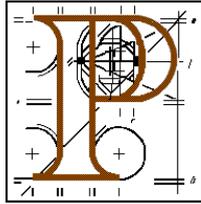


An Bord Pleanála



Inspector's Report

Appeal Reference: PL12.245990

Development: Retention of change of use of an agricultural building for use as a building for servicing and repair of motor vehicles and ancillary services at Tullyannan, Leitrim Village, Carrick-on-Shannon, Co. Leitrim.

Planning Application

Planning Authority: Leitrim County Council
Planning Authority Reg. Ref.: 15/54
Applicant: Alan Whitney
Type of Application: Retention permission
Planning Authority Decision: Grant retention permission

Planning Appeal

Appellants: John Flynn & Elizabeth McCann Flynn
Type of Appeal: Third Party
Observer(s): None
Date of Site Inspection: 7th April 2016

Inspector: Donal Donnelly

Appendices: Photographs and maps

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site is located in the townland of Tullylannan to the south of Leitrim Village, Co. Leitrim approximately 4km north of Carrick-on-Shannon. Leitrim Village is situated on the River Shannon at the Ballinamore & Ballyconnell Canal. There are a number of regional roads converging at the village, including the R280 from the direction of Carrick on Shannon.
- 1.2 Access to the site is via a private laneway off the R280. This laneway continues from a "T" junction for a distance of c. 360m to the site. Access is also provided to a dwelling. The laneway is quite narrow and there are opportunities to pass at the dwelling and at the gateway to the site.
- 1.3 The site sits in a rural area between the R280 and the River Shannon at a distance of approximately 180m from the river's edge. There are a number of adjoining agricultural sheds with hardsurfacing to the front and rear. The sheds are roughly divided equally between agricultural and garage use. The garage comprises a barrel vaulted structure with adjoining lean-to and the low-pitched agricultural shed is used for housing cattle. The stated area of the garage is 117.6 sq.m.

2.0 PROPOSED DEVELOPMENT

- 2.1 Planning permission is sought for the change of use of an agricultural building to be used as a building for servicing and repair of motor vehicles and ancillary activities.
- 2.2 The motor vehicle repairs occur mainly within the lean-to section which is accessed by a sliding door. There is internal access to the barrel vaulted shed, also in garage use. Along the back wall is shelving for tyres and the main work area is in the centre of a concrete floor. A seated area for paper work is situated in the near corner.
- 2.3 The adjoining room contains a pit for inspecting the underside of vehicles. This room is separated from the main work area by a wall approximately 2m in height.
- 2.4 Externally, there were approximately 8 no. vehicles parked/ stored to the front, rear and side of the garage at the time of my site visit. Old tyres were being stored along the eastern side of the yard along the hedge.

3.0 TECHNICAL REPORTS

- 3.1 The recommendation to grant retention permission, as outlined within the final Planning Report, reflects the decision issued by the Planning Authority.
- 3.2 Under the assessment of the application within the initial Planner's Report, reference is made to relevant Development Plan sections and policies, including Section 3.7.4 – Enterprise and Employment, Section 3.7.2-

Agriculture and Policy 62 relating to the sustainable development of agricultural enterprises.

- 3.3 It is considered that the applicant has submitted limited information in relation to the business being carried out and following an inspection of the site and assessment of details put forward by the applicant, it is considered that further information should be requested.
- 3.4 The applicant was requested to outline the precise nature and extent of activities carried out to include a statement as to whether or not car body work and spraying of car body parts takes place; the number of employees; hours of operation; approximate number of vehicles serviced; details of traffic generated by the business; details of average number of scrap cars to be temporarily stored; details on collection, storage and disposal of oil and other substances; fire safety details; signage details; and proposals for surface water disposal. The applicant was also requested to provide an Appropriate Assessment Screening Statement, together with details of intentions for the caravan on site and a response to the third party submission.
- 3.5 Under the Case Planner's final assessment, it is stated that the applicant's response to the request for further information addresses the matters raised and clearly portrays the small scale nature of the business. It is considered that the proposal satisfies Objective 51 and Section 3.7.4, and Policy 62 and Section 3.7.2 of the Development Plan.
- 3.6 It is stated that the development is currently of such a scale that it can be accommodated in the location without having a negative impact on objectors who reside c. 200m north-east of the premises. It is also noted that the applicant has removed scrap cars from along the access lane and has set out further proposals to ensure that the development will not have an undue negative impact on the visual amenity of the area.
- 3.7 It is considered that signage for the business is not required at the junction of the private access lane and the regional road. The Planning Authority is not therefore disposed to permit the advertising signage and all such signage should be removed.
- 3.8 The temporary storage of scrap vehicles shall be restricted and located in the area to the rear of the building, as shaded yellow on the revised site layout.

4.0 PLANNING AUTHORITY'S DECISION

- 4.1 Leitrim County Council issued a notification of decision to grant retention permission for the development subject to 8 conditions.
- 4.2 It is stated under Condition 1(b) that the permission is limited to the serving and repair of vehicles and no car body work or spraying of vehicles shall be carried out on the premises.

- 4.3 The temporary storage of scrap cars associated with the development is restricted to a maximum of 5 no. at any given time under Condition 5. These vehicles are to be stored to the rear of the building only.
- 4.4 Condition 7 requires the removal of all existing signage advertising the business from the Regional Road and under Condition 8, it is stated that the caravan on site shall only be retained for the duration of operation of the servicing and repair business.
- 4.5 Other conditions are attached to the Council's decision relating to development contributions, drainage and waste disposal.

5.0 APPEAL GROUNDS

5.1 A third party appeal against the Council's decision was submitted by John Flynn and Elizabeth McCann Flynn, residents of the dwelling located on the private laneway. The grounds of appeal and main points raised in this submission can be summarised as follows:

- Council's decision has resulted in a private road becoming a public access route. Road was previously used as an agricultural pass.
- Appellants are the only residents on the lane and their home, farmyard, buildings and land are on either side of the lane from the junction with the R280 to applicant's gate.
- Road width does not facilitate two cars passing and does not have the capacity for through traffic.
- Volume of traffic on the R280 makes entry to and access from the lane most hazardous.
- Development has detrimentally affected simple farm chores like moving cattle and foddering.
- Laneway was not upgraded by appellants for general public use.
- Development has affected the appellant's rightful entitlement to a reasonable quality of life, free from noise, pollution, invasion of privacy and health and safety concerns.
- Advertisements are a distraction to road users and an attraction for many people to this development.
- Scrapped cars, vans and a caravan can be seen clearly from the access lane in an area of outstanding natural beauty with lakes, hills and the Shannon nearby.
- Development adversely damages the residential and farming character of the area.

- Applicant has another option to access the development by using the lane alongside a relative's property.
- Applicant does not live near the development and does not experience any ill effects. Opening hours are advertised but not adhered to.

6.0 RESPONSES

Second party

- 6.1 Within in its response to the third party appeal, the Planning Authority reiterates that the development is consistent with the policies and objectives of the Development Plan, in particular Objective 51 and Policy 62.
- 6.2 It is concluded that the development will not have a negative impact on the residential amenity of adjoining property; will not constitute a traffic hazard; and will not have a negative visual impact on the amenities of the area.

First party

- 6.3 The applicant responded to the third party appeal with the following comments:
- Road cannot be private when three separate families use the same road.
 - Most of the country roads in Co. Leitrim are of similar width to the road the applicant shares with the appellant.
 - There is good visibility from the laneway onto the R280 and the entrance is within the 50 kph zone.
 - Applicant's late father contributed to the upgrade of the laneway in the late 90s.
 - A 3rd family uses a field at the end of the entrance and have no difficulty transporting cattle to and from the lands.
 - Only two lorries have entered the applicant's property in the last two years to collect scrap vehicles.
 - Applicant would have no objection to speed ramps on the laneway.
 - Appellants should place a note on their door stating that they are not involved in any way with Leitrim Auto Centre.
 - All signage was removed on 19th January 2016 and Leitrim County Council has been notified in writing.
 - All scrapped cars were removed on 18th June 2015.

- Applicant continues to carry out farming activities at the property as well as garage work and buildings, yard and fields are tidy and well maintained.
- There is no lane alongside the applicant's uncle's property accessing the site.
- Alternative lands owned by applicant would be unsuitable for this sort of development due to their proximity to the lake. The hayshed already erected at the appeal site was converted to a farm workshop for agricultural purposes.
- Total number of vehicles serviced, repaired and delivered to applicant's premises in 2015 was 404.
- Applicant has implemented a number of measures to relieve the burden of the development on the appellants to include signage and a turning area.

7.0 PLANNING HISTORY

7.1 No planning history.

8.0 DEVELOPMENT PLAN

Leitrim County Development Plan, 2015-2021

- 8.1 The appeal site is within a rural area outside the development envelope of Leitrim Village and in an area of High Visual Amenity. This area also has Low Capacity/ Low Availability for one off houses.
- 8.2 Section 3.7.2 sets out the Council's policies for Agriculture. Policy 61 seeks to *"...support those rural families wishing to remain on the land and accordingly the Council will favourably consider agri-tourism schemes and other enterprises intended to supplement farm income."*
- 8.3 Under Policy 62 the Council will *"...consider, facilitate and encourage the sustainable development of agricultural enterprises, agri-tourism projects, farm diversification and other suitable proposals that support the development of alternative rural enterprises, whilst ensuring that development does not have an undue negative impact on the visual amenity of the countryside."*
- 8.4 It is stated under Section 3.7.4 – Enterprise and Employment that *"...small enterprises in rural areas will also be acceptable where there are no adverse impacts on the environment or on neighbouring amenity and subject to proper planning and development considerations. Effects on environment, safe access and residential amenities will be considered in all applications for rural enterprises. Some rural enterprises considered suitable include; agriculture-related industry, businesses directly related to farming, servicing and repair of farm machinery, land reclamation, drainage work, agricultural contracting, teleworking and telecottages."*

9.0 ASSESSMENT

- 9.1 Planning permission is sought for the retention of change of use of part of an agricultural building for servicing and repair of motor vehicles and ancillary activities. The existing building, which comprises of adjoining shed structures, has been subdivided almost equally between the garage use and an agricultural building for housing cattle. The applicant is the garage mechanic and farmer.
- 9.2 Leitrim County Council issued notification of decision to grant retention permission for the change of use and a third party appeal has been lodged by the residents of a dwelling that shares the private laneway to the appeal site. The grounds of appeal relate mainly to the effects of passing vehicles on the laneway accessing the appeal site.
- 9.3 Having considered the contents of the planning application, the Planning Authority's assessment and decision, grounds of appeal and the site context, I consider that this appeal should be assessed under the following:
- Development principle;
 - Access and impact on residential amenity;
 - Visual impact;
 - Appropriate Assessment.

Development principle

- 9.4 The Development Plan generally encourages new employment generating enterprises to locate in towns and villages; however, small enterprises in rural areas will also be considered acceptable where there are no adverse impacts on the environment or on neighbouring amenity, and subject to proper planning and development considerations. Businesses directly related to farming and the servicing and repair of farm machinery are among some of the enterprises considered by the Council to be suitable in rural areas.
- 9.5 The motor vehicle repair business for which retention permission is sought is a small scale rural enterprise located a short distance outside the development envelope of Leitrim Village. Whilst the business is not directly related to agriculture, the applicant also engages in farming at this location and I would be satisfied that the activity is consistent with Development Plan Policy 61 as an enterprise intended to support farm income. The development may also be considered acceptable under Policy 62 as an alternative rural enterprise.
- 9.6 In general, the applicant's main business relates to the repair of private motor vehicles for rural dwellers and at the time of my site visit repair work was also being carried out on an agricultural vehicle. I would therefore consider the enterprise to be acceptable in principle at this location subject to assessment of its impacts on the environment, traffic safety and residential amenities.

Access and impact on residential amenity

- 9.7 The appeal site is accessed via a private laneway which is shared by the appellants. The laneway commences at a “T” junction with the R280 and continues for a distance of c. 360m to the appeal site. The appellant’s dwelling is located approximately 140m along the laneway from the “T” junction. The surface of the laneway is in good condition and the width is quite narrow in places. There are opportunities for vehicles to pass at the appellant’s dwelling and at the gateway to the applicant’s property (c. 250m along the laneway from the “T” junction).
- 9.8 The appellants are concerned that the increased volume of passing vehicles associated with the enterprise impacts adversely on their residential amenities and interferes with the operation of their farm. It is also considered that entry and exit onto the laneway from the R280 is dangerous and that the business often attracts out of hours traffic.
- 9.9 The applicant submitted further information that included details of the traffic generated by the development. There are on average five vehicle movements to and from the site each day, which includes 1 no. vehicle for service/ repair, 3 no. customers booking in/ collecting vehicles and 1 no. supplier/ salesman.
- 9.10 I would be of the view that the enterprise is a low intensity activity that can continue to operate at existing levels. I am satisfied that the access lane to the site is suitable for the volume of traffic generated by the development and that the impact of passing traffic on residential amenity is negligible. The appellants are concerned with the impact of out-of-hours traffic which I consider can be controlled by condition limited the hours of operation.
- 9.11 I have inspected the access onto the R280 and I consider that there is reasonable inter-visibility between emerging and passing motorists. The junction is within the 50 kph zone, and as noted, the volume of traffic using the access will be low.
- 9.12 Overall, I consider that the development is acceptable in terms of traffic safety and convenience and will not give rise to any significant impacts on adjoining residential amenity.

Visual impact

- 9.13 The appeal site is situated within an area of High Visual Amenity and in close proximity to the River Shannon. There is an Outstanding View and Prospect (V23), View of Slieve an Iarainn from the R280 to the east of the site; however, this is in a north-eastern direction and not in any way towards the appeal site.
- 9.14 A development such as this nonetheless has the potential to give rise to serious adverse visual impacts particularly from the spread of scrapped vehicles stored around the facility. The Planning Authority has attached a condition to its notification of decision limiting the storage of scrap cars associated with the development to a maximum of five at any given time. It is

also a requirement of this condition that scrap cars shall be stored in the area immediately to the rear of the building and not along the access laneway.

- 9.15 I would be satisfied that the expansion of this business can be limited by way of condition. The pertinent issue is that the business remains at its current scale having regard to its location in a rural setting and within a high amenity area. I consider that this can better be achieved by limiting the storage of all vehicles associated with the business to within the confines of the site at not along the access road; limiting the number of scrap vehicles around the site would be difficult to enforce. I would also recommend that the applicant submits a landscaping scheme for the boundaries of the main part of the site to the Planning Authority for written agreement.
- 9.16 The caravan on site and signage associated within the subject business around the junction of the laneway and R280 have now been removed. In my opinion, a condition should be attached stating that no advertisement shall be erected on the building or within its curtilage unless authorised by a further grant of permission. A plan containing details of the management of all wastes associated with the development should also be submitted to the Planning Authority for written agreement.

Appropriate Assessment

- 9.17 Having regard to the nature and scale of the proposed development and/or nature of the receiving environment and/or proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site. The nearest European site, Cuilcagh - Anierin Uplands SAC, is located approximately 12km to the north-east of the appeal site.

RECOMMENDATION

I have read the submissions on file, visited the site and paid due regard to the provisions of the current Leitrim County Development Plan. I recommend that retention permission be granted for the development based on the reasons and considerations hereunder and subject to the conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the design, layout and small scale of the development, and to the rural character of the area, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the residential amenity of property in the vicinity or the visual amenities of the area, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted the 16th day of November 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The motor vehicle repairs business shall not be operated between 20:00 hours and 07:00 hours on any day.

Reason: In the interest of the residential amenities of property in the vicinity.

3. The permission is limited to the servicing and repair of motor vehicles only. No vehicle body work or spray painting of vehicles shall be carried out at the premises.

Reason: In the interests of clarity.

4. Vehicles associated with the business shall not be stored/ parked along the access lane serving the development or outside of the site boundaries as outlined in red on the site layout plan submitted with the planning application.

Reason: In the interests of visual amenity.

5. Landscaping of the boundaries of the main part of the site shall be carried out in accordance with a landscaping scheme, which shall be submitted to and agreed in writing with planning authority within three months of the date of this order.

Reason: In the interest of the visual amenities of the area.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

7. No advertisement or advertisement structure shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

8. A plan containing details for the management of waste and prevention of pollution within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Donal Donnelly
Inspector

13th April 2016