



Planning and Development Acts 2000 to 2019

Planning Authority: Kildare County Council

Planning Register Reference Number: 18/1214

APPEAL by Seamus Cullen of Baltracey, Donadea, County Kildare against the decision made on the 17th day of June, 2019 by Kildare County Council to grant subject to conditions a permission to Michael O'Shea care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention permission is sought for four number existing booths (used for drying, shot blasting and painting) and ancillary storage rooms (476.9 square metres combined), standalone office (21 square metres) along with the change of use of the cottage to office/storage unit (136 square metres). Planning permission is sought to: (1) demolish domestic garage (25 square metres); (2) construct an extension to the north side of the shot blasting booth in order to contain all dust associated with shot blasting (37 square metres); (3) construct a new shed structure to the front of the existing workshop (414 square metres) in order to protect trailers from the weather during shot blast/repainting process and also, critically, to prevent dust emissions. The shed will have a maximum ridge height of 6.38 metres high and will be enclosed on three sides with the south elevation open to allow trailers to enter. It includes a new doorway connection to the existing cottage building; (4) alter the access arrangements to provide single access to

the business and family dwelling and significantly improve sightlines and safety (includes new gates and dwelling); (5) create new ordered trailer parking area to the rear of the workshop (significantly smaller area than previous application – approximately one third the size) including a dedicated turning area; (6) provide new lined car parking for staff and visitors (12 number spaces) and dedicated HGV parking (12 number spaces); (7) decommission the existing on-site treatment system and percolation area and provide new high specification on-site foul treatment system at a location to the rear of the site; (8) provide new surface water drainage infrastructure; (9) provide new landscaping with significant screening planting along the front boundary with family dwelling and (10) carry out all associated site works, all at Baltreacy, Donadea, County Kildare.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. It is a policy of the planning authority (policy 10.4.10) as set out in the Kildare County Development Plan 2017-2023, to direct development to appropriate locations in rural areas. The site is located within a rural area outside and at a distance from any identified settlement or zoned land and it is the policy of the planning authority that the use of such land shall be deemed to be primarily agriculture. This policy is considered to be reasonable. The proposed development would facilitate the intensification of an existing industrial use, would conflict with the agricultural use of the surrounding lands and which would be appropriately directed to lands zoned to accommodate industrial type uses. The proposed development would seriously injure the amenities of the area including agricultural amenities, would be contrary to the provisions of the development plan for the area and would, therefore, be contrary to the proper planning and sustainable development of the area
2. On the basis of the submissions made in connection with the planning application and the appeal, it appears to the Board that the proposed development relates to a site the use of which is unauthorised for the carrying on of a commercial facility for the spray painting, repairing, construction and storage of lorry trailers, chassis and containers, and that the development for retention and proposed development would facilitate the consolidation and intensification of this unauthorised use. Accordingly, it is considered that it would be inappropriate for the Board to consider the grant of a permission for the proposed development in such circumstances.

3. The proposed development, involving an intensification of use, would access onto the R407 national road where a speed limit of 80km/h applies. The Board is not satisfied that it has been demonstrated that the applicant can provide and maintain the line of sight at the amended site entrance which is infringed by mature field boundary hedging outside of the applicant's landholding. Notwithstanding the nature of the proposed access and turning facilities on the site, it is considered that the proposed development, which would facilitate the intensification of an existing industrial use, which would have a very high proportion of heavy goods vehicle traffic, would endanger public safety by reason of a traffic hazard.

Paul Hyde

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.