



An
Bord
Pleanála

Inspector's Report

ABP-306373-20

Development	Construction of a hay shed with all ancillary site works.
Location	Heathstown, Coralstown, Mullingar, Co. Westmeath.
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	19/6259
Applicant	Gerry Flynn
Type of Application	Permission
Planning Authority Decision	Refuse permission (1 no. reason)
Type of Appeal	First Party
Appellant	Gerry Flynn
Date of Site Inspection	24/04/2020
Inspector	Conor McGrath

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1.0 Site Location and Description

1.1. The appeal site is located at Coralstown, Co. Westmeath, approx. 9km southeast of Mullingar and approx. 8.5km northwest of Kinnegad. The site comprises a stated area of 0.619ha within an identified landholding of approx. 2.2ha. The N4 run east-west along the northern site boundary while local road (L10281) runs east-west to the south of the site parallel to the Royal Canal. This was the original line of the N4. The western part of the site is under grass, comprising part of a larger field, while a large part of the eastern part of the site is overgrown. Mature trees bound a farm lane providing access to an existing shed on the site from the adjoining local road. To the east of the site is a bungalow in separate ownership and there are two houses to the southeast, on the opposite side of the local road.

2.0 Proposed Development

2.1. The proposed development comprises the erection of a new hay barn with a floor area of 341-sq.m. to the west of the existing shed on the site. The barn is located approx. 16m from the northern site boundary and 55m from the adjoining dwelling to the east. The structure is approx. 8.5m high and otherwise 24.2m x 14m in area.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the proposed development as follows:

The proposed development is unrelated to an existing farm holding and does not integrate into an existing group of farm buildings. The development by reason of its layout, height, size and proximity to residential properties and the Royal Canal pNHA would be visually intrusive and would seriously injure the amenities of the area. The development is contrary to policy P-AB1, P-GA3 and Sections 11.25,

11.26, 14.6.1 and 14.6.3 of the County Development Plan 2014-2020 and contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports:** CDP policies encourage clustering within existing farmyards and minimising environmental impacts. The extent of the landholding does not suggest a working farm. The shed would be visible from the N4 regardless of existing screening. The FI response failed to justify a large isolated shed given the size of the landholding. It is not considered a typical hayshed, being completely sealed and is not in keeping with its intended use. Experience indicates that a hayshed needs to be ventilated to prevent mould and humidity. Refusal recommended.

3.2.2. **Other Technical Reports**

Area Engineer: No objection. Conditions recommended.

Environment: No comment

3.3. **Prescribed Bodies**

Irish Water: No objection

4.0 **Planning History**

PA ref. 16-6138: Withdrawn application by Gerard Flynn and Jenny Lynch for a dwelling on the lands.

PA ref. 15-6150: Permission refused to Gerard Flynn and Jenny Lynch for a two-storey house on the lands, on the basis of lack of a local rural housing need and separation from the main landholding, potential noise impacts from the N4 dual-carriageway and landscape and visual impacts

PA ref. Enf 16020: Planning reports refer to enforcement action taken in respect of the unauthorised use of the lands for extraction and storage of gravel.

5.0 Policy Context

5.1. Westmeath County Development Plan 2014 - 2020

General Agricultural Policies

P-GA1 To support agricultural development as a contributory means of maintaining population in the rural area and sustaining the rural economy, whilst maintaining and enhancing the standing of the rural environment and through application of the Water Framework and Habitats Directives.

P-GA3 To encourage the development of environmentally sustainable agricultural practices, to ensure that development does not impinge on the visual amenity of the countryside and that watercourses, wildlife habitats and areas of ecological importance are protected from the threat of pollution.

11.25 Agricultural Buildings – Design and Siting Requirements

It is the policy of the Council to require agricultural buildings to be designed, located and orientated in a manner that will minimise their environmental impacts.

Policy P-AB1: To take account of the following in relation to proposals for new agricultural buildings:

- Proximity to adjacent dwellings.
- The rural character of the area.
- Utilisation of natural landscape and land cover as screening.
- Waste management in terms of storage and disposal
- Environmental carrying capacity.

14.6.1 Agricultural Buildings and Structures

- (i) The design, scale, siting and layout of agricultural buildings should respect, and where possible, enhance the rural environment.
- (ii) Buildings should generally be located a minimum of 100metres from the nearest dwelling other than the applicants dwelling.
- (iii) In visually sensitive areas the Council will seek to group together and site buildings in an appropriate manner, and require the use of harmonious external

materials to minimise obtrusion on the landscape. The use of dark coloured cladding, notably dark browns, greys, greens and reds are most suitable for farm buildings, and roof areas should be darker than walls.

14.6.2 New Buildings/Structures

New buildings for industrial or farm related commercial enterprises on farm holdings may be acceptable if they are small-scale and can be satisfactorily integrated into an existing group of farm buildings.

The site is located within the Royal Canal Landscape Corridor (Character Area 5).

Objective O-RCC1 To continue to work with Waterways Ireland to enhance and protect the visual corridor of the Royal Canal, by incorporating a visual assessment zone of 500m on each side of the bank of the canal.

5.2. **Natural Heritage Designations**

The appeal site is not designated for any nature conservation uses, however, the Royal Canal is identified as proposed NHA located approx. 60m south of the site.

5.3. **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Gerry Flynn makes the following points in the first party appeal against the decision to refuse permission for the proposed development:

- The proposal will be an out-farm building, separated from the main holding by the N4, necessitating an 8km round trip.
- It is intended to enter into a farm lease agreement with an adjoining landowner.
- The structure is required to securely store feed and machinery, and prevent vermin mould and damp.
- It provides sufficient height to allow tipping trailers and stacking bales.
- It will integrate to its surroundings and no third-party objections were received.

7.0 Assessment

7.1. The appeal relates to the nature of, and justification for this large storage structure on these lands. While the application originally described the development as a hay barn, subsequent submissions on the file indicate it will be used for general farm machinery and feed storage. Such use would have different structural and functional requirements to a hay barn. In the context of a working farm, the provision of such a structure may not be regarded as unreasonable.

7.2. The lands outlined in blue in the application documentation equate to approx. 2.2ha. I note the proximity of the proposed structure to the adjoining third party dwelling to the east. While reference is made to the wider agricultural landholding to the north of the N4, first party submissions do not suggest that use of the subject structure is linked to that landholding. In this regard I note the details of the overall landholding submitted in respect of previous planning applications on this site. Instead it is suggested that the structure will be associated with the leasing of other lands in the vicinity, however, no details in this regard have been provided. In the absence of details in this regard, I am not satisfied that development of the nature and scale proposed in this case can be justified in this rural location. Such development not

linked to an agricultural holding would constitute ad hoc development, which would be contrary to the policies of the development plan.

- 7.3. The Royal Canal lies approx. 80m to the south and the towpath has been developed as an amenity walking and cycling route. In terms of the visual impacts of the development, I note the level of existing mature vegetation on the site and its rural location, wherein agricultural structures would not be uncommon. In the context of such uses, while the structure will be intermittently visible from the towpath I do not consider that it would have unacceptable impacts on the landscape or visual amenities of the canal. Similarly, having regard to existing planting and the high speeds of traffic travelling on the N4, significant landscape or visual impacts thereon are not considered likely. Screen planting along the boundary with this road is still maturing, however, in the event of a decision to grant permission in this case, additional screening planting could be required by way of condition.

8.0 AA Screening

- 8.1. The appeal site is located in a rural area and is not designated as part of any European Site. The closest European sites are:

- Mount Hevey Bog SAC 002342, approx. 7km east of the site.
- Wooddown Bog SAC 002205, approx. 5km north east of the site.
- River Boyne And River Blackwater SAC 002299, approx. 7.5km north of the site.
- Lough Ennell SAC (000685) and SPA (04044), approx. 10km to the southwest.

The development comprises the erection of an agricultural structure, with no proposals for the storage or disposal of waste or effluent on the site. Similarly, it is not proposed for animal housing. There are no direct hydrological connections between the site and the identified European sites.

It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the site's

Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 Recommendation

9.1. That permission be refused for the proposed development

10.0 Reasons and Considerations

The proposed development comprises a large storage structure located in a rural area which is not associated with any identified agricultural landholding and is remote from any existing group of farm buildings. The proposed development would result in ad hoc development in this rural area which would be contrary to the provisions of the Westmeath County Development Plan, in particular section 14.6.2 of the plan. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Conor McGrath
Senior Planning Inspector

29/04/2020