



An
Bord
Pleanála

Inspector's Report

ABP-305893-19

Development	Retention of foundations, floor slab and portal frames of proposed agricultural building, construct external walls, purlins, side and roof cladding and lean-to extension.
Location	Ballagh , Newtownforbes, Co. Longford
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	19239
Applicant	Albert Manning
Type of Application	Retention Permission & Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant	Eugene Donohoe
Date of Site Inspection	6 th February 2020
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located in the rural townland of Ballagh, c.2km northwest of Newtownforbes, County Longford. The site is accessed via an existing entrance serving the dwelling on this site which is located on a county road that connects to the N4 (Sligo to Dublin National Primary Road) c. 800m to the southwest. The site as outlined includes the existing dwelling. The shed is located to the rear of the two storey house and is separated from the house by a timber fence.
- 1.1.2. Individual houses of recent origin on large sites occupy both sides of the road. Along this side of the road a setback of the roadside boundary has been achieved by piping a roadside drain which is open at the northern end of the site, where the roadside boundary to the adjoining land has not been set back.
- 1.1.3. The steel frame is prominent in views from the public road.
- 1.1.4. The site is part of a larger landholding (about twice the size of the site), which extends to the rear and is indicated on the OS map as 1.09ha.
- 1.1.5. The site is given as 0.655 hectares.

2.0 Proposed Development

- 2.1.1. The proposed development consists of the retention and completion of an agricultural building. The floor slab and steel frame are in place. Permission is sought to complete the structure and add a lean-to element to the rear and to construct a silage pit and underground effluent tank and associated pipework.
- 2.1.2. A total proposed floor area of 313.2 sq m comprises 210.6m² to be retained and 102.6m² proposed and a height of c.7.2m. The drawings have notations which include main building (horses only) and lean-to extension (for storage). No other information regarding the intended use is given. No indication of internal subdivision is shown and the main building is accessed by a 4m x 4m doorway at one end of the 12m wide shed.
- 2.1.3. A second structure is proposed along the northern boundary, being a silage slab at ground level and an underground effluent tank
- 2.1.4. The newspaper notices describe the structure as an agricultural building.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided (7th November 2019) to grant permission subject to 11 conditions, including:

- 2) Use for agricultural purposes only and specifically for the housing of horses.
- 3) Planting of lateral boundaries prior to commencement of any further development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report can be summarised as follows:

- The laneway will not be used for access.
- The agricultural shed would be located to the rear of the applicant's dwelling on agricultural land.
- Also proposed are a silage base, and effluent tank to deal with waste, the development is to the rear of a dwelling, screened by mature hedgerow and will not be visibly intrusive from the adjoining roadway.
- The principle of the development was considered acceptable.

3.2.2. Other Technical Reports

Mid Area Engineer, Roads Section - No comment.

3.3. Prescribed Bodies

3.4. Irish Water (27 September 2019) – conditions.

3.5. Third Party Observations

3.5.1. A submission was lodged with the planning authority by the current appellant. The issues raised are broadly in line with the grounds of appeal and are dealt with in the relevant section of this report.

4.0 Planning History

303075-18, PA Reg ref 18203, planning permission refused by the Board in a third party appeal against the planning authority's decision to grant. The development was similar to the current application with some notable exceptions: the access was from land to the south adjoining the appellant, not identified as part of the current site or landholding. The site was separate to the host dwelling. No proposals for effluent disposal were included. Reasons for refusal: 1) the absence of proposals for effluent disposal, prejudicial to public health; 2) not satisfied in the absence of details of sightlines that the proposal would not endanger public safety.

UNA 1191. Refers to planning enforcement action.

5.0 Policy Context

5.1. Development Plan

5.1.1. Longford County Development Plan 2015-2021 is the operative plan Relevant provisions include:

AGR 1: Where an area of land is outside a settlement (i.e. an area not indicated as part of the Core Strategy, as listed in this document), and is not otherwise zoned as part of this Development Plan or The Longford Town Plan, the use of such land shall be deemed to be primarily agricultural. Primarily agricultural zoning provides for the agricultural use of the land and any ancillary uses, including residential. Other uses may be permitted, subject to assessment on a site-by site basis and compliance with the development control standards and other policies and objectives contained within this plan.

AGR 8: Sites to be developed for agriculture purposes shall be designed to the highest standards to provide quality environments with adequate provision where necessary for landscaping, car and truck parking and circulation and the appropriate disposal of foul and surface water.

AGR 9:

a) The Planning Authority accepts the need for agricultural buildings and associated works (walls, fences, gates, entrances, yards etc.) to be functional, but they will be required to be sympathetic to their surroundings - in scale, materials and finishes. Buildings should relate to the landscape and not the sky-scape. Traditionally this was achieved by having the roof darker than the walls. Appropriate roof colours are dark grey, dark reddish brown or a very dark green.

The grouping of agricultural buildings will be encouraged in order to reduce their overall impact in the interests of visual amenity.

b) A landscaping plan is required as part of applications for agricultural developments. In general, the removal of hedges to accommodate agricultural developments will only be considered as a last resort.

5.2. Natural Heritage Designations

5.2.1. The nearest designated site is Ballykenny-Fisherstown Bog SPA, c.1.2km to the southwest of the site.

5.3. EIA Screening

Having regard to the nature and scale of the development which consists of an agricultural shed in a rural location, there is no real likelihood of significant effects on the environment arising from the development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Liam Madden, Architect, Environmental Scientist, has submitted this appeal on behalf of the third party. The grounds include:

- The development was the subject of an all but identical planning application which the Board refused. The appeal should be refused.

6.2. Applicant Response

6.2.1. A response to the appeal was submitted by Adrian J Duncan, Consulting Engineer, on behalf of the applicant which includes:

- There are two major alterations to the earlier application:
- The proposed entrance and exit to the proposed development is via the applicant's own domestic property, almost 100m from the appellant's driveway.
- A silage pit and underground effluent storage tank is included in the proposed development to cater for any run-off from the proposed building, these being located in excess of 80m from the appellant's dwelling.

6.3. Planning Authority Response

6.3.1. The Planning Authority has not responded to the grounds of appeal.

7.0 Assessment

7.1.1. The issues which arise in relation to these appeals are appropriate assessment, the principle of the development and previous refusal reasons and the following assessment is dealt with under these headings.

7.2. Appropriate Assessment.

7.2.1. Having regard to the nature and scale of the proposed development, which relates to the retention and completion of an agricultural structure on a site that is not within or in the vicinity of any Natura 2000 sites, I am satisfied that 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.

7.3. Principle of the Development

- 7.3.1. The site is in a rural area and notwithstanding the fact that there are a number of individual dwellings of recent origin in the vicinity, the use of the land which is outside of a settlement, and which is not otherwise zoned, is deemed to be primarily agricultural. Primarily agricultural zoning provides for agricultural use of the land and any ancillary uses, including residential.
- 7.3.2. Having regard to the nature of the development for which permission for retention and completion is sought and the policies of the Development Plan which support appropriate rural development, I consider the proposed development is acceptable in principle subject to compliance with the relevant development management requirements and national standards.

7.4. Refusal Reasons

- 7.4.1. The Board previously refused planning permission due to the absence of proposals for effluent disposal. The current application includes a separate structure, not included in the previous application, comprising a silage slab and effluent tank. In my opinion this makes adequate provision for effluent disposal.
- 7.4.2. The Board previously refused planning permission due to the absence of details of available sightlines. That proposal included an independent access to serve the proposed development, which was on a site to the south and was separate to the dwelling. In the current application it is proposed to utilise the existing access serving the dwelling and the subject development is clearly associated with the existing dwelling, being located within the same site. No details are provided regarding the level of use of the proposed access but having regard to the ancillary nature of the agricultural shed it is likely that the additional traffic which would be generated would be limited. In my opinion traffic hazard should not be a reason to refuse permission.

8.0 Recommendation

- 8.1.1. In the light of the above assessment I recommend that planning permission be granted for the following reasons and considerations and in accordance with the following conditions.

9.0 Reasons and Considerations

Having regard to the location of the proposed development in a rural area where it is an objective of the planning authority as expressed in the Longford County Development Plan 2015-2021, to support the sustainable development of agriculture, it is considered that the development of an agricultural building associated with an established dwelling with which it shares an entrance, and provided with adequate facilities for the collection and storage of farmyard effluent, would not impact on the amenities of the area, endanger public safety by way of traffic hazard or be prejudicial to public health and would otherwise be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The building shall be used for agricultural use only.</p> <p>Reason: In the interest of clarity and to ensure that adequate control is maintained.</p>
3.	<p>The effluent tank shall comply with the specifications in publication S123 of the Department of Agriculture, Food & the Marine, for reinforced tanks.</p>

	Reason: In the interest of environmental protection.
4.	All effluent generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the planning authority. The location, rate and time of spreading and the buffer zones to be applied shall be in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2017, as amended. Reason: In the interest of environmental protection.
5.	Prior to commencement of work on site detailed proposal for the landscaping of boundaries shall be provided for the written agreement of the planning authority. Reason: In the interest of visual amenity.
6.	External finishes shall be agreed in writing with the planning authority in advance of commencement of any further works. Reason: In the interest of visual amenity.

Planning Inspector

4th March 2020

Appendices

- 1 Photographs
- 2 Extracts from the Longford County Development Plan 2015-2021