of use of shed Nr.1 from domestic to agricultural machinery repair and welding to include for retention of a covered area for 1 Nr. vehicle (R1). Retention for the part change of use of shed Nr.2 from domestic to agricultural machinery repair and welding, (use ancillary to shed Nr.1). Retention of extension to shed Nr.2 (R2) and all associated site works.			
(B) Identification of Natura 2000 sites which may be impacted by the proposed development			
			Yes/No If answer is yes, identify list name of Natura 2000 site likely to be impacted.
1	Impacts on sites designated for freshwater habitats or species. <u>Sites to consider:</u> River Barrow and Nore	<i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?</i>	No
2	Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath. <u>Sites to consider:</u> River Barrow and Nore	<i>Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats (bog, marsh, fen or heath)</i>	No

3	Impacts on designated terrestrial habitats. <u>Sites to consider:</u> River Barrow and Nore	<i>Is the development within a Special Area of Conservation whose qualifying interests include woodlands, dunes or grasslands, or within 100m of same?</i>	No
4	Impacts on birds in SPAs <u>Sites to consider:</u> River Nore	<i>Is the development within a Special Protection Area?</i>	No

Conclusion:

If the answer to all of the above is **No**, significant impacts can be ruled out for habitats and bird species.

No further assessment in relation to habitats or birds is required.

If the answer is **Yes** refer to the relevant sections of **C**.

(G) SCREENING CONCLUSION STATEMENT		
<i>Selected relevant category for project assessed by ticking box.</i>		
1	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
2	No potential significant affects/AA is not required	X
3	Significant effects are certain, likely or uncertain. Seek a Natura Impact Statement Reject proposal. (Reject if potentially damaging/inappropriate)	
Justify why it falls into relevant category above (based on information in above tables)		
Having regard to the proximity of the nearest Natura 2000 site and given the nature and extent of the proposed development, with no direct connections to the hydrology of the SAC/SPA, it is not considered there would be potential for significant effects on the Natura 2000 network.		
Name:	Carmel Cody	
Position:	Executive Planner	
Date:	25/05/2026	