



An
Bord
Pleanála

Inspector's Report PL07.248432

Development	Retention of agricultural buildings for storage of hay/straw with one section suitable for livestock, manure storage and effluent storage tank and all associated site works.
Location	Liscuill, Co. Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	17/186
Applicant(s)	J. Egan
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant(s)	J. Egan
Observer(s)	Margaret and John Hannigan Popp
Date of Site Inspection	14 th August 2017
Inspector	Rónán O'Connor

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1.0 Site Location and Description

- 1.1. The site of the proposed development is located in a rural location in Liscuill, approximately 4.6km south-west of Ballygar Village in the north-east of Co. Galway. On the appeal site is an existing dry store shed and the recently constructed timber slatted shed. There are residential dwellings to the east and west of the appeal site.

2.0 Proposed Development

- 2.1. Retention of agricultural building for storage of hay/straw with one section suitable for livestock, manure storage and effluent storage tank and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Refuse permission for two reasons relating to (1) impact on residential amenity and impact on property value due to noise and odours, and impact on public health (2) impact on water quality and European sites.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority. Points of note are as follows:

- States that the site overlies a regionally important aquifer and there is no details of lands available for spreading of slurry – significant impacts on the Natura network cannot be ruled out.
- Finishes of the structure not considered to be reflective of traditional agricultural materials
- Location of the structure inappropriate due to the proximity to the party boundary and habitable residential property to the immediate west – would have a detrimental impact on residential amenity due to noise and odours
- Recommends refusal

3.2.2. Other Technical Reports

None on file

3.3. Prescribed Bodies

3.3.1. None

3.4. Third Party Observations

3.4.1. 1 submission received during consideration of the planning application. The issues raised are as follows:

- Application constitutes a change of use/not made aware of the change of use
- Application form is incorrect/Development description is incorrect/Application details are incorrect
- Scale of proposal
- Health and Safety risks
- Enforcement issues/Development has occurred without planning permission
- Intention was to refuse previously withdrawn application
- Proximity to nearest residential dwelling
- Proximity to road
- Impact on property value

4.0 Planning History

4.1. There are a number of withdrawn applications relating to the appeal site.

- 15/786 – Withdrawn – agricultural building/underground tank to be used as a storage facility for waste water
- 14/1340 – Withdrawn – agricultural building/underground effluent tank/dung stead
- 14/987 – Withdrawn – retention of two underground tanks

Enforcement

- EN15/019 – Unauthorised alterations to the existing agricultural building and conversion to slatted shed. Unauthorised installation of effluent tank.

5.0 Policy Context

5.1. Development Plan

5.1.1. The relevant plan is the Galway County Development Plan 2015 – 2021. The site lies within the North-east Galway Landscape Character area where the Landscape Sensitivity is deemed to be Class 1 (Low) and the Landscape Value Rating is low

5.1.2. The following Development Management Standards are relevant:

- DM 33: Agricultural Buildings

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal, as submitted on behalf of the applicant are as follows:

- There is an established agricultural use on the site
- The proposal is replacement of a barrel roofed agricultural shed
- Close proximity of houses and sheds is part of the character of the area
- Proposed mitigation measures proposed as part of this appeal include decommissioning the livestock shed use and retaining it as a dry store/fodder store
- Revised drawings are submitted with the appeal submission
- The mitigation measures will remove issues relating to noise/odour and effects on residential amenity

- Will eliminate perceived risk to water quality and European sites
- If the Board are mindful to grant permission, no objection to a condition requiring proposed mitigation/decommissioning works to be completed within 6 months of the date of the order
- Third party have stated that they have no issue with a hay barn adjacent to their property
- Current application (17/614) for a livestock shed further to the north-west to compensate for the loss of the livestock shed use on the site
- Visual impact is less intrusive than the former shed on site

6.2. Planning Authority Response

6.2.1. None

6.3. Observations

6.3.1. One observation has been received from Margaret & John Hannigan Popp. This is summarised as follows:

- Reside at adjacent property Ty Quinn
- Enforcement proceedings in relation to development on site
- Previous building was considerably smaller and a hay barn
- Refute the assertion that a livestock use has existed at the location of the subject shed for over 30 years
- Previous landowner kept horses – shed was used for hay storage
- Has only owned the land for 12 years – agricultural consultant attests to a knowledge of the site as a consultant to the applicant for over 30 years
- New building exceeds by 38% the footprint area of the original barn
- No mention of the dung stead is referenced in the appeal – there is no mention in the appeal of any intention to remove it

- No existing properties with newly constructed livestock sheds and slurry tanks adjacent
- Housing of livestock took place up until April 2017 despite enforcement proceedings
- 4 previous applications for retention and none of them have proposed mitigation measures
- No details of decommission measures in the drawings submitted with the appeal
- Slurry tanks lying idle pose a danger in relation to the build-up of methane gas and diseases
- Reject the assertion that the new building will be less intrusive than the previous barn
- Appeal submission states that a Nutrient Management Plan is in place - why was this not provided?
- Difficult to believe an NMP is in operation

6.4. Further Responses

6.4.1. None

7.0 Assessment

7.1. The main issues relating to this appeal are considered to be:

- Principle of Development
- Impact on amenity
- Impact on water quality
- Design including scale and visual impact
- Appropriate Assessment

7.2. Principle of Development

7.2.1. From the evidence on file, it appears that that there was previously a barn on this site, albeit on a smaller scale. As such, the principle of a replacement structure

associated with the farm holding is acceptable in my view, subject to the considerations below.

7.3. Impact on Amenity

- 7.3.1. I note that revised drawings and mitigation measures have been submitted with the appeal, which parties have had the opportunity to respond to. My assessment, therefore, has regard to the revised proposals and mitigation measures outlined.
- 7.3.2. From the evidence on file, it appears that there was a previous shed on the site which was used for dry storage/hay storage. While the initial planning application proposed to use the shed for livestock shelter and manure storage, the applicant now proposes to utilise the shed for dry storage, as detailed in the appeal submission. It is my view that the proximity of the shed to the neighbouring residential unit would render it unsuitable for use as a livestock shelter and for manure storage, due to the significant impact that this would have on the amenity of this residential unit, having regard to noise and odour impacts.
- 7.3.3. However, I consider that these issues would be overcome by the use of the shed for dry storage only, which it would appear is in line with the use of the shed which previously stood on this site.
- 7.3.4. Other measures proposed by the applicants in their appeal submission include the following:
- Decommissioning of the existing effluent storage tank and dewatering collection point under the shed proposed for retention.
 - Decommissioning of the underground storage tank to the east of the shed proposed for retention
 - The insertion of timber boards to match existing along the western elevation of the shed
 - Closure of the gateway/access to the north-east of the site
- 7.3.5. I note the original application as made to the LPA also proposed an external Farm Yard Manure Storage Area on the hard standing to the immediate south of the shed. I do not consider that this is appropriate given the proximity to the residential unit and the cessation of the use of this area as a manure storage area should also be a

mitigation measure. I consider that all of the above measures would serve to mitigate any adverse impacts on the amenity of the residential property to the west.

- 7.3.6. If the Board are minded to grant permission, it is recommended that a condition be imposed ensuring that the above mitigation measures are carried out and put in place. The applicant has suggested a six-month compliance period. However, it is my view that the decommissioning works should not take longer than a 3 month period in which to be completed.

7.4. Water Quality

- 7.4.1. The LPA considered that the proposal had the potential to pose an unacceptable risk to water quality and European Sites, having regard to the lack of a Nutrient Management Plan, the site draining to the River Suck and the site overlying a regionally important aquifer.

- 7.4.2. It is my view that that, subject to compliance with the conditions below relating to the use of the shed and related to the decommissioning measures to be carried out, the proposal will not have an impact on water quality. As such I consider the applicant has overcome this reason for refusal.

7.5. Design and Visual Impact

- 7.5.1. From the evidence on file the current structure has replaced a traditional iron roofed barn structure. The proposed replacement is a timber slatted barn which has a larger footprint but is of a similar height and position to the previous shed. The overall design and appearance of this structure is acceptable. The visual impact of same is minimised as a result of the sloped roof which sits lower on the boundary of the site. The overall appearance is one of a cluster of farm buildings associated with a farm holding and as such does not appear incongruous with the landscape.

7.6. Appropriate Assessment

- 7.6.1. The site is neither in nor near to a Natura 2000 site. The closest SPA to the site is River Suck Callows SPA 4.9km to the east of the site. The closest SAC is Ballygar (Aghrane) Bog SAC, 4.3 km to the north-east of the site.
- 7.6.2. I note the LPA have cited the impact on European Sites as a reason for refusal. However, it is my view that, having regard to the nature and scale of the proposed development, and the proximity to the nearest European Sites, and subject to the

conditions as set out below, no Appropriate Assessment issues arise and it is not considered the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1.1. In light of the foregoing assessment it is recommended that planning permission be granted for the following reasons and considerations and in accordance with the following conditions.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the nature of the proposed development and its intended agricultural use, on a farm and within a farm complex, where it is associated with an existing farm building, it is considered that the proposed development is acceptable in principle, would not impact unduly on the amenities of this rural area, or on the amenities of neighbouring residential property, and would accordingly be in accordance with the proper planning and sustainable development of the area.

10.0 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 An Bord Pleanála on the 4th day of May, 2017, 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 timber slatted shed, which is the subject of this retention application, and the hardstanding area to the immediate south, shall not be used for any purpose other than the purpose of agriculture or forestry, but excluding

the housing of animals or the storing of effluent.

Reason: To define the use of the shed in the interest of clarity.

3. The disposal of surface water shall comply with the requirements of the planning authority for such works, in particular no surface water from the site shall discharge to the public roadway or adjacent residential properties.

Reason: To prevent flooding.

4. Within 3 months of the date of this order, the following works shall have been completed:

- Decommissioning of the existing effluent storage tank and dewatering collection point under the existing timber slatted shed
- Decommissioning of the underground storage tank to the east of the timber slatted shed and to the north of the existing dry storage shed
- The insertion of timber boards along the western elevation of the shed to match existing
- Closure of the gateway/access to the north-east of the site

Reason: In the interest of residential amenity and in the interests of water quality.

Rónán O'Connor
Planning Inspector

20th October 2017