

An Bord Pleanála



Inspector's Report

Appeal Reference No: PL27.245950

Development: Retention of demolition of shed and replacement of shed with new agricultural structure.

Location: Ballyraheen, Tinahely, Co. Wicklow

Planning Application

Planning Authority: Wicklow County Council

Planning Authority Reg. Ref.: 15/885

Applicant: Kevin Doyle

Planning Authority Decision: Grant permission

Planning Appeal

Appellant: Gerard Byrne

Type of Appeal: Third party

Date of Site Inspection: 2/3/16

Inspector: Siobhan Carroll

1.0 SITE LOCATION AND DESCRIPTION

1.0.1 The appeal site is located in the townland of Ballyraheen, Tinahely, Co. Wicklow. The appeal site is located approximately 4 kilometres south-west of Tinahely. It lies close to a crossroads 300m to the west of the R749. The area in the immediate vicinity of the site is rural in character.

1.0.2 The stated area of the appeal site is 0.096 hectares. It contains an agricultural structure with an area of 102sq m and a ridge height of 5.75m. The finished floor level of the agricultural structure is elevated circa 3m above the adjacent road level to the west. There is a hard standing area surrounding the structure. The site is served by a gated vehicular entrance.

2.0 PROPOSED DEVELOPMENT

Permission is sought for the retention of demolition of shed and replacement of shed with new agricultural structure. Features of scheme include;

- Site area – 0.096 hectares,
- Area of agricultural building to be retained – 102.34sq m,
- Ridge height of agricultural building – 5.75m,
- Area of shed proposed to retain demolition – 71.4sq m.

3.0 PLANNING HISTORY

None

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

Internal Reports:

Water and Environmental Services: Sought further information regarding surface water drainage.

Submissions

The Planning Authority received one submission in relation to the planning application. The issues raised are similar to those set out in the appeal.

4.2 Planning Authority Decision

Following the submission of further information the Planning Authority granted permission subject to 3 no. conditions.

5.0 GROUNDS OF APPEAL

A third party appeal was submitted by Gerard Byrne on the 18th of December 2015. The content of the appeal submission can be summarised as follows;

- The structure was constructed by the applicant's son with the intention to use it as a commercial workshop in connection with a machinery sales and repair business.
- The structure was constructed speedily and is located directly adjoining the public road close to a junction and bend in the road.
- The appellant has raised concerns at the structural condition of the building.
- The public road at this location is liable to flooding. The appellant has expressed concern that surface water from the site which could contain oil could drain onto the adjoining public road and cause pollution to watercourses.
- The site is located at the site of a holy well which attracts many visitors. It is not considered a suitable location for the proposed structure.
- The proposed vehicular entrance design is not recessed and therefore is a traffic hazard.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

A letter was submitted to the Board from Kilpark Planning and Design on the 29th of March 2016. The letter confirmed that the applicant Mr. Kevin Doyle was deceased and that Mr. Doyle's brother Mr. Chris Doyle is the sole executor of the Estate.

6.1 Planning Authority response

- None received

7.0 POLICY CONTEXT

The operative plan for the area is the Wicklow County Council Development Plan 2010 - 2016.

- Chapter 8 refers to the Rural Economy

- **AGR5** To permit the development of new, appropriately located and designed agricultural buildings, which are necessary for the efficient and environmentally sound use of the agricultural practice. New buildings will only be permitted in cases where there are no suitable redundant buildings on the farm holding which would accommodate the development and where the Council is satisfied that the proposal is necessary for the efficient operation of the farm. Developments shall be compatible with the protection of rural amenities, and should not create a visual intrusion in the landscape or be the cause of an environmental nuisance.

- Section 8.4.4 refers to Location and design of Agricultural buildings

A building shall be sited and shall be of a height so as to ensure that it is as unobtrusive as possible. Particular attention shall be paid to developments in sensitive landscapes as identified in this plan;

- In so far as is practical, buildings should be of unifying design and should be clustered to form a distinct and unified feature in the landscape;
 - Buildings shall utilise suitable materials and colours, which are compatible with the rural area. Stone and traditional building materials will be particularly encouraged. Where cladding is used on the exterior of farm buildings, dark colours (preferably dark green, red or grey) with matt finishes will normally be required. Roof areas should be coloured the same or in darker shade of the colour used on the side panels;
 - In order to integrate development into the landscape, buildings shall be screened or shelter belted with principally native species of planting.
- In terms of Landscape Characterisation, the site is located in an 'Area of Special Amenity' where vulnerability is high.

8.0 ASSESSMENT

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Principle of development
- Drainage
- Vehicular Access
- Appropriate Assessment

8.1 Principle of Development

- 8.1.1 It is proposed to retain the demolition of shed and replacement of shed with new agricultural structure. The shed located previously on site had an area of 71.4sq m and was constructed with blocks and corrugated metal. It was sited to the centre of the site adjoining the roadside boundary in a similar position to the existing structure.
- 8.1.2 The agricultural structure it is proposed to retain is a steel frame building with a green clad and block finish. It has a floor area of 102.34sq m and a ridge height of 5.75m and features a roller shutter door in the north-western (front) elevation.
- 8.1.3 The site at Ballyraheen, Tinahely is located in an area designated an 'Area of Special Amenity' in the Wicklow County Development Plan, 2010-2016. The site is situated close to a crossroad within a valley between two upland areas. There is also a forested area to the west of the site running for circa 1.4km parallel to the local road. The shed previously located on site was constructed prior to 1963 and was not subject to Planning Legislation. It was situated on the western side of the site and in close proximity to the roadside boundary. The agricultural shed proposed for retention is located to the western side of the site adjacent to the local road and is situated in roughly the same location as that of the previous shed. Having regard to the topographical characteristics of the site located within a valley where there is forestry screening to the west and the scale of the proposed agricultural building I consider that it is visually acceptable at this location.
- 8.1.4 The appellant has raised the matter of the use of the building. The Planning Authority in their assessment of the application requested further information and required full details of the agricultural enterprise served by the proposed farm produce and machinery storage shed. In response details were submitted in relation to the land holding owned by the applicant. It was stated that a total of 40 acres were owned in the townland of Newtown, Tinahely, Co. Wicklow and 20 acres were owned in the vicinity of the proposed agricultural shed.
- 8.1.5 The subject agricultural shed is required to store cereal and grain crops grown on the landholding. A portion of the produce stored will be kept as feedstuff for stock on the farm. It is also stated that the shed will be used to store a

combine harvester and other farm machinery. It would appear from the details provided that the agricultural building is required to service the farm holding. In my opinion, if the Board is disposed towards a grant of permission, I recommend that a condition be attached limiting the use of the shed for the storage of farm produce and machinery only and that no business, trade or commercial activity shall take place in the shed.

8.2. Drainage

- 8.2.1 The appellant raised concerns that the proposed shed would pose a threat to watercourses in the vicinity and that water generated within the site could flow onto the public road. The original plans submitted with the application did not provide specific details in relation to the collection and disposal of surface water within the site. The report of the Water & Environmental Services Section dated the 28th of September 2015 required clarification of the surface water drainage and the specific soak away location on site. In the grant of permission the Planning Authority attached a condition requiring that details of surface water drainage systems on the site be submitted within three months of the grant of permission for their agreement.
- 8.2.2 Having regard to the nature of the proposal the retention of an agricultural shed for the storage of produce and machinery I am satisfied that subject to the attachment of a condition specifying that surface water from the site shall not be permitted to drain onto the adjoining public road and that drawings showing details of surface water drainage arrangements be submitted to the Planning Authority for their written agreement that the proposal would be acceptable in terms of surface water drainage considerations.

8.2 Vehicular access

- 8.3.1 The site is served by an existing vehicular entrance which provides access to the lands and existing agricultural building on site. The appellant has expressed concern at the suitability of the entrance for the additional traffic the proposed agricultural building would generate. In relation to this matter I do not consider that the proposed development would generate significant additional traffic movements.
- 8.3.2 The site entrance onto the Local road is situated at a relatively straight section of road where there is satisfactory sight distances available in both directions. Accordingly, having regard to the nature of the development and the limited additional traffic movements it would generate the proposed entrance is considered acceptable.

8.4 Appropriate Assessment

8.4.1 The site is located circa 0.9km to west of the Slaney River SAC Site Code 000781. A tributary stream of the Slaney River Having runs immediately to the west of the site. Having regard to the established agricultural use of the site and the nature of the proposed development 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.

9.0 CONCLUSIONS AND RECOMMENDATION

9.0.1 I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be granted for the following reasons and considerations.

REASONS AND CONSIDERATIONS

Having regard to the location of the site in an agricultural area, to the nature and scale of the development proposed to be retained, to the topographical characteristics of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would not constitute a significant pollution risk 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 received by the planning authority on the 5th 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 shed shall be used for the storage of farm produce and machinery only. No business, trade or commercial activity shall take place in the shed.

Reason: In the interest of clarity and to protect the amenities of the area.

3. Surface water from the site shall not be permitted to drain onto the adjoining public road. Drawings showing details of surface water drainage arrangements shall be submitted to, and agreed in writing with, the planning authority within three months from the date of this order. The works shall be completed within a further three months from the date of agreement with the planning authority.

Reason: In the interest of public health.

**Siobhan Carroll,
Inspectorate
26th of April 2016**