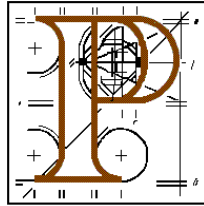


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# An Bord Pleanála



## Inspector's Report

Ref.: PL91. 245818

Development: Construction of an agricultural slatted shed, ancillary feed passages and all ancillary site works.

Raheen, Grange, Bruff, Kilmallock, Co. Limerick.

### **PLANNING APPLICATION**

Planning Authority: Limerick City and County Council

Planning Authority Ref.: 15/740

Applicant: Tom Casey

Type of Application: Permission

Planning Authority Decision: Grant subject to conditions

### **APPEAL**

Type of Appeal: Third Party v. Decision

Appellant(s): Dan, Catherine and James Conway

Observers: None.

INSPECTOR: Robert Speer

Date of Site Inspection: 3<sup>rd</sup> February, 2016

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## **1.0 SITE LOCATION AND DESCRIPTION**

1.1 The proposed development site is located in the rural area of Raheen, Grange, Co. Limerick, approximately 1.2km northwest of the village of Holycross and 850m west of the R512 Regional Road, where it is accessed via a private laneway / driveway which extends southwards from Local Road No. L8009 to serve the subject landholding and a nearby dwelling house. The surrounding area can be described as typically rural and is characterised by intermittent instances of individual dwelling houses and farmsteads. The site itself has a stated site area of 0.415 hectares, is irregularly shaped and presently comprises an active farmyard which includes a series of outbuildings and associated structures including cattle housing, a hay store and a machinery shed. It is accessed via an existing entrance arrangement onto the adjacent laneway which bounds the farmyard to the immediate northeast whilst the adjoining lands to the north, west and south presently comprise open pasture / agricultural fields.

## **2.0 DESCRIPTION OF PROPOSED DEVELOPMENT**

2.1 The proposed development, as initially submitted to the Planning Authority, consists of the construction of a slatted shed (with ancillary feed passages on either side of same) alongside the north-western elevation of a machinery store within the existing farmyard complex. The overall design is based on a simple rectangular plan and has a stated floor area of 134m<sup>2</sup> (including the feed passages) whilst the slatted shed itself is typical of agricultural construction with an apex roof and rising concrete walls with profiled metal cladding over same.

2.2 However, in response to the grounds of appeal, the applicant subsequently submitted revised proposals for consideration by the Board on 21<sup>st</sup> December, 2015 which have sought to amend the design of the proposed slatted shed and to relocate same to the rear (south-western) elevation of the existing machinery store away from the public road / site boundary. In this respect it should be noted that the overall design of the proposed construction has been amended considerably with the principle changes including an elongated floor plan, the provision of a single feed passage, a moderate increase in building height, and a revised floor area of 140m<sup>2</sup>.

## **3.0 RELEVANT PLANNING HISTORY**

### **3.1 On Site:**

None.

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### 3.2 On Adjacent Sites:

None.

### 3.3 On Sites in the Immediate Vicinity:

PA Ref. No. 06/1088. Was granted on 17<sup>th</sup> August, 2006 permitting Patrick Casey permission for the construction of a storey and a half style dwelling house, garage, access off existing private roadway, boundary fence, septic tank, percolation area and associated site works at Raheen, Grange, Co. Limerick.

## **4.0 PLANNING AUTHORITY CONSIDERATIONS AND DECISION**

### **4.1 Decision:**

On 2<sup>nd</sup> November, 2015 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 4 No. conditions. These conditions are generally of a standardised format and can be summarised as follows:

Condition No. 1 – Refers to the submitted plans and particulars.

Condition No. 2 – Requires all farming activities to be carried out in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2014 (S.I. No. 31 of 2014).

Condition No. 3 – Refers to external finishes.

Condition No. 4 – States that the proposed shed is to be used solely for agricultural purposes.

### **4.2 Objections / Observations:**

A single submission was received from the appellants and the principle grounds of objection contained therein can be summarised as follows:

- The proposed shed should be located at least 15m from the edge of the adjacent roadway.
- The proximity of the proposed excavation works for the tank will result in damage to the structure of the roadway.
- The proposed tank is only 1m from the roadway.
- The proposed tank should be located at least 15m from the roadway in order to facilitate the movement of associated machinery (e.g. tractors, tankers, agitators) in the interests of safety.

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### **4.3 Internal Reports:**

*Environment:* No objection.

### **4.4 Prescribed Bodies / Other Consultees:**

None.

## **5.0 GROUNDS OF APPEAL**

The grounds of appeal are summarised as follows:

- Construction of the proposed development will occur on lands adjacent to the roadway which provides access to the appellants' dwelling house. In this respect it is submitted that the proposed building and the associated feed passageways will be located close to the roadside boundary with the result that the agitation point for the slatted tank will be less than 1m from the existing hedgerow whilst the yard area will be only 535mm from same.
- There are concerns not only with the future operation of the proposed development, with particular reference to the turning movements of tractors and other machinery etc., but also as regards the construction phase given the siting of the foundations of the concrete tanks so close to the road edge.
- The proposed shed should be set back an appropriate distance from the roadway or a new blockwork wall should be constructed along the roadside site boundary in order to provide protection to the edge of the carriageway / roadway.

## **6.0 RESPONSE TO GROUNDS OF APPEAL**

### **6.1 Response of the Planning Authority:**

No further observations.

### **6.2 Response of the Applicant:**

- In an effort to ameliorate the concerns of the appellants, revised proposals (as detailed in the accompanying drawings) are submitted which seek to relocate the proposed slatted shed to a new position to the rear of the existing sheds thereby providing for a separation distance of 15.775m between the shed and the existing passageway.

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## **7.0 RESPONSE TO CIRCULATION OF APPLICANT'S SUBMISSION:**

### **7.1 Response of the Planning Authority:**

- The Planning Authority is satisfied with regard to the relocation of the slatted shed behind the existing farm structures and away from the site boundary / public road as detailed in the submission received by it on 12<sup>th</sup> January, 2016.

### **7.2 Response of the Appellants:**

- Following an examination of the amended drawings received by the Board on 21<sup>st</sup> December, 2015, the revised proposals are considered to be satisfactory and there is no objection to same.

## **8.0 DEVELOPMENT PLAN**

### **Limerick County Development Plan, 2010-2016:-**

#### **Chapter 5: Economic Development:**

#### **Part 2: Policy and Specific Objectives by Industrial Sector:**

#### **Section 5.6.1: Agriculture:**

#### **Agricultural Development Policy:**

The Planning Authority will support and facilitate agricultural developments and improvements where the developments are considered in relation to their likely impact on the character and amenity of the surrounding area.

#### **Objective ED O22: Agricultural Developments:**

The Council will normally permit development proposals for agricultural development where:

- a) they are appropriate in nature and scale to the area in which they are located;
- b) the proposal is necessary for the efficient use of the agricultural holding or enterprise;
- c) where the proposal involves the erection of buildings, there are no suitable redundant buildings on the farm holding which would accommodate the development;
- d) the development is not visually intrusive in the local landscape and, where the proposal is for a new building(s) and there are no suitable redundant buildings, the proposal is sited adjacent to existing buildings and suitably visually integrated in the holding; and

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- e) the proposal demonstrates that it has taken into account traffic, environmental and amenity considerations and is in accordance with the policies, requirements and guidance contained in this Plan.

Chapter 10: Development Management Standards:

Section 10.8: Agricultural Development

**9.0 ASSESSMENT**

From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design and layout
- Appropriate assessment

These are assessed as follows:

**9.1 The Principle of the Proposed Development:**

9.1.1 On the basis that the development in question is intended for agricultural purposes, and as the subject proposal will be located within an existing farmyard in a rural area where the predominant land use is agriculture, I am of the opinion that agriculturally-related developments such as that proposed are an inherent part of rural life and should generally be accommodated within such areas. Accordingly, on the basis of the foregoing, and in light of the scale and the intended use of the proposed development for agricultural purposes, I am of the opinion that the development proposed is acceptable in principle at this location.

**9.2 Overall Design and Layout:**

9.2.1 The proposed development, as initially submitted to the Planning Authority, consists of the construction of a slatted shed with ancillary feed passageways alongside the north-western elevation of a machinery store within the existing farmyard, however, as a direct result of the proposed construction maintaining the building line established by the adjacent farm buildings, the appellants have raised concerns as regards the proximity of the new shed to the adjacent laneway (over which the appellants have a right of way as identified on the submitted site location map) and the potential for same to interfere with the only means of access to their dwelling house which is located to the immediate southeast of the application site. In this respect the grounds of appeal have made

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specific reference to the possibility that the development works could undermine the stability of the existing laneway in addition to the likelihood that any farm machinery accessing the proposed shed (including the agitation point for the underground tank on the north-eastern side of the proposed construction) could obstruct traffic movements along the accessway. However, in an attempt to address the appellants' concerns, I would advise the Board that the applicant submitted amended proposals in response to the grounds of appeal which have proposed the construction of an alternative shed design to the rear of the existing machinery store away from the public road / site boundary.

9.2.2 Having reviewed the submitted information, and in light of the increased separation distance between the proposed development and the access laneway, it is my opinion that the revised proposals received by the Board on 21<sup>st</sup> December, 2015 will ensure that the proposed development will not unduly interfere with the appellants' right of way over the existing accessway to their dwelling house and in this respect it is of further relevance to note that following the circulation of these revised proposals to the notice parties, the appellants responded by indicating that there was no objection to same. However, in advance of any decision to grant permission for the subject application, and notwithstanding the appellants' comments with regard to the amended proposals, the Board may wish to consider whether or not the submitted revisions would warrant the publication of revised public notices given the alterations to the overall site layout and design of the proposed development.

9.2.3 In the event that the Board does not wish to accept the revised proposals submitted by the applicant and instead opts to revert to the original design as initially submitted to the Planning Authority, I would nevertheless be of the opinion that given the nature and scale of the development proposed, in addition its location within an existing farmyard, the construction and subsequent operation of the subject proposal will not give rise to any significant additional undue impact on the wider amenity of surrounding properties.

**9.3 Appropriate Assessment:**

9.3.1 Having regard to the nature and scale of the proposed development, the location and nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

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## **10.0 RECOMMENDATION**

Having regard to the foregoing I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below:

### **Reasons and Considerations:**

Having regard to the location of the proposed development within an established farmyard and to its nature and scale, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate land use in this rural and agricultural area, would not seriously injure the amenities of the area or of property in the vicinity, and would not give rise to risk of pollution. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **CONDITIONS**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars received by An Bord Pleanála on the 21<sup>st</sup> day of December, 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. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-
  - a) uncontaminated surface water run-off shall be disposed of directly in a sealed system, and
  - b) all soiled waters shall be directed to a storage tank. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.



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**Reason:** In the interest of environmental protection and public health

3. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.

**Reason:** In order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.

4. All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

**Reason:** In the interest of public health.

5. The slatted shed shall be used only in strict accordance with a management schedule which shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The management schedule shall be in accordance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2014, as amended, and shall provide at least for the following:

- i) Details of the number and types of animals to be housed.
- ii) The arrangements for the collection, storage and disposal of slurry.
- iii) Arrangements for the cleansing of the buildings and structures (including the public road, where relevant).

**Reason:** In order to avoid pollution and to protect residential amenity.

6. A minimum of 18 weeks storage shall be provided in the underground storage tank. Prior to commencement of development, details showing how it is intended to comply with this requirement shall be submitted to and agreed in writing with the planning authority.

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**Reason:** In the interest of environmental protection and public health

7. Slurry 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 (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2014, as amended.

**Reason:** To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of watercourses.

8. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of orderly development and the visual amenities of the area.

Signed: \_\_\_\_\_

Robert Speer  
Inspectorate

Date: \_\_\_\_\_