



An
Bord
Pleanála

Inspector's Report ABP-301111-18

Development	Retention of existing Agricultural Entrance servicing Existing Agricultural Lands together with also seeking Full Planning Permission to Decommission Existing Agricultural Entrance and all ancillary works
Location	Tirlickeen, Ballymahon County Longford.
Planning Authority	Longford County Council
Planning Authority Reg. Ref.	18/1
Applicant(s)	Padraig McCormack.
Type of Application	Retention permission and permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Padraig McCormack.
Observer(s)	None.
Date of Site Inspection	25 th June 2018
Inspector	Patricia Calleary

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1.0 Site Location and Description

- 1.1. The appeal site is the rural townland of Tirlickeen, approximately 2.7km northwest of Ballymahon town in south County Longford. It is located along a local road (L5244), which terminates c.265m to the northeast of the site and is accessed off the R393 regional road. It comprises a rectangular area containing field boundaries, including two agricultural entrances off the local road. One of agricultural entrances (marked L2 on the map which accompanies the appeal) abuts the boundary and access of the dwelling to the northeast, while the second agricultural entrance (L1) is located c. 40m to the southwest of this.
- 1.2. The access at location L1 is situated along a straight stretch of road and there is a bend on the road to the northeast of this. On the day of my inspection, the local road was gated at the bend adjacent to another dwelling. According to the Planning Officer's report, the local road serves two other dwellings and agricultural lands just beyond the bend to the northeast. There is also a dwelling located c.200m to the southwest of the site towards the junction with the R393.

2.0 Proposed Development

- 2.1. The development for which **retention permission** is sought comprises an entrance servicing agricultural lands located at a position marked L2 on the site layout drawing that accompanied the appeal. As constructed the entrance consists of an opening in the hedgerow boundary along the roadside and the installation of an agricultural gate and two timber pallets standing vertically on one side of the gate. Two structural steel columns have also been inserted into the ground across the entrance.
- 2.2. **Permission** is also sought to decommission an existing agricultural entrance located 40m southwest of the other entrance proposed to be retained and marked as position L1 on the site layout drawing. This second entrance comprises an opening in the hedgerow and an agricultural gate insert. Both entrances serve the same agricultural field.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority issued a decision to refuse retention permission for two stated reasons, which can be summarised as follows:

- **R1:** Could result in a traffic hazard
- **R2:** Would have a detrimental effect on residential amenity and safety of adjoining dwelling and would result in an unnecessary development giving rise to a multiplicity of access points off a public road within a short distance of each other.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planning Authority is not in a position to look favourably on the proposed development as it considers the entrance proposed to be decommissioned offers a safer access than the entrance proposed to be retained.
- Recommends a refusal of permission for the reasons which attached to the decision (and which I have outlined in Section 3.1.1 above).

3.2.2. Other Technical Reports

- Area Engineer – No objection raised, conditions recommended.

3.3. Prescribed Bodies

- Not referred

3.4. Third Party Observations

3.4.1. Third-party submissions were received from Kathleen McGann, Frankie McGann, Suzanne McGann, Frank McGann, Pdraig McGann, Rebecca McGann and Councillor Pat O'Toole. The principal concerns raised include the following:

- New access is not necessary as land has other entrances available;

- Would adjoin the McGann family home and would impact on its residential amenity because of noise, odour, dust and mud nuisance;
- Would also raise traffic safety issues.

4.0 Planning History

4.1. Appeal site

- 17/97 (Planning Application): Permission was refused by Longford County Council (2017) for the retention of an existing agricultural entrance on the grounds of road safety, residential amenity and unnecessary development due to the multiplicity of entrances.
- UNA 1093 (Enforcement file): Unauthorised Development comprising of a field entrance.

5.0 Policy Context

5.1. Development Plan

5.1.1. The provisions of the Longford Development Plan 2015-2021 apply. The site is not located within any designated development envelope specified in the Plan. The following policies are of relevance to the appeal.

5.1.2. Section 4.4 – Agriculture, including the following general policies:

- **Agr 2:** It is policy of the Council to promote the agricultural industry and appropriate rural development and diversification, balanced with the natural, architectural and archaeological heritage and landscape character of the County. In this regard, proposed development should consider potential heritage and landscape impacts and identify mitigating measures where required to ameliorate negative impacts.
- **Agr 9: Design:** The Planning Authority accepts the need for agricultural buildings and associated works (walls, fences, gates, entrances, yards etc.) to be functional, but they will be required to be sympathetic to their surroundings - in scale, materials and finishes. Buildings should relate to the landscape and not the sky-scape. Traditionally this was achieved by having the roof darker

than the walls. Appropriate roof colours are dark grey, dark reddish brown or a very dark green.

5.1.3. Section 5.1.1 Roads including the following general policies

- **ROADS 2:** To provide a road network which is safe and efficient for all road users.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. An appeal was received from Cunningham Design & Planning Consulting Engineers, representing the first party. The ground of appeal are summarised under.

- Refusal Reason No.1 – Proposal would not result in a traffic hazard as it involves creating an access off a cul de sac and the decommissioning of an existing entrance and there would be no increase in the number of entrances servicing the land.
- Refusal Reason No.2 – No multiplicity of access points off a public road within a short distance of each other would arise as permission is also being sought to decommission one of the existing entrances and in the event of a grant of permission only one entrance would remain.
- The appeal was accompanied by a Rural Place Map extract and a site layout plan with both the existing access proposed to be retained and that which is proposed to be decommissioned marked on each.

6.2. Planning Authority Response

- None

6.3. Observations

- None

7.0 Assessment

7.1. Introduction

- 7.1.1. The appellant is seeking **retention permission** for an agricultural access constructed off a cul de sac and also for **permission** to decommission an existing agricultural access c. 40m to its southwest. The cul de sac is a local road, accessed from a regional road, the R393, c. 2.7km northwest of Ballymahon town. The Planning Authority's reasons for refusal centred around traffic safety and on residential amenity impacts on the adjoining dwelling to the northeast. It was also considered that the proposal would result in an unnecessary development giving rise to a multiplicity of access points off a public road within a short distance of each other.
- 7.1.2. Given the general support for agriculture, the creation of an agricultural access to serve agricultural lands would be normally acceptable having regard to the general policy support for agriculture as expressed through Section 4.4 of the current Longford County Development Plan and Policy Agr 2. However, there is an existing field access already in place c.40m southwest of the access proposed to be retained.
- 7.1.3. Having regard to the issues which arise in the appeal, my assessment continues to address the proposal in the context of **traffic safety** and **amenity issues**.

7.2. Traffic Safety

- 7.2.1. While the visibility from the current access proposed to be decommissioned at Location L1 is greater than that from the access proposed to be retained at location L2 which is located closer to a bend in the road, the level of traffic would not be significant and overall the proposal to close one access and to retain another would result in any increase in traffic. In addition, no objection was raised from the Local Authority's area engineer who were consulted during the consideration of the application by the Planning Authority. Accordingly, I do not consider that the development proposed to be retained or proposed should be refused on grounds of traffic safety.

7.3. Amenity Issues

- 7.3.1. The access proposed to be retained at Location 2 comprises an agricultural gate and two timber pallets standing vertically on one side and there are two short structural steel columns inserted into the ground across the access location. This has resulted in a design response which would be unsympathetic to the receiving landscape and if permitted would be contrary to Policy Agr 9 (Design) which specifically outlines that works including gates, and entrances will be required to be sympathetic to their surroundings. Furthermore, the access proposed to be retained would be located excessively close to the adjoining dwelling and its access, thus encroaching on its privacy and negatively impacting on its established residential amenity.
- 7.3.2. No rationale has been presented with the documentation that accompanied the application or appeal justifying the need for the new access now proposed to be retained at this less preferred location. Its retention would result in development which is a poor design response, loss of residential amenity and would be contrary to orderly development. Accordingly, the application for the retention of the existing access at Location 2 should be refused.
- 7.3.3. The remaining part of the development proposal seeks to discontinue the use of the existing access at Location 1. While I would normally have no objection in principle to this element, provided the opening would be carefully landscaped as part of its reinstatement, I do not believe it can be considered in isolation as it would be inevitably required to continue to function in the absence of permitting the retention of the existing access.
- 7.3.4. Having regard to the above, I am recommending that **permission** to decommission the existing access at Location 1 and **retention permission** for the access at Location 2 are refused.

7.4. Appropriate Assessment

- 7.5. Having regard to the minor nature of the proposed development and the proposed development to be retained, no Appropriate Assessment issues arise, and it is not considered that the 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 that **permission** and **retention permission** are **refused** based on the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. The creation of a new agricultural access at a location abutting the boundary with the adjoining residential property, while decommissioning an existing modest access at a more suitable location, has not been justified and would result in a design response which is not sympathetic to its surroundings. Accordingly, the development proposed to be retained in conjunction with the development proposed would if permitted, lie contrary to Policy Agr 9: Design, set out in the current Longford County Development Plan. Furthermore, the proposal would result in the encroachment of the privacy enjoyed by the established adjoining dwelling and an associated loss of residential amenity. Cumulatively the development proposed to be retained and the development proposed would lie contrary to orderly development and would be contrary to the proper planning and sustainable development of the area.

Patricia Calleary
Senior Planning Inspector

28th June 2018