



An
Bord
Pleanála

Inspector's Report ABP-301326-18

Development	Haybarn 36.6m x 18.30m and associated site works
Location	Rath House, Kilrush, Athy, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	17/1302
Applicant(s)	William Masterson
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party
Appellant(s)	Ian Valentine
Observer(s)	None
Date of Site Inspection	19 th June 2018
Inspector	Ciara Kellett

1.0 Site Location and Description

- 1.1. The site is located in Kilrush, Athy, County Kildare which is a very rural part of the county. It is located c.12km to the north-east of Athy and c.12km to the south-west of Kilcullen. It is c.1km south of the R418 road which links Kilcullen and Athy.
- 1.2. The site is accessed from a narrow country road, the L8011. The site itself is an active working farm and the proposed development is located within an existing farmyard complex with a dwelling house to the front.
- 1.3. The land is generally flat and developments in the vicinity are mostly agricultural related. Kilrush Airfield lies opposite the farm and is occupied by the appellant.
- 1.4. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. It is proposed to construct a haybarn to the rear of the existing farm buildings. The dimensions of the haybarn proposed are 18.288m by 36.6m. The proposed height is 7.85m at the apex and comprises a steel frame structure clad in green metal.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 10 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's report is the basis for the Planning Authority's decision. In summary it includes:

- Notes planning permission Reg. Ref. 17/291 permitted the construction of a slurry lagoon in the approximate location of the proposed development. Notes

that this permission has not been taken up and that the applicant's cover letter states that it is not intended to proceed with this development.

- Considers the proposed development is screened from view and is screened along the southern boundary by existing mature hedging and does not pose any significant visual impact.
- Notes concerns of submission which relates to road safety but that the transportation section have no objection.
- Refers to condition no.8 of Reg. Ref. 10/1018 which requires lines of sight and considers that this has not been complied with. Notes that non-compliance with this condition may have an implication for road safety. Recommends that Further Information is sought relating to compliance with this condition, as this proposal will result in an intensification of use.
- The applicant responded with a drawing showing the removal of hedging to provide the required visibility, and notes that the lands are entirely within the applicant's ownership and third party consent is not required. It is stated that these works will be completed prior to construction of the haybarn. Applicant also addressed the third party submission by stating that the haybarn does not involve intensification; works will not cause damage to adjoining landowner's property; reference to 17/291 is spurious as no works are to be carried out; and applicant is conscious of road safety.
- Following the response to the request, the Planner notes that the removal of hedgerow will provide 90m sight line which will broadly comply with previous condition.
- Considers that the development is ancillary to the existing farm, therefore does not represent an intensification of use. It will not have a negative effect on any third party lands. Agrees that Reg. Ref. 17/291 and conditions are not relevant and notes the Roads Section is satisfied subject to conditions.
- Recommends that permission is granted subject to conditions.

The decision was in accordance with the Planner's recommendations.

3.2.2. Other Technical Reports

- **Water Services:** No objection subject to conditions
- **Environmental Health:** No objections
- **Transportation:** No objection subject to conditions
- **Heritage Officer:** No objection
- **CFO:** No objection

3.3. **Prescribed Bodies**

- **Irish Water:** No objection

3.4. **Third Party Observations**

A third party submission has been received from the landowner with road frontage opposite the applicant's two farms. The objection is similar to the appeal and is detailed in Section 6 below. A number of photographs accompanied the objection.

4.0 **Planning History**

- **Reg. Ref. 17/291:** Permission was granted in July 2017 for the development of 500,000 gallon slurry lagoon and associated works. This permission was never acted upon and the applicant in the response to the Further Information request states that it is not intended to act upon this.
- **Reg. Ref. 10/1018:** Permission was granted in March 2011 for a two storey dwelling house. It is stated that the applicant's previous place of residence was badly fire damaged. Condition no.8 requires that the front boundary hedges be removed and set back behind the lines of sight and the area shall be kept free from obstruction.

5.0 **Policy Context**

5.1. **Kildare County Development Plan 2017 - 2023**

- 5.1.1. Chapter 10 refers to rural development and chapter 17 refers to Development Management Standards.

5.1.2. Section 10.5 refers to Rural Development Policy. Policies include:

AG1: *Support agricultural development and encourage the continuation of agriculture as a contributory means of maintaining population in the rural area.*

5.1.3. Section 17.9.8 of Chapter 17 refers to Agricultural Developments. It states that the Council will require that *buildings be sited as unobtrusively as possible and that the finishes and colours used blend into the surroundings*. It is further stated that *Other considerations which will arise in such developments will be traffic safety, pollution control, and the satisfactory treatment of effluents, smells and noise*.

5.2. Natural Heritage Designations

The River Barrow and River Nore SAC (Site Code 002162) is c.5km to the north-west of the site.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was lodged against the decision to grant permission. A Road Traffic Engineering Report accompanied the appeal. In summary the appeal states:

- Concern that the proposed development will be used for commercial farm contracting causing substantial intensification of the use of the existing road infrastructure.
- In September 2017 the appellant, with the consent of Kildare County Council, carried out extensive improvements on the road kerb on his property to try to address the extent of damage caused by farm machinery accessing through the entrance. All costs were borne by the appellant.
- References the previous planning permission Reg. Ref. 10/1018. Applicant was conditioned to carry out improvement works to the entrance and none were completed. Concerned that this application will cause the situation to further deteriorate.
- A Road Traffic Engineer's Report accompanies the appeal.

- It notes that the purpose of the road widening and improvements at the entrance to the farm were to facilitate the turning manoeuvres of heavy vehicles accessing the farm.
- It states that the extent of the heavy traffic movements has rutted most of the southbound carriageway where it connects with the site access.
- Traffic surveys were undertaken and it is stated that existing traffic flows are extremely low which indicates that the road carries negligible traffic flows. It is further stated that the majority of the vehicles are local to this area and as such, are well aware of the existing road character. Speed surveys were taken and the average speed was c.55kph.
- Agree that a sightline of 90m is appropriate in this case, rather than the 160m required by DMRB, but notes that this condition has not been complied with (Reg. Ref. 10/1018).
- Reference made to Reg. Ref. 17/291 with respect to lack of traffic information or conditions.
- Refer to subject application and consider that the applicant's design team have failed to include the upgrade works undertaken at their site access points.
- Concludes that previous conditions have not been complied with, and that the applicant has provided substandard technical information to enable the Local Authority to correctly assess the road design parameters and that the current application may lead to confusion generating a traffic hazard.
- Overall appeal concludes that the application does not adequately address the impact on the local road network and consider that the details supplied fail to meet the standards required to properly convey the extent of the proposed development.

6.2. Applicant Response

The applicant responded to the third party appeal. In summary it states:

- Refute claims that the farm will be used for commercial farm contracting and include a letter from Teagasc Farm advisor which states that the size of the shed is appropriate for the farming needs of the applicant.
- It is accepted that providing adequate sightlines are outstanding but consider that 90m sightlines are acceptable to both the appellant and the Council. It is intended to fully comply with any conditions imposed.
- Notes that the farm has been in the ownership of the family since the 1700's and the existing laneway and entrance has always been used as an entrance to both the family home and the farmyard.
- Respond to specific comments in the transport report: works were not carried out on the carriageway with the applicant's agreement; farm is not a satellite farm serving other farms in the area – applicant farms only his land; agree that traffic flows are low on the road and traffic is mostly local and proposed development does not represent a hazard; agree that sightlines of 90m are appropriate having regard to average speed; and, restate that it is not intended to develop the slurry lagoon.

6.3. Planning Authority Response

The Planning Authority responded stating that the Roads, Transportation & Public Safety Department examined the appeal and commented. In summary it states:

- Note site visibility of 90m is in compliance with DMRB standards for speeds of 55kph to 60kph.
- Department will be closely monitoring the compliance by the applicant of planning conditions 2 and 4 which relate to sight visibility.
- Acknowledge widening works that were carried out by the local land owners with the agreement of the Local Authority to facilitate the turning movements of the HGVs accessing the farm.

- Note that the southbound carriageway and grass verge where it connects with the site access has rutted and the cause would appear to be from the movement of HGVs and farm vehicles - consider it is of concern as it is a safety issue for road users. Consider that this should be rectified by the applicant in agreement with the Local Authority.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of development/Intensification of use
- Impact on the receiving road network
- Appropriate Assessment

7.1. Principle of Development/Intensification of use

- 7.1.1. The development is proposed to the rear of an existing farmyard complex. The area is very rural in nature and there are few scattered dwellings and other farms in the general vicinity, as well as the airfield opposite. I consider that the proposed development is acceptable in principle and is well screened from the roadside, and will simply read as another farm building in the locality where there is a possibility of glimpses. I am satisfied that the design is fully in accordance with the Kildare Development Plan Development Management Standards for agricultural buildings which states that buildings “*be sited as unobtrusively as possible and that the finishes and colours used blend into the surroundings*”.
- 7.1.2. The appellant considers that the extent of the storage shed appears to be in excess of the storage requirements. The applicant submits a letter from Teagasc saying that the proposed hay barn is deemed appropriate for the scale of the agricultural enterprise. As noted above, having regard to the overall agricultural use of the lands, I do not consider that the existence of a hay barn for storage purposes within the agricultural holding will result in an intensification of use. A condition restricting the

use for purposes ancillary to the operation of the applicant's farm can be appended, should the Board consider granting permission. This would address any concerns regarding intensification.

7.2. Impact on the receiving road network

- 7.2.1. The appellant has a number of concerns with respect to roads including the sightlines, and the condition of the road and verges which affect road safety.
- 7.2.2. It is stated that under Reg. Ref. 10/1018, for the development of a dwelling following fire damage to the original farmhouse, sightlines were never provided in accordance with conditions no.8 and no.11. Condition no.8 states that the front boundary hedge on the north-east of the boundary shall be removed and setback behind the lines of sight as shown on the accompanying drawing. The condition further states that the line of sight shall be maintained and not impeded. Condition no.11 requires the line of sight to be maintained in accordance with DMRB. The applicant in response to the subject appeal acknowledges that this work has not been done in terms of providing adequate sightlines to the north. This work is required regardless of the Board's decision on the subject application. The enforcement of these conditions of Reg. Ref. 10/1018 is a matter for the Local Authority.
- 7.2.3. I note that the appellant's Traffic Engineers agree that sightlines of 90m are acceptable, having regard to the average speed of vehicles on the road and the low level of traffic, as well as the local nature of that traffic. I further note that the Local Authority's Roads Department had no objection to the development subject to compliance with the 90m sightline. In the Planning Authority's response to the appeal, it is stated that the Roads Department will be "*closely monitoring the compliance by the applicant of planning conditions 2 and 4 which relate to sight visibility*". As noted above, the sightlines are required under the planning permission for the dwelling regardless of the outcome of the subject application.
- 7.2.4. I am satisfied based on all the information on file that 90m sightlines are acceptable in this particular instance. I would recommend that should the Board consider granting permission that similar conditions with respect to sightlines and maintenance of such are appended.

- 7.2.5. With respect to the condition of the road, I can confirm to the Board that on the day of my site visit the road appeared to be in reasonable condition, and as expected on a tertiary lightly trafficked road. A kerb has been installed on the northern side of the road verge opposite the applicant's entrance. It would appear that this was carried out by the appellant with the full approval of the Local Authority.
- 7.2.6. I note that the applicant contends that the proposed size of the haybarn is not excessive, and is required for uses within his farm. It is stated that it will not serve other farms in the area. The principle of the use of the road to provide access to the farm is well established and as noted by all parties is lightly trafficked. I am satisfied based on the information on file that the subject haybarn is for agricultural purposes and will not result in substantial intensification of traffic along the road. As noted the road appeared to be in reasonable condition on the day of my site visit. I am satisfied that the construction of the proposed development is unlikely to result in a substantial increase in traffic along the road resulting in a traffic hazard.
- 7.2.7. With respect to concerns about the development resulting in deterioration of the improvement works carried out along the road, I am satisfied that a suitable condition requiring the applicant to address any damage caused during construction should be appended if the Board are of a mind to grant permission.

7.3. Appropriate Assessment

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, 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 that permission should be granted for the proposed development subject to conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the Kildare County Development Plan 2017 – 2023, the nature and scale of the proposed development, and the suitability of the screening of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be seriously injurious to the visual amenities of the area, and would be acceptable in terms of traffic safety and convenience. Therefore, the proposed development would be in accordance with the proper planning and sustainable 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 submitted on the 21st day of February 2018, 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. Prior to the construction of the permitted development the applicant shall set back the hedgerow to the north of the existing entrance to provide the required sight visibility in accordance with details submitted to the planning authority on the 21st February 2018. The sightlines shall be maintained by the applicant.

Reason: In the interests of road safety.

3. The development shall be used for agricultural purposes only and shall not be used for human habitation or any commercial purpose other than a purpose incidental to farming, whether or not such use might otherwise constitute exempted development.

Reason: In the interest of orderly development and the amenities of the area.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

5. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

6. The roof and side panels of the structure shall be a dark green colour with a matt finish.

Reason: In the interest of visual amenity.

7. Details of road signage, warning the public of the entrance and of proposals for construction traffic management at the entrance, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

8. Existing roadside drainage shall not be impaired and the existing recessed vehicular entrance area shall be designed and shaped or otherwise treated to ensure the uninterrupted flow of road surface water run-off. Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To prevent flooding of the public road and in the interest of amenity and traffic safety.

9. Prior to commencement of development, the developer shall carry out a detailed pre-development survey of the roadside and submit this survey to the planning authority for written agreement. The survey shall include a photographic record and structural condition of the road for 25 metres each side of the entrance. A post development survey containing information on

the above parameters shall be submitted to the planning authority within two months of works completion date. The developer shall carry out any works deemed necessary by the planning authority once the surveys are complete.

Reason: In the interest of orderly development.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Ciara Kellett
Inspectorate

21st June 2018