



An
Bord
Pleanála

Inspector's Report PL18.247721

Development	Retain parts/agricultural shed, yard and boundary fencing
Location	Drumgoose, Gorteens, Castleblaney, County Monaghan.
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	16/399
Applicant(s)	Kevin Conlon
Type of Application	Retention Permission
Planning Authority Decision	
Type of Appeal	First Party
Appellant(s)	Kevin Conlon
Observer(s)	None
Date of Site Inspection	10 th March 2017
Inspector	Hugh Mannion

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1.0 Site Location and Description

1.1. The site of the proposed development has a stated area of 0.93ha and is located to the northeast of the N53 about 6kms southeast of Castleblaney, County Monaghan. The N53/A37 links Castleblaney to Dundalk. The site is set back about 130m from the public road and accommodates both the shed proposed for retention and a recently constructed two storey house. There is a concrete yard (994m²) in front of the shed.

2.0 Proposed Development

2.1. The proposed development comprises retention of a motor parts storage shed/combined agricultural shed 332m² including boundary fencing at Drumgoose, Gorteens, Castleblaney, County Monaghan.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for two reasons;

1. Intensification of an access onto the N53 National Route would adversely affect the operation and safety of the national road network and be contrary to objective NRO7 of the County Development Plan.
2. Objective CDP2 of the County Development Plan seeks to prevent commercial developments such as offices, retail, and services locating outside settlements. The application has not demonstrated that it is necessary to locate the proposed development in the countryside.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The planner's report recommend refusal for the reasons set out in the planning authority's decision order.

3.2.3. Other Technical Reports

3.2.4. The **Area Engineer** reported no objection subject to conditions.

3.3. **Prescribed Bodies**

Transport Infrastructure Ireland reported that the proposed development contravenes the guidance set out in Spatial Planning and National Roads Guidelines for Planning Authorities (DOECLG 2012).

3.4. **Third Party Observations**

There were no third party observations.

4.0 **Planning History**

There is no relevant planning history.

5.0 **Policy Context**

5.1. **Development Plan**

Objective NRO 7 in the Monaghan County Development Plan 2013-2019 states that it is an objective of the planning authority to “prohibit the intensification of use or creation of any new access onto the national road network outside where a reduced speed limit applies, particularly onto any portion of realigned national road where the original national road has been reclassified or downgraded, and to strictly limit the number of accesses or the intensification of use of existing accesses onto national roads where speed limits of 60kph or less apply.”

Objective NRO 2 in the Monaghan County Development Plan 2013-2019 states that; Proposals for commercial developments such as offices, retail, and services will not normally be permitted in the countryside outside settlements, except where it has been demonstrated to the satisfaction of the planning authority that it is necessary

that the development be located in the countryside. Development proposals shall meet all the following criteria:-

- It would not generate traffic of a type or amount inappropriate for rural roads, or require improvements which would damage the character of rural roads in the area.
- It provides adequate access, car parking and manoeuvring areas.
- It respects the scale and nature of activity in the locality.
- It will not harm the character or appearance of the countryside.
- It makes use of existing buildings or proposes buildings of good design which blend into the landscape through its design, siting, landscaping and use of materials.

5.2. **Natural Heritage Designations**

The site is not within any natural heritage designation.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal may be summarised as follows;

- The landholding was originally a beef farm which became unviable and the car parts business was an addition to the agricultural use.
- The Regional Planning Guidelines recognise that rural employments arise from a multiplicity of rural activities.
- The planning authority and Transport Infrastructure Ireland are incorrect to state that the development is road frontage development as it is 145m distant from the regional route.
- No customers or trade visitors attend the site. The commercial activity does not generate an increase in traffic over and above that generated by the previous agricultural use.
- There are adequate sightlines available at the access road/R53 junction.

- The scale of the building is comparable to similar agricultural sheds locally. The proposal is not out of keeping with the rural setting.
- Making use of the formerly agricultural shed for commercial purposes is a sustainable form of development.

6.2. Planning Authority Response

The planning authority made the following points;

- The shed is oversized for an agricultural holding of 3ha.
- The development comprises a significant commercial undertaking.
- The entire building may be in use for commercial development.
- The development contravenes objectives of the County Development Plan.
- Transport Infrastructure Ireland (TII) is the competent authority in relation to matters affecting national routes.
- The applicant has failed to demonstrate that the proposed use has not led to an intensification of traffic movements onto the regional route.
- The examples of other developments cited do not support the application.
- The application contravenes CDP2 in relation to commercial development in the countryside.

6.3. Observations

There are no observations on file.

6.4. Further Responses

There are no further responses.

7.0 Assessment

- 7.1. The **first refusal reason** referred to national policy in relation to new or intensification of uses of accesses onto national routes. The applicant makes the case that rural enterprise is not limited to farming, that the proposal would

supplement an unviable agricultural use, that the proposal is well set back from the road and that the proposal will not give rise to additional traffic movements. The application makes the case that most of the goods will be posted out and that a courier will arrive once a day with parts. The Area Engineer reported no objection subject to a number of conditions.

7.2. On the date of my site visit there were no commercial signage visible at the site entrance to the public road and there was no machinery storage outside the building. My visit had been notified to the applicant in advance. The planning authority makes the point that the entire shed may be in commercial storage use. I note the conditions recommended by the area engineer and the site layout drawing submitted with the application illustrating sightlines onto the N53. There is a significant gradient from the access road up to the junction with the N53 and there is a dip in the road to the southeast of the site. The N53/A37 links Castleblaney to Dundalk and this section in the Republic has been improved in recent years. The national guidance in relation to development management and the national route system is to protect the safety and carrying capacity of these routes and the proposed development, notwithstanding the grounds of appeal, is a commercial development which must give rise to additional traffic turning movements and would be more suited to an appropriately zoned site within a speed controlled area. I conclude that the proposed development would give rise to additional traffic turning movements and an intensification of an existing access which otherwise serves a single residential use and small landholding in a manner which contravenes the national policy in relation to protecting the safety and carrying capacity of the national route network and an objective of the County Development Plan.

7.3. The **second reason** for refusal refers to County Development Policy not to permit the location of commercial development outside settlements except where it is demonstrated that a such location is necessary and would not generate traffic of a type or amount inappropriate for rural roads, or require road improvements which would damage the character of rural roads in the area. There must be adequate access, car parking and manoeuvring areas, development must respect the scale and nature of activity in the locality, not harm the character or appearance of the countryside, make use of existing buildings or proposes buildings of good design

which blend into the landscape through its design, siting, landscaping and use of materials.

- 7.4. The applicant makes the case in the grounds of appeal that the proposed development will not generate additional traffic, that there are adequate sightlines at the entrance to the public road, that the proposal is not visually intrusive, that the building is not out of character with the area, that it retrains the appearance of an agricultural shed and made use of a pre-existing structure.
- 7.5. The principle point of objective CDP2 set out in the Country Development Plan in relation development outside established settlements is that applications must demonstrate that such location is necessary; following such demonstration then the other criteria such as traffic and visual amenity impacts may be considered. The application has not demonstrated that this location is necessary; that it is related to the agricultural use of the landholding and could not be located on zoned and serviced land in an area where reduced speed limits apply.
- 7.6. The building is 37m long on the axis which faces onto the N53 and, although set back from the road, is visible from the public road. It has an industrial aspect to it which is out of place in a rural setting and does not reflect the dominant land use – agriculture - in the area. The application does not demonstrate to what extent the present building incorporates a previous structure and relying on the OS map for the site which shows two previous buildings on site neither of which are in the same location as that proposed for retention I conclude that the existing structure is unlikely to have incorporated substantial elements of previous structures.
- 7.7. I conclude therefore that the proposed development contravenes objective CDP 2 of the country development plan as set out below.
- 7.8. **Appropriate Assessment (AA)**
- 7.9. The application did not address AA but the planning authority screened out the proposal on the basis that whereas there is a stream on site which links the site to Lough Muckno this stream is minor and does not comprise a direct link to any Natura 2000 site. There are only two Natura 2000 sites in County Monaghan, Kilroosky Lough Cluster SAC (001786) and Slieve Beagh SPA 004167). These are in the north of the county and I agree with the planning authority's assessment that there is no direct pathway between the site and these European sites.

7.10. Having regard to the material submitted with the application, the reports of the planning authority, the nature and scale of the proposed development and the remoteness of the site from the nearest European sites, no Appropriate Assessment issues arise and I conclude that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. Having regard to the foregoing I recommend permission be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. The Spatial Planning and National Roads Guidelines for Planning Authorities (Department of Environment, Community and Local Government 2012) require planning authorities when preparing development plans to adopt a policy to lands adjoining national roads to which the speed limit greater than 60kmh applies whereby it shall be the policy of the planning authority to avoid the creation of any additional access points from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmh apply. It is an objective of the planning authority set out in the Monaghan County Development Plan 2013 to 2019 to prohibit the intensification of use or creation of any new access onto the national road network outside where a reduced speed limit applies. The proposed development would give rise to an intensification of traffic turning movements at a point where the general speed limit (100kph) applies. Therefore, the proposed development would materially contravene an objective set out in the Monaghan County Development Plan 2013-2019 and would be contrary to the proper planning and sustainable development of the area.
2. It is a policy of the planning authority as set out in the Monaghan County

Development Plan that commercial developments will not normally be permitted in the countryside outside settlements. The Board is not satisfied that it is necessary to locate the proposed development in the countryside outside any existing settlement and the proposed development would, therefore, materially contravene an objective set out in the County Development Plan and be contrary to the proper planning and sustainable development of the area.

Hugh Mannion
Planning Inspector

28th March 2017