



An  
Bord  
Pleanála

## Inspector's Report PL 21.246970

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**Appeal Reference No:**

PL 21.246970

**Development:**

Development consisting of the construction of a "Honey House" (60 sqm agricultural building to be used for the extraction and storage of honey), an effluent treatment system and percolation area and all associated site works. Breeoge, Knocknahur, Co. Sligo.

**Planning Application**

Planning Authority:

Sligo County Council

Planning Authority Reg. Ref.:

16/187

Applicant:

Kieran McDonagh

Planning Authority Decision:

Refuse Permission

**Planning Appeal**

Appellant(s):

Kieran McDonagh

Type of Appeal:

First Party – V - Refusal

Observers:

(i) Ena MacLoughlin  
(ii) Residents of Knocknahur

Date of Site Inspection:

19<sup>th</sup> September 2016

**Inspector:**

Tom Rabbette

## 1.0 SITE LOCATION AND DESCRIPTION

The following is an extract from section 1 of the Inspector's Report on appeal ref: PL 21.245005 relating to an application for a dwelling on the same site, I consider this 'Site Location and Description' to be still relevant and accurate:

'The site is located at Breeogue, County Sligo, c.5 km south-west of the town of Sligo and c4½ km north west of Ballasadare . The site is located on a local road off the R292, a regional road which links the N4 north of Ballisodere to Strandhill. Southwards the local road extends to Ballasadare Bay a distance of just over half a kilometre and approx. half a kilometre to the north is the junction with the R292.

The R292 and the network of local roads leading from it have been subjected to a considerable amount of ribbon development.

The site is rectangular in shape and is part of a field in pasture. The rear boundary is defined by a hedgerow; the other boundaries, including the front roadside boundary are defined by post and barbed wire fences. Ground levels slope generally from north to south and from the front towards the centre of the site. The site is surrounded by agricultural land. A two-storey period residence, Breeogoe House, and associated out buildings, is located to the south. A dwelling and farm buildings are located on the opposite side of the local road.'

In addition to the above, I note that there are a number of man-made hives on lands immediately adjoining the site to the west. It is stated in the file that these hives belong to the applicant and that he has permission from the adjoining land-owner to locate these hives on those lands.

## 2.0 PROPOSED DEVELOPMENT

The applicant is seeking permission to construct a 'honey house' on the site. The honey house is described as an agricultural building to be used for the extraction and storage of honey. The proposed development includes an on-site wastewater treatment and disposal system. It is proposed to utilise an existing agricultural entrance to access the development, the entrance is located in the south-east corner of the application site.

## 3.0 PLANNING HISTORY

02/18 – D/h refused by SCC

PL 21.203571, PA reg ref 03/233 – D/h refused by An Bord Pleanála (SCC decision to grant).

03/1106 – D/h refused by SCC.

PL 21.208460, PA reg ref 04/470 – D/h refused by An Bord Pleanála (SCC decision to grant).

PL 21.212998, PA reg ref 05/28 – D/h refused by An Bord Pleanála (SCC decision to refuse).

PL 21.217390, PA reg ref 06/69 – D/h refused by An Bord Pleanála (SCC decision to grant).

PL 21.217959, PA reg ref 06/245 – new agricultural entrance granted.

06/998 – D/h refused by SCC.

07/307– D/h refused by SCC.

07/606 – D/h refused by SCC.

07/889 – D/h refused by SCC.

07/1232 – D/h refused by SCC.

08/106 – D/h refused by SCC.

08/392 – D/h refused by SCC.

PL 21.236478, PA reg ref 10/8 – D/h refused by An Bord Pleanála (SCC decision to refuse).

12/331 – D/h refused by SCC

PL 21.245005 PA reg. ref 15/99 – D/h refused by An Bord Pleanála (SCC decision to refuse)

#### **4.0 PLANNING AUTHORITY DECISION**

##### **4.1 Planning and technical reports**

Planner's Report dated 28/06/16:

- Refusal recommended for 1 reason.

Vetinary Inspector Report

- Revised layout sought.

Area Engineer Report dated 27/05/16:

- Permission recommended subject to conditions.

Environmental Services Report dated 08/06/16:

- Request further information.

Objections/observations: Objections/observations on file (including a petition with some 27 signatures) addressed to the p.a. refer to the following matters: extensive planning history on the site; demolition of stone wall at the site frontage; proliferation of vehicular entrances; traffic hazard; insufficient sightline; access point unsafe; questionable that a honey house is economically justifiable; climate too damp and cold to sustain a successful apiary; need for the scale of the development questioned; need for proposed structure height questioned; boundary wall should be reinstated; impact on visual amenity and character of the area caused by demolition of wall; commercial development not consistent with zoning, and impact of bee keeping on neighbouring residents.

## **4.2 Planning Authority Decision**

By Executive Order dated 30/06/16 the planning authority decided to refuse permission for one reason as follows:

*'The subject site is located on the Cuil Irra peninsula which is an internationally important archaeological landscape and in a rural area which is lacking in certain public services and infrastructure. In accordance with aims of Development Plan policies, it is considered that, in the absence of a specific need to locate in a rural area, commercial development should be discouraged in such areas in the interests of sustainable development, the preservation of the rural environment and to avoid an uneconomic demand for the provision of public services and facilities. Having regard to the nature and scale of the proposed commercial development, it is not considered that there is an established need for the proposed development at this location. It is considered that the proposed development would set an undesirable precedent for further such commercial development at such locations and accordingly would be contrary to the proper planning and sustainable development of the area.'*

## **5.0 GROUNDS OF APPEAL**

The contents of the first party's grounds of appeal can be summarised as follows:

- The proposal supports a long-established agricultural use of the site.
- The proposal represents agricultural development, not 'commercial development'.
- It should be permitted at this agricultural/rural location.
- The justification for agricultural development on agricultural land is self-evident/not subject to rural-based need requirements.
- There exists a 'specific need' for the development to be located on the subject site because of the nature of the process being accommodated, for reasons of sustainability, and because of the personal circumstances of the applicant.

- The nature and scale of the proposal is commensurate to its intended use and represents a considered and appropriate response to its 'normal rural landscape' context and wider archaeological and rural surroundings.
- The proposal is supported by several CDP objectives in addition to providing other benefits for the area.
- The applicant has continually practised beekeeping at this location since 2003.
- His apiary currently has 10 hives.
- Further growth is restricted due to his lack of a suitable facility for honey extraction, processing, and storage, a situation to which the current proposal responds.
- The adjacent lands upon which the hives and small shed are located was originally in the applicant's ownership, however personal circumstances required him to dispose of this land in 2005.
- The apiary has temporarily remained in its original position with the permission of the new landowner pending the applicant's proposed re-establishment of the historical orchard and the construction of the proposal in question.
- A honey house represents agricultural development, not commercial.
- The applicant cites beekeeping and honey production categorisation as 'horticulture' by the Department of Agriculture, Food and the Marine (DAFM).
- The applicant refers to DAFM grant aid for buildings and equipment for beekeeping and honey production.
- Part 1 of the P & D Act 2000 lists 'horticulture' first among farm activities.
- The proposal represents a positive precedent for sensitive, high-quality agricultural building design and rural economic diversification.
- Honey extraction is best done as near the apiary as possible to minimise both the time during which hive populations are disturbed and the risk of damage to supers/frames.
- According to DAFM information sheets, transport of hive elements and beekeeping equipment is a method of enhanced spread for hive infestation by pests and parasites such as the small hive beetle.
- The elimination of the transport of hive elements and beekeeping equipment also contributes to the sustainability of the proposal, reducing vehicle traffic to/from the site, reducing the need for re-heating following transport from a remote site and reducing CO2 emissions.
- Manual lifting/handling and transport of heavy beekeeping equipment for extraction are also extremely difficult for a solo beekeeper and given his age (57) may soon be impossible for the applicant.
- The design of the proposal was guided by professional judgement regarding its site and context, extensive research, client requirements in terms of cost effectiveness and potential future expansion of

capacity (up to 30 hives in the next five years but perhaps increasing to over 75 in the longer term).

- The Technical Reports from SCC Departments did not contain any significant/insurmountable issues.
- The Board is requested to grant permission for the development.

## **6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL**

### **6.1 Planning Authority response**

The contents of the planning authority's response to the grounds of appeal can be summarised as follows:

- The existing apiary is on land that is in separate ownership and does not form part of the current application site.
- It should be noted that the building consists mainly of 'uncapping area', 'extraction room', 'jarring and labelling room' and storage.
- Given the use and processes carried out in the subject building it is considered that the use of the building would be more appropriately be described as an industrial building, particularly given that the scale of the building is disproportionate to the scale of existing/proposed activity on site.
- It is not considered that a need has been established for the location of the proposed development at this location.
- It is considered that the scale of the proposed building and the effluent treatment facilities proposed on site are not consistent with the scale of existing/proposed activity.
- The Board is referred to the Planner's Report on file.

### **6.2 Observations on grounds of appeal**

#### **6.2.1 Ena MacLoughlin, Breeogue, Knocknahur, Co. Sligo.**

The contents of the observer submission from the above can be summarised as follows:

- Refers to the planning history pertaining to the site for a dwelling.
- The current application for a honey house is most likely a stratagem to erect a construction which either pre-planning or post construction will eventually be transformed into a dwelling house.
- Refers to demolition of a stone wall and subsequent legal proceedings.
- Four entrances will be close proximity.
- Creation of a traffic hazard.
- The access point is unsafe and should not be allowed at this location.
- The observer has previously engaged in beekeeping and has gained some knowledge through hard won experience.
- It is very difficult, nigh impossible, to run a successful apiary in Breeogue with even one hive, let alone 7.

- By the applicant's own admission, the current scale of operations is such that he can accomplish the honey harvesting in a domestic kitchen.
- Purely from a commercial perspective the scale of capital the applicant intends investing in a honey house seems out of proportion to his current operations or even an apiary of 30 hives.
- From a planning perspective there is plenty of vacant warehousing space in Sligo and surrounding areas which could be repurposed to facilitate a honey harvesting operation.
- It somewhat beggars belief that an operation that is performed only once or twice a year requires the construction of a building.
- It is not at all clear that the applicant currently has any viable commercial beekeeping enterprise.
- His honey is not available in any local shops.
- The applicant has not presented any evidence of a business plan for his beekeeping enterprise in his submissions.
- There is absolutely no functional requirement for the building.
- The norm is to perform honey harvesting off-site.
- Concerns raised about potential concentration of bees in the area.
- A situation which places the observer's enjoyment of their property at risk and potentially threatens their lives is intolerable.
- The proposed scaled-up sewage treatment works appears to be quite similar to that associated with a 3-bedroom dwelling house.
- The observer strenuously objects to this scale of beekeeping.
- The proposal has no business being on this site and is much too big for its intended purpose.
- The first mention of 75 hives is in the appeal documentation.
- The observer strenuously objects to the proposed entrance.

#### 6.2.2 S. Devaney, T. Gilligan for Residents of Knocknahunur

The contents of the observer submission from the above can be summarised as follows:

- Object to any further development on the site until the boundary wall along the public road has been reinstated.
- The wall which was structurally sound has over the last 150 years formed an integral part of the local built heritage.
- Not only was the wall demolished but the stones were buried in a trench dug alongside the base of the wall.
- The submission is accompanied by a petition containing some 27 signatures.
- In a further submission received by the Board on the 13/09/2016, the above observer fully endorses the observer submission by Ena MacLoughlin.

### 6.3 First party response

The contents of the applicant's response to the observer submission by E. MacLoughlin can be summarised as follows:

- Many of the issues raised in the observer submission are either not planning issues or have already been addressed in the applicant's appeal submission.
- The applicant lives with his brother's family, sharing a kitchen, and thus has no other location in which he can feasibly carry out the honey extraction.
- The applicant would be willing to give an undertaking that the proposed structure will not be turned into a 3-bedroom house as claimed in the submission.
- The entrance is an existing agricultural entrance and an increase in traffic is not envisaged.
- The applicant has 10 hives with 70,000 bees per hive.
- The intention with the construction of the honey house on his own land adjacent to his apiary is that the applicant can engage in the craft of beekeeping as a positive and therapeutic activity as he grows older as well as being able to gain a small income from selling the honey.

### 7.0 POLICY CONTEXT

The operative plan for the area is the Sligo County Development Plan 2011-2017. The site is located in an area characterised as 'Normal Rural Landscape' as indicated on Figure 7.D 'Landscape Characterisation Map' of the CDP.

Other sections, policies and objectives of relevance to this appeal are:

Strategic economic development policies:

SP-ED-1  
SP-ED-2  
SP-ED-3  
SP-ED-4

Rural development and enterprise policies:

P-RDE-1  
P-RDE-2

Policies for agricultural diversification:

P-AGD-1  
P-AGD-4  
P-AGD-5  
P-AGD-6



P-AGD-7

Landscape character assessment and protection policies:

P-LCAP-3

P-LCAP-4

P-LCAP-5

Landscape character assessment and protection objectives:

O-LCAP-3

O-LCAP-4

O-LCAP-5

O-LCAP-6

Section 7.2.6 The Cuil Irra Peninsula – Carrowmore, Knocknarea and Carns Hill.

Archaeological heritage objectives:

O-AH-6

Objectives for the Cuil Irra Peninsula – Carrowmore, Knocknarea and Carns Hill:

O-CIP-2

O-CIP-3

Copies of the above extracts are in the appendix attached to this report for ease of reference by the Board.

## **8.0 ASSESSMENT**

- 8.1 The applicant is seeking permission to construct a 'honey house' on the site. There is a substantial planning history pertaining to the site. The applicant has been refused permission for a one-off dwelling at this location on numerous occasions (see planning history above under s. 3.0).
- 8.2 Noting, *inter alia*, that the proposed development is located in an unserved rural area where the primary land use is agricultural and also having regard to the policies and objectives governing the area as contained in the CDP and the significant planning history pertaining to the site, the Board needs to satisfy itself that the nature and type of development proposed at this location is justifiable and in compliance with the proper planning and sustainable development of the area.
- 8.3 The site is located in the archaeological important Cuil Irra Peninsula historic landscape, it is located between Knocknarea which is to the north-west and Carrowmore which is to the north-east of the site, I refer the Board to s.7.2.6 and associated Figure 7.C of the CDP (copies in attached appendix). I note also that it is the policy of the p.a. to protect the physical landscape and visual

character of the county (ref: policy P-LCAP-3) and to protect the historic and archaeological landscapes of the county (ref: policy P-LCAP-4). It is also a policy of the p.a. to protect and enhance the visual qualities of rural areas through sensitive design of necessary development (ref: policy P-LCAP-5).

- 8.4 In terms of scale, this is not an insignificant structure in this rural location. The honey house, including the external decking area, is over 29 m long and 4.7 m wide. At its highest point (ridge height) it is 5.8 m above the finished ground level. The internal floor area is c. 66 sq.m. A wastewater treatment system including a percolation area is to be installed on the site to serve the development.
- 8.5 The applicant's justification and stated need for this building at this location is somewhat confusing and contradictory, in my opinion. In the application documentation to the p.a. it is indicated that there is a long-established agricultural use on the site i.e. beekeeping, and that there are 8 beehives on the application site. It further states that it is hoped to increase the number to 30 hives over the coming years. In the grounds of appeal, it is stated that there are 10 hives at this location and that it is indicated that this number may be expanded up to 30 hives in the next 5 years and perhaps over 75 hives in the longer term. There is no mention of 75 hives in the original application documentation. The information in the grounds of appeal, at the very least, suggests a proposal for a significant commercial honey-production activity on the site in the long term, the scale of the building proposed would appear to reflect this. Yet in the applicant's response to one of the observers' submissions, it states that the intention with the construction of the honey house is that the applicant can engage in the craft of beekeeping as a positive and therapeutic activity as he grows older as well as being able to gain a small income from selling the honey, this suggests more of a hobby rather than a viable commercial/agricultural activity. In the documentation on file it indicates that the applicant is engaged in the honey extraction and processing in a domestic kitchen at present. It is also stated in the response to the observer's submission that there are some 700,000 bees currently housed in the apiary. While it may not be ideal, if honey extraction and processing for 700,000 bees can be carried out in a domestic kitchen, the need for such a relatively large structure as now proposed on the site seems, at the very least, questionable.
- 8.6 The uses proposed in this building, such as 'uncapping', 'extraction', 'jarring' and 'labelling', as indicated on the drawings submitted with the application, can be, as alluded to by the p.a. in their response to the grounds of appeal, more appropriately described as industrial-related activities and not agricultural uses as such. I am not convinced that such activities have to be carried out on site and, in particular, I am not convinced that the existing and proposed level of beekeeping at this location warrants or justifies a building of the scale proposed. Given the very extensive planning history pertaining to the site for a one-off dwelling in this rural area, the Board would need to be

satisfied that the development of scale and magnitude proposed is justifiable in this unserved rural area where the primary land use is agricultural. The Board, in my opinion, must satisfy itself that the existing and proposed scale of beekeeping warrants and justifies the proposed development. I am of the opinion that the scale of beekeeping activities does not warrant or justify such a development. Even if the proposed beekeeping activities does justify such a structure of the scale proposed, the Board needs to be satisfied that such a building with the proposed processes needs to be located on this specific site, again I am of the opinion that the applicant has failed to demonstrate the need for such processes at this location. These processes can be more appropriately accommodated on suitably zoned and service land within a designated development boundary (such as Sligo).

8.7 Consideration has also to be given to the trip generation on this local road network. This local road network is substandard. It is of substandard width, being c. 3 m wide in the vicinity of the site and at approaches to the site. Traffic meeting on this road network would be forced into reversing manoeuvres. The vertical and horizontal alignment of this road network at several locations approaching the site is also substandard resulting in, *inter alia*, restricted forward sight distances. I would have concerns that the trip generation associated with this development would endanger public safety by reason of traffic hazard and obstruction of other road users. This road network is primarily to serve agricultural and other rural-based activities in this area. In the response to an observer submission the applicant states that the entrance to be used is an existing agricultural entrance to the site and “an increase in traffic is not envisaged”. If there is no increase in traffic envisaged, then the need for a building of this scale at this location seems all the more unjustifiable.

(8.8 Having regard to the nature and scale of the development proposed and to the nature of the receiving environment no appropriate assessment issues arise.)

## **9.0 CONCLUSIONS AND RECOMMENDATION**

I recommend that permission be refused for the development for one reason as indicated below.

## REASONS AND CONSIDERATIONS

It is the policy of the planning authority: to protect the physical landscape and visual character of County Sligo (ref: policy P-LCAP-3); to protect the historic and archaeological landscapes of County Sligo (ref: policy P-LCAP-4), and to protect and enhance the visual qualities of rural areas through the sensitive design of necessary development (ref: policy P-LCAP-5), as indicated in the Sligo County Development Plan 2011-2017. These policies are considered reasonable. The Board is not satisfied, based on information submitted with the application and in the grounds of appeal, that the existing and proposed beekeeping activities at this location warrants or justifies a development of the scale and nature proposed. Furthermore, having regard to the processes proposed to be accommodated in the 'honey house', it is considered that development of the type proposed would be more appropriately located within a designated development centre on suitably zoned and serviced land. The applicant has failed to demonstrate that the proposed development is a necessary development in this rural area which is outside of a designated development centre and in an area of international archaeological importance, the Cuil Irra Peninsula. The proposed development would be thus contrary to the above mentioned policies and would, therefore, be contrary to the proper planning and sustainable development of the area. In addition, it is considered that the traffic generated by the proposed development on the local road network, which is of substandard width and substandard horizontal and vertical alignment, would endanger public safety by reason of traffic hazard and obstruction of other road users.

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Tom Rabbette  
Senior Planning Inspector  
11<sup>th</sup> October 2016