



An  
Bord  
Pleanála

## Inspector's Report PL27.248649

---

<b>Development</b>	Agricultural shed containing 3 stables, housing for tractor/agricultural machinery, closing off existing entrance, new vehicular entrance and associated site works.
<b>Location</b>	Cullentragh, Near Largah, Co. Wexford.
<b>Planning Authority</b>	Wicklow County Council.
<b>Planning Authority Reg. Ref.</b>	17/309
<b>Applicant(s)</b>	Cyril Fetherston
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First-v-Refusal
<b>Appellant(s).</b>	Cyril Fetherston
<b>Date of Site Inspection</b>	07 <sup>th</sup> September 2017
<b>Inspector</b>	Colin McBride



## **1.0 Site Location and Description**

1.1 The appeal site, which has a stated area of 1.8638 hectares, is located to the south east of Laragh, Co. Wicklow in the rural area of the county. The site is located on the eastern side of the R755. The site is located between the R755, which defines the western boundary of the site and the Avonmore River, which defines the eastern boundary of site. The site has an existing vehicular access off the R755 and is currently in agricultural use. Levels on site fall away from the public road. The existing boundaries are defined by trees and hedgerow. The lands of the north are agricultural lands similar in nature to the appeal site and the lands to the south is a wooded area.

## **2.0 Proposed Development**

2.1. Permission is sought for the erection of an agricultural shed with a gross floor area of 174.4sqm and containing 3 no. stables, housing for a tractor/agricultural machinery and storage for feedstuffs, tools etc. and all associated site works including closing off of an existing vehicular entrance and the provision of a new vehicular entrance at a different location and a gravelled track from the new vehicular entrance to the shed. The shed has a ridge height of 4.536m and has an external finish of profiled metal cladding.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission refused based on 2 reasons, which are as follows....

- 1 Having regard to
  - The location of the site in a designated as an Area of High Amenity, adjacent to a major tourist route along Clara Vale and within the vicinity of a protected prospect.

- The location of the proposed structure and proposed entrance and the extensive ground works that would be required to facilitate the construction of same.
- The failure of the applicants to demonstrate that the proposed development could be adequately assimilated into the landscape at this location.
- The lack of information submitted with regard to the applicants farming practices and the need for the proposed development.
- The failure of the applicant to demonstrate that the structure is necessary for the efficient and environmentally sound use of an agricultural practice or that it is necessary for the efficient operation of a farm.

it is considered that the proposed development would contravene the objectives and the development and design standards for agricultural development as set out in the Wicklow County Development Plan 2016-2022 Plan and would unnecessarily injure the visual amenities of this sensitive rural area. It is therefore considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

2 Having regard to the lack of information submitted in relation to

- The location of existing private well and other ground water well sources in close proximity to the proposed development.
- Proposals for the storage and disposal of equine manure.
- Proposals for Site Drainage.
- Proposals for soiled water storage.
- Proposals for the storage of hydrocarbons such as fuel storage, engine oils etc.
- The potential risk of flooding.

it is not possible to establish the full nature and extent of the proposed development or to carry out a full assessment of the proposed development in particular it is not possible to determine that the proposed development would have a significant risk on the environment or on public health. To permit this development in the absence of such information would be contrary to the proper planning and sustainable development of the area.

### **3.2. Local Authority and External reports**

- 3.2.1. Water & Environmental Services (27/04/17): Further information including details of existing private well and other groundwater sources in the vicinity, proposal for storage of waste, details of drainage/soiled water storage and details if whether any chemical or hydrocarbons are to be stored in the development.
- 3.2.2. Inland Fisheries Ireland (09/05/17): Observations including that the development should comply with EU regulations, there shall be no discharge to surface water, the location of the stables in close proximity to the Avonmore River is a concern and development within flood plains should not occur, no information is provided regarding waste and soiled water and there should be separate foul and surface water drainage systems.
- 3.2.3. Planning Report (10/05/17): Concerns were raised regarding the necessity and justification for the proposal, the visual impact of the proposal and its location in an area of high amenity, the lack of proposals regarding waste and soiled water and its proximity to the Avonmore River (risk of flooding). Permission was refused based on the reasons outlined above.

### **4.0 Planning History**

- 4.1 04/1698: Permission refused retention of a new entrance, fencing and a mobile home. Refused due to impact of development in area of special amenity, traffic hazard, public health and visual amenity.
- 4.2 01/4903: Permission refused for a dwelling and associated site works.

4.3 01/4278: Permission refused for a dwelling and associated site works.

## 5.0 Policy Context

### 5.1. Development Plan & National Guidance

5.1.1 The relevant Development Plan is the Wicklow County Development Plan 2016-2022. The site is in the rural area of the county.

5.1.2 For purposes of Landscape Character the site is located in an area designated as an Area of High Amenity: North east mountain lowlands.

## 6.0 The Appeal

### 6.1 Grounds of appeal

6.1.1 A first party appeal has been lodged by Buck Planning Services on behalf of Cyril Fetherstone.

- It is noted the level of agricultural development that could be built under the provisions exempted development and that the applicant could build such a structure within the conditions and limitations with it noted that the Planning Authority's requirements should not substantially more or the assessment of the proposal if overly harsh.
- It is noted the reason for the location of the development is it the most unobtrusive and appropriate location and it allows for the provision a new safe vehicular entrance.
- The appellant notes his daughter keeps horses on the lands at this location and such is an established agricultural practice justifying the proposal and the appellant reiterates justification would not be needed if he constructed under the exempted development provisions.

- The appellant notes that part of shed is to be used for storage of feedstuffs and bedding as well as machinery and questions the Planning Authority's assessment of the scale and justification for the proposal.
- Effluent storage is to be in accordance with the Department of Agriculture recommendations and could be subject to condition.
- Surface water drainage can be dealt with by way of a soakaway and could be subject to a condition.
- It is noted that the site is well above the level of any previous flooding at this location.
- The appellant confirms there is an existing well on his lands and notes that the wells serving the adjacent dwellings are located up-gradient of the proposed structure.

## **6.2 Responses**

6.2.1 No responses.

## **7.0 Assessment**

7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development/Development Plan policy

Design/scale/visual amenity impact

Surface water drainage/flooding

Traffic

Appropriate Assessment

## **7.2 Principle of the proposed development/Development Plan policy:**

7.2.1 The proposal is for an agricultural shed in the rural area of Co. Wicklow. The nature of use is compatible at this location having regard to the rural nature of the location. I would consider that the principle of the proposed development is acceptable and would be contingent on its physical impact including visual impact, adjoining amenity, public health and environmental considerations.

7.2.2 The planning report and refusal reason questions the justification for the proposed development. The information on file notes that the land in question that makes up the site is currently used for three horses and that the proposal is in connection with such existing agricultural practices. The shed includes three stables and storage for feedstuffs, bedding as well as farm machinery. The applicant/appellant notes that the proposal is not dissimilar to the level of development that could be built under the provisions of exempted development and questions the level of assessment of the proposal. It would appear that the proposal is within 100m of the nearest dwelling and therefore not exempted development. I would not that the proposals standing in regards to exempted development provision is not a material consideration with the proposal being considered on its merits. In regards to justification for the development I would consider that such is not a determining factor. The site is an established rural location and the applicant has indicated the type nature of agricultural activities being engaged in. As stated above the proposal is contingent on its physical impact including visual impact, adjoining amenity, public health and environmental considerations. These aspects of the proposal are to explored in the following sections of this report.

## **7.3 Design/scale/visual impact:**

7.3.1 The proposal is located in an area designated as an Area of High Amenity for the purpose of landscape character assessment. The appeal site itself is located on a



site on the north western side of the public road that goes between Laragh and Rathdrum. Levels on the site fall moving away from the public road towards the Avonmore River (north east). The proposal entails the construction of a shed with a floor area of 147.7sqm and a ridge height 5.6m. The shed is to be located to the north west of the site close to the roadside boundary (south western) and the north western boundary of the site. The refusal reason notes that the R755 is an important tourist route through the Vale of Clara and that there are a number of protected views and prospects in the vicinity (three).

7.3.2 The site at present is not readily visible or prominent in the surrounding area even in the immediate vicinity (from the public road). This is due to the low level of the site relative to the public road and existing level of vegetation screening views of the site. The proposal is for an agricultural shed, which is a type of development not uncommon at a rural location such as this. The design and scale of the shed is such that its height and finished floor level relative to the public road is such that it would be unlikely have a significant or adverse visual impact. If the level of existing trees and hedgerow was maintained at this location, the proposed development would have no significant visual impact. The proposal would not be visible from the R755 and would not impact any of the views and prospects identified under the County Development Plan. It is notable that the proposal for a relocated vehicular access map necessitate removal of significant length of the front boundary to facilitate sightlines, it is noted that such is to be reinstated setback from the road edge.

#### **7.4 Surface water drainage/flooding:**

7.4.1 Permission was refused on the basis of concerns regarding manure storage, surface water drainage, soiled water storage, the proximity of groundwater sources and the potential for flooding of the site due to its proximity to the Avonmore River. The proposal is lacking in detail regarding surface water drainage proposals, proposals for manure storage and soiled water storage. I would consider that the lack of detail is not a justification for refusal and that these issues could be addressed by way of appropriate conditions.

7.4.2 The appellant has indicated there is well on site, but has failed to identify its location in a map/layout plan. The appellant notes the wells serving dwelling in the vicinity are up gradient of the structure, which I would consider to be an accurate assessment.

7.4.3 The proposed structure is located in close proximity of the Avonmore River being only 20.7m from the river edge at their nearest points. There is a concern regarding the location of the structure on the floodplain of the river and the potential for discharge of polluting material. The appellant has indicated that the finished floor level is well above the level of any previous flooding at this location. Having inspected the drawings, it would appear that the finished floor level of the structure is 4m higher than the level of the river however some confirmation of such would be useful (cross section drawing). Notwithstanding the finished floor level of structure, the proposal is in extreme close proximity to the river and I would consider that such is located on the floodplain of the river. Having regard to the nature of the development, which would generate effluent/waste and soiled water, I would have concerns regarding the potential for the flooding at this location and the discharge of polluting materials to surface water and subsequent deterioration in water quality. The proposal would therefore be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

## **7.5 Traffic:**

7.5.1 The site has an existing vehicular access, which is to be closed and a new vehicular entrance opened further north along the road frontage of the site. The new entrance is to be wider and splayed with it noted that sightlines of 160m (setback 2.4m from the road edge) are available. It is noted that the proposal may require removal of the existing sod and stone bank along the road frontage and its replacement further back from the road edge to facilitate such sightlines.

7.5.2 I would consider that the proposal would represent an improvement in the entrance arrangements to the site with the proposed access having a better layout and improved sightlines over the existing. I do not consider that the proposal would represent an intensification of use at this location as the site is already in agricultural use with the applicant/appellant noting that horses are kept on site and the structure is to be used to house the horses and associated bedding and feedstuffs. I am satisfied that the proposal represents an improved entrance layout and that the proposal would not result in an intensification of traffic. The proposal would, therefore, be satisfactory in regards to traffic safety.

## **7.6 Appropriate Assessment:**

7.6.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, 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.

## **8.0 Recommendation**

8.1 I recommend a refusal based on the following reason.

## **9.0 Reasons and Considerations**

9.1

1. The proposed structure is located in extremely close proximity to the Avonmore River and is potentially located in the floodplain of the river. Having regard to the nature of the proposed use, which would generate effluent/waste and soiled water and the failure of the applicant to demonstrate that the structure would not be impacted by flooding at this location, there is the potential for the discharge of polluting materials to surface water and subsequent deterioration in water quality. The proposal would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

---

Colin McBride  
Planning Inspector

14<sup>th</sup> September 2017