



An
Bord
Pleanála

Inspector's Report PL 07 249339.

Development

- (1) New slatted shed,
- (2) extension to stables,
- (3) new farm road,
- (4) machinery/turf storage shed,
- (5) change of use of machinery/turf storage shed to sheep shed and.
- (6) associated site development works.

Location

Clonmore, Ballygar, Co. Galway.

Planning Authority

Galway County Council.

P. A. Reg. Ref.

17/942.

Applicant

Peter Mannion.

Type of Application

Permission

Decision

Grant Permission.

Type of Appeal

Third Party

Appellant

Charlie McDonnell.

Date of Site Inspection

5th December, 2017

Inspector

Jane Dennehy

1.0 Site Location and Description

- 1.1.1. The application site is that of a farmyard complex on the east side of the Clonmore Road circa four kilometre to the north west of Ballygar. The N63 is in an east west direction circa two kilometres to the south. The area is primarily in agricultural use and road frontage residential development.
- 1.1.2. The farmyard which has two entrance gates on the site frontage is to each side and behind the applicant's dwelling house and it has a range of different farm buildings within it. The existing machinery and turf storage shed constructed in the late 1990s is at the north west side and is approximately twenty-one metres in distance from the north west boundary with the adjoining property. Dense coniferous planting is located along the side boundaries. A bungalow, the appellant party's dwelling is located to the north west side of the site. The footprint is immediately adjacent to the boundary.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for:
- construction of a new slatted shed in the north east corner of the site,
 - a new extension to the north west side of the existing stable building,
 - a new farm road in permeable material at the rear of the applicant's dwelling and existing machinery/turf storage shed,
 - a new machinery/turf storage shed on the east side of the existing machinery storage shed,
 - change of use of machinery/turf storage shed to use sheep shed and,
 - associated site development works.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 29th September, 2017 the planning authority decided to grant permission for the proposed development subject to conditions of a standard nature for slatted sheds and associated agricultural buildings.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The planning officer states in his report that he considered the proposed development satisfactory having reviewed a nutrient management plan prepared by the Teagasc Advisory Service which was submitted in response to a request for additional information on 31st August, 2017. Livestock numbers, land banks for slurry spreading and associated details were provided.

3.3. Third Party Observations

3.3.1. A submission was lodged by the occupant of the adjoining property to the north west, (The Appellant Party) in which it is stated that noise from animals would be a source of inconvenience to residents at his property.

4.0 Planning History

4.1.1. According to the planning officer's report the site has the following planning history:

P. A. Reg. Ref.20353: Permission for a slatted shed.

P.A. Reg. Ref. 963064: Permission for the construction of the stables, dungstед, effluent tank, extensions to a hayshed, reconstruction of the turf shed and concreting over of a yard, and cattle crush.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative development plan is the Galway County Development Plan, 2015-2021 according to which the site is within an area categorised as “Landscape Sensitivity Class 1 and L1 Locally important, generally moderately productive local zones.
- 5.1.2. Agricultural Policies are set out in Chapter 11.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. An appeal was lodged by Mr. Charlie McDonnell, occupant of the adjoining property to the north west, on his own behalf on 4th October, 2017. According to the appeal, Mr McDonnell was in agreement with machinery and turf storage use at the structure subject to the proposal for change of use when it was constructed in the 1990s but he is not in agreement with slatted sheds being located in the vicinity of his property.
- 6.2. Mr McDonnell contends that the shed proposed for sheep shed use would be too close to the gable end of his house and that he would be greatly inconvenienced by noise from animals and by the smell of effluent from the shed. He submits that the sheep shed should be built elsewhere on the site and states that he has no objection to the permitted machinery/turf storage use at the structure.

6.3. Applicant Response

There is no submission on file from the applicant.

6.4. Planning Authority Response

- 6.4.1. There is no submission on file from the planning authority.

7.0 Assessment

- 7.1. The objection relates to the proposed use of the existing machinery and turf storage shed as a sheep shed. It is stated in the application that Mr Mannion wishes to house sheep in the shed during the lambing season in the interest of animal welfare. The location in which the farmyard is located is a rural area and, according to section 11.2 of the Galway County Development Plan, 2015-2021 it is the policy of the planning authority to support the County's rural and coastal communities including the family farm. Policy AFF3, among other objectives provides for facilitation of sustainable development to ensure continued viability of agriculture according to Policy and AFF3. It is therefore considered that facilitation of farming enterprises should be prioritised in rural areas.
- 7.1.1. It is noted that the shed in which the proposed sheep use is proposed is located in excess of twenty metres from the north west site boundary along which there is a dense hedgerow of coniferous trees and that the gable end of the appellant's property is immediately adjacent to this boundary. However, given the rural location, considerable distance between the shed and this boundary, the relatively small scale nature of the proposed sheep housing use, it is considered that rejection of the proposed change of use on grounds of protection of residential amenities at adjoining property is unwarranted.
- 7.1.2. The noise and smells would not be excessive given the separation distance and the rural location in which agricultural development is appropriate and should be facilitated. Rejection of this element of the proposed development cannot be justified on planning grounds and, any consequent requirement for consideration of alternative options for sheep shed use within in the farmyard by the applicant is unwarranted. It is not accepted that the proposed change of use would adversely affect the residential amenities of the adjoining property. There is no objection to the other elements of the proposed development provided for in the application, subject to compliance with conditions of a standard nature.
- Appropriate Assessment.**
- 7.1.3. Having regard to the location and nature the proposed development entailing new development and rearrangement within the existing farmyard incorporating appropriate arrangements for effluent treatment and disposal and for the collection

and disposal of surface water in accordance with the Nutrient Management Plan submitted with the application and the EU (Good Agriculture Practice for Protection of Waters) Regulations, 2014 as amended: it is considered that no appropriate assessment issues arise. 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. In view of the foregoing, it is recommended that the planning authority decision to grant permission be upheld and that the appeal be rejected. Draft reasons and considerations and conditions are set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the site location within a rural area in which agricultural enterprise should be facilitated, to the nature of the proposed development which facilitates a local family farm, to the separation distance between the agricultural buildings in the farmyard and the site boundaries, especially the existing machinery/turf storage shed which is in excess of twenty metres from the north site boundary with the adjoining residential property, and, to the limited scale and nature of the proposed sheep shed use, it is considered that the proposed development would not seriously injure the residential amenities of the adjoining property by reason of noise or odour and would be in accordance with the proper planning and development of the area.

10.0 Conditions

- 1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars lodged with the planning authority on 31st August, 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 proposed development shall be used solely for the purposes of agriculture.

Reason: In the interest of clarity.

3. The following requirements shall be provided for and adhered to in the development:
 - (a) A minimum of sixteen weeks' slurry storage shall be provided on the site. Foul effluent, soiled waters and slurry shall be conveyed through properly constructed channels to appropriate storage facilities and shall not be discharged to the public road or watercourses.
 - (b) All uncontaminated surface water shall be disposed of on site to appropriately sized soakaways constructed in accordance with BRE Digest 365 and shall not be discharged to the public road or to adjoining properties.

Reason: In the interest of public health and the protection of the environment from pollution.

4. The following requirements shall be provided for in accordance with the Nutrient Management Plan submitted to the planning authority on 31st August, 2017 and EU (Good Agriculture Practice for Protection of Waters) Regulations, 2014 as amended:
 - (a) All slurry, silage effluent, solid waste, waste bedding material shall be disposed of by land spreading.
 - (b) Land spreading shall not take place during or immediately after periods of heavy rainfall or frozen ground, or on lands subject to flooding, during times of heavy surface water runoff
 - (c) Land spreading shall not take place on lands with less than one metres of soil.

(d) Land spreading shall not take place within fifty metres of a domestic well, ten metres of streams or drains or twenty metres from a main river channel or tributary.

Reason: In the interest of public health and the protection of the environment from pollution.

5. The external finishes of the proposed new slatted shed, machinery and turf storage shed and extension to the stable buildings shall match the external finishes of the existing farm buildings in colour and texture.

Reason. In the interest of visual amenities of the area.

Jane Dennehy
Senior Planning Inspector
13th December, 2017.