



An
Bord
Pleanála

Inspector's Report ABP-301847-18

Development	The construction of a four bay slatted shed with cubicles.
Location	Corlea, Kingscourt, Co Cavan
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	18/52
Applicant(s)	Eugene Cunningham.
Type of Application	Permission.
Planning Authority Decision	To grant.
Type of Appeal	Third Party
Appellant(s)	John and Mary Smith.
Observer(s)	None.
Date of Site Inspection	28 th August 2018
Inspector	Deirdre MacGabhann

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1.0 Site Location and Description

1.1. The 0.53ha appeal site is situated c.4.5km to the north west of Kingscourt Town, in the townland of Corlea, Co. Cavan. It lies to the east of the public road (L-3524-0) and comprises an existing farm yard. The development for retention comprises a slatted shed to the north east of the farm yard. It has been partially constructed on raised ground and has a similar floor level to the existing farm yard/farm buildings. Trees have been planted at the foot of the resulting embankment to the south east of the slatted shed. To the north of the site is the applicant's residential dwelling and c.200m to the south east, the appellant's property. Access to this property is by a lane from the L-3524-0 to the south of the appeal site. To the west of the public road as it passes the appellant's property is a mature hedgerow (see photographs).

2.0 Proposed Development

- 2.1. The proposed development, as revised way of further information received by the planning authority on the 11th April 2018 (re-advertised 18th April 2018), comprises the retention of a four-bay slatted shed with cubicles. The shed is open to the south east. The slatted shed has a floor area of 360.64sqm and a ridge height of 8.2m. The underground slurry storage tank is 22.6m x 11.9m x 2.4m. Water supply for the development is from a private well and wastewater will be disposed of into an underground slurry storage tank.
- 2.2. The proposed development differs from the slatted shed previously granted planning permission on the site under PA ref. 16/141, which was (a) sited further north west and orientated such that the open area of the shed faced south west, (b) smaller in size (ridge height 6.6m, area c.305sqm), and (c) increase in storage tanks.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 17th May 2018, the planning authority decided to grant permission for the development subject to 10 conditions, including:

- No. 2 requires a development contribution.
- No. 3 requires written confirmation of construction of animal walkways within the farm to minimise use of the public road.
- No. 4 requires evidence of landscaping along the front of the site to be submitted.
- Nos. 5 to 9 deal with the management and disposal of effluent and soiled water.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 14th March 2018 – Refers to the planning history of the site, development plan policy, the submission and technical reports made. It considers that the principle of the development is acceptable on the appeal site, that whilst the development is located further south on the site, and is larger than that previously permitted, it is within and next to the existing farm and would not have a significant negative impact on the surrounding landscape. It recommends further information in respect of landscaping along the south-eastern boundary, revised elevations of the structure to be retained and existing buildings, completed application form for farm developments and proposals for the movement of the dairy herd within the landholding.
- 10th May 2018 – The report considers that the response to further information is generally adequate. It considers that the observed absence of landscaping should be dealt with by condition. With regard to the proximity of the development and its impact on the residential amenity of the property to the south, the report considers that due to the topography of the surrounding rural landscape, any expansion of the farmyard would be widely visible. As the site

has been used for farm purposes since 1979, the report considers it to be a generally established use and appropriate for a rural area. Consequently, it considers that the retained development would not have an unacceptable impact on local amenities. The report recommends granting permission subject to condition.

3.2.2. Technical Reports

- Area Engineer (15th February 2018) – Recommends that the applicant detail how he proposes to move dairy herd within the landholding in order to limit use of the public road/soiling of public road.
- Environment (26th February 2018) – Recommends further information in respect of farm facilities and map of available lands for spreading slurry.
- Environment (25th April 2018) – Recommend conditions to be attached to the permission in respect of construction of the slatted shed, management and treatment of effluent and soiled water, the disposal of surface water and the disturbance and disposal of asbestos.

3.3. Prescribed Bodies

- No submissions.

3.4. Third Party Observations

3.4.1. There is one third party observation on file. It is made by John and Mary Smith who live c.200m to the south east of the site. They raise the following concerns:

- The building differs from the development granted permission under PA ref. 16/141 (re-orientated, increase in height and in storage tanks).
- As built, the development impacts on their privacy and amenity (eyesore).
- The plans for the development are unclear, the building appears to have gone outside of site boundaries, the plans do not compare the proposed development with the existing or accurately reflect what is on the ground (e.g. levels, landscaping).

4.0 Planning History

4.1.1. Of relevance to the appeal, the following planning application was granted in respect of the site:

- PA ref. 16/141 – Permission for a four-bay slatted shed with associated loose shed area.

5.0 Policy Context

5.1. Cavan County Development Plan 2014 to 2020

5.1.1. Section 3.4 of the Plan deals with agriculture and farm diversification. It is stated that agriculture remains a very important part of the economy and life of the county and makes a significant contribution to employment within the County. In Policies EDP1 to EDP3 and Objectives ED01 to EDO7 seek to support the development and diversification of the industry, subject to environmental carrying capacity constraints, including to ensure that development does not have an undue negative impact on the visual amenity of the countryside.

5.2. Natural Heritage Designations

5.2.1. The appeal site is substantially removed from the nearest sites of nature conservation interest i.e. >6km from pNHAs and >20km from any Natura 2000 site (see attachments).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The third-party appeal is made by Mary and John Smith. They raise similar issues to those set out in their submissions to the planning authority. In summary, they object to:

- The alterations made to the permission granted under PA ref. 16/141 (change in aspect, open sided shed with feed area facing property, loss of privacy,

unknown use of large areas to front and side of building, height of building on exposed site, no trees planted as required by condition).

- Appellant's property is c.200m to the south east of the appeal site and at a lower elevation. In 2000 tree planting scheme was put in place to screen applicant's existing farm buildings. In summer is successful but in winter and spring all activities on the farm can be seen from roadway entrance, living room and garden. The plans for the new shed show that it is 2m higher than the existing older buildings and is visible all year round (photographs on file).
- Conditions of permissions granted under PA ref. 07/1247 and 16/141, requiring landscaping along the site boundary and feed passage, have not been implemented.
- The appellant was denied the opportunity to voice concerns (regarding its re-orientation etc.) before the building was erected.
- Permission should be refused because there is a serious risk that the screen planting will not be carried out, due to the applicant's past failures to comply.
- As the storage tanks have already been constructed, it is difficult to assess whether they are fully compliant with Department of Agriculture standards.
- Ground levels and details do not match what is shown on plans e.g. graded stone embankment c.4 to 5m in height.
- Impact of the development on property value.

6.2. Applicant Response

6.2.1. The applicant responds as follows to the appeal:

- The development is brought forward to support the expansion of the farm and continuation and development of the family business.
- Tree planting has been carried out as per condition no. 4 of the planning authority's grant of permission.
- The objection letter overstates the impact of the development on the appellant's property. There are a number of agricultural holdings in the area,

in the vicinity of the appellant's property. The proposed development faces south east and the orientation of the appellant's property faces west.

- All conditions set out in the planning authority's grant of permission have been complied with (animal walkways, landscaping, construction standards, management and disposal of effluent, surface water and disposal of asbestos).
- The farm has been working within the EU's Good Environmental Agricultural Conditions standards, regulated by the Department of Agriculture and the local authority. The farm is also fully accredited with the Bord Bia Quality Assurance Scheme.
- The shed was re-orientated on foot of advice from the applicant's Teagasc adviser, Veterinary Practitioner and Agricultural Consultant, in the interest of animal health and welfare. As a result, the feed passage is south facing, avoiding severe weather and achieving maximum natural light in winter months. The change in orientation has not altered the dimensions of the animal housing unit.
- The additional storage tank was included to increase farm waste storage to continue to comply with the Nitrates Directive.
- The development will not break the skyline. There is naturally occurring incline in the landscape due to the undulating nature of the drumlin hills in Corlea and the applicant's property is at a considerably higher elevation than the animal housing unit.
- The dimensions of the animal housing unit are shown correctly in the plans submitted and are consistent with Department of Agriculture and Food specifications (which are necessary to prevent animal welfare issues arising e.g. from poor ventilation).
- There is no evidence of devaluation of the appellant's property. The area of Corlea is almost exclusively made up of a number of well-established farming enterprises.

6.3. **Planning Authority Response**

6.3.1. The planning authority's response to the appeal (received 6th July 2018) refers the Board to the planning report in respect of the development.

6.4. **Observations/Further Responses**

6.4.1. None.

7.0 **Assessment**

7.1. I have read the appeal file and inspected the site. The proposed development comes forward within an established farm yard. Having regard to this established use and the policies of the current Cavan County Development Plan, it is acceptable in principle on the site. Key issues raised in this appeal are therefore confined to the matters raised by the parties, as follows:

- Visual impact.
- Impact on privacy, amenity and property value.
- Landscaping.
- Plans.

7.2. The appellant also raises concerns regarding compliance of the underground storage tanks with Department of Agriculture standards. However, this is a matter that falls within the jurisdiction of another code and cannot be addressed by the Board.

7.3. **Visual Impact**

7.3.1. The proposed development lies in a rural landscape. It is characterised by its undulating, drumlin topography, patchwork of small fields separated by hedgerows and scattered rural development, principally farms.

7.3.2. The appeal site lies on rising topography (see photographs) and from the public road, the development forms part of a cluster of farm buildings which marginally cut

into the skyline (see photograph 1). Given the undulating topography of the lands surrounding the original farm yard, the appeal site has been raised towards its eastern boundary. When viewed from the south east the development, the development reads as part of the cluster of farm buildings on the site but it, and the stone embankment on which it is constructed, is more visible. I note that tree planting along the south-eastern boundary of the appeal site has taken place (see photograph no. 7). As these trees mature the visibility of the site from the south east, and the visual impact of the development, is likely to decrease. Any residual visual effects will not be significant or out of context with the established pattern of rural development in the area.

7.4. Impact on privacy, amenity and property value.

- 7.4.1. The appellant's property is c.200m to the south east of the appeal site, at a lower elevation. It is separated from it by an agricultural field and, immediately to the west of the appellant's property, by an established hedgerow. At the time of site inspection this effectively screened views of the appeal site from the appellant's property and garden (see photographs). However, I would accept that in winter, and where there are gaps in the hedge, the proposed development would be more visible from the property. Further, with the re-orientation of the building, the development presents a higher and an open and active side to the appellant's property with the potential for greater impacts. Notwithstanding this, the appellant's property is substantially removed from the farm yard and, at this distance, is unlikely to be adversely affected by the development, for example, by virtue of noise or animal movements, or by overlooking. Further, with the provision and maturing of planting along the south-eastern boundary (see below), any visual effects would be substantially reduced. I do not consider, therefore, that proposed development would significantly impact on the privacy, amenity or value of the appellant's property.

7.5. Landscaping

- 7.5.1. I note that plans for the development indicate a double row of Silver Birch along the south-eastern boundary of the site. From my inspection of the site, I note that trees have been planted alongside this boundary. However, these do not appear to be

consistent with the plans i.e. only a single row appears to be in place. As stated above, landscaping along the south-eastern boundary is important as it will screen the development from the south east and better integrate the development with the surrounding landscape. If the Board are minded to grant permission for the development, I would recommend that the applicant be required to provide this additional landscaping along this boundary (double row of Silver Birch) and to provide for its maintenance in the longer term. This matter could be dealt with by condition.

7.6. Plans

- 7.6.1. I note that the applicant has not submitted detailed plans regarding the changes to site levels, as a consequence of the development. Whilst these are evident on any inspection of the site, I consider that it is important that they are submitted by the applicant, as a matter of public record and to define the development permitted.

8.0 Recommendation

- 8.1. Having regard to the above, I recommend that permission for the development be granted.

9.0 Reasons and Considerations

- 9.1. Having regard to the location of the development within a long-established farm yard and in a rural area that is characterised by agricultural farmsteads and its distance from nearby residential development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not adversely impact on the residential amenity or privacy of nearby residential development or detract from the value of such property. The proposed development would, therefore, 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 lodged with the application as amended by the further plans and particulars submitted on the 11th April 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. Within 3 months of the date of this order, the applicant shall submit to the planning authority:
 - i. Details on site levels and embankment constructed within the site.
 - ii. Evidence that the animal walkways have been constructed and are operational in accordance with the plans submitted on the 11th April 2018.
 - iii. Evidence that the double row of Silver Birch has been planted along the south-eastern boundary of the site, in accordance with the plans submitted on the 11th April 2018.

Any plants which die, are removed or become seriously damaged or diseased, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: To limit the use of the public road and in order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

3. All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

Reason: In the interest of public health.

4. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.

Reason: In order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.

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 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.

Deirdre MacGabhann
Planning Inspector

29th August 2018