



An
Bord
Pleanála

Inspector's Report

ABP-306464-20

Development	Part demolition of agricultural shed, Retention and completion of remainder of agricultural shed and access road. Permission for widening of existing access road.
Location	Rinville West , Oranmore, Co Galway
Planning Authority	Galway County Council
Planning Authority Reg. Ref.	19/1653
Applicant(s)	Rachel Konisberry.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Rachel Konisberry.
Observer(s)	None.
Date of Site Inspection	20 th March 2020
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1 The appeal relates to a site located in a rural area circa 1.5km to the southwest of Oranmore Village at the eastern end of the Rinville peninsula. The site which is in the townland of Rinville East is accessed from the east via a narrow cul de sac access road. Rinville Park and woodlands is to the west and further towards the western end of the peninsula is the Galway Bay Golf Resort and The Marine Institute.
- 1.2 The appeal site concerns a large field area of 4.639 hectares which is undulating and is occupied by an agricultural shed proposed for retention. The shed is set back circa 192m from the front roadside boundary and the wider site is in use for the grazing of horses. The site also includes a National Monument GA095-131 (Knocknamanshee Ringfort) located towards the southwestern part of the site approximately 85m from the shed. The monument is not readily visible on the site, however appears on aerial images as cropmark. It is noted that the wider area has a high concentration of ringforts.
- 1.3 Appeal site boundaries are defined by a mix of stone walling and fences. There is a circuitous surfaced access route to the shed with a set back field gated access from the roadway. An area to the west of the shed has been hard surfaced with storage of materials and I noted a storage container located thereon on the date of my site visit. There is a berm in place to the north west of the shed which provides some screening and there has been a programme of planting of trees within and on the boundaries of the site. Views can be had from the more elevated parts of the site towards the Galway Bay complex which is within c140m of the site.
- 1.4 Within the wider area the location is characterised by an extensive pattern of ribbon housing development while there is also a large shed well set back from the road with access opposite the entrance to the subject site.

2.0 Proposed Development

- 2.1. The application as set out involves permission for part demolition of existing agricultural shed 67.66sq.m, retention and completion of the remainder of agricultural shed (283.73sq.m), retention of existing access road and permission for

widening of existing access road together with additional landscaping and all associated site works. The shed is intended for the stabling of horses. It is constructed of reinforced concrete walls with a dark green corrugated cladding to upper walls and roof. It extends to a height of approximately 5.1m. It is laid out as stables with machinery store, hay store. It is proposed to provide a manure pit and subsurface effluent tank to the northern side of the building.

- 2.2. Additional landscaping measures include the provision of a semi mature native tree belt on top of a constructed soil berm of 1m in height and 2m wide located to the north east and south east of the shed. Proposed planting will consist of new native hawthorn hedgerow supplemented by a mix of semi mature trees consisting of Alder Hazel and Rowan / Mountain Ash. Additionally, it is proposed to introduce additional planting around the agricultural building to consist of native climbers Honeysuckle and Ivy.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 By order dated 17th December 2019 Galway County Council decided to refuse permission for the following reasons.

“It is considered the proposed development seeking retention by reasons of scale mass and bulk, which is also located outside an established farmstead, and its location in an elevated Class 3 rural landscape, would interfere with the character of the landscape, would detract from the visual and residential amenities of the area, would establish an undesirable precedent for similar future developments in the area and thus would be contrary to the proper planning and sustainable development of the area. The proposed development seeking retention would, thus seriously injure the amenities of the area, contravene “Policy LCM1 – Preservation of Landscape Character”, “Objective LCM 1-Landscape Sensitivity Classification” Objective LCM2 – Landscape Sensitivity Ratings” of the County Development Plan 2015-2021 and would be contrary to the proper planning and sustainable development of the area.

It is considered that the proposed development seeking retention by reason of the construction of a substantial internal driveway (>193metres) to access the proposed development seeking retention, to the rear of adjacent houses, on an elevated Class 3 rural landscape which is in an open and exposed site, would result in a haphazard disorderly development, and it would also be an obtrusive feature in the rural landscape. Accordingly, to grant the development seeking retention, as proposed, would seriously injure the residential amenities and depreciate value of properties in

the vicinity, would set an undesirable precedent for similar type of development and would be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1 Planner’s report

Planner’s report refers to the substantial driveway to access the development to the rear of houses on elevated open and exposed site would result in haphazard, disorderly development which would be out of character with the area. Refusal was recommended.

3.3. Prescribed Bodies

3.3.1 No submissions

3.4. Third Party Observations

3.4.1 Submission from Ann Kelly Renville West, countersigned by Michael Kelly, Harry Barrett, Margaret Barrett, Robert O Callaghan, Josephine O Callaghan, Deirdre NicGabhainn and Donal Quinn. Object to the development on the grounds that the application is a duplicate of those previously refused. Notable planning history of applications for dwellings on the site also.

3.4.2 Submission from Colm Dempsey, and Martina Keeney, Renville West object on grounds of the planning history, retrospective nature of the application, negative impact on Natura 2000 network, negative visual impact in a sensitive environment and environmental impact arising from effluent run off.

4.0 Planning History

There is an extensive planning history on the appeal site which includes the following:

302880-18 18/1142 Permission for retention and completion of agricultural shed and retention and widening of the existing access road coupled with ancillary site works. Refused on grounds of scale, mass and bulk on elevated ground within an area of

high landscape sensitivity which would detract from the visual and residential amenities of the area and interfere with the character of the landscape.

Reason for refusal was as follows:

“ Having regard to the planning history of the subject site, and its locational context, it is considered that the development for which retention is sought, which comprises a large shed to be used for agricultural storage and stables as a stand-alone building/facility on a relatively small landholding, by reason of its scale, mass and bulk, and its location on elevated ground within a rural area of High Landscape Sensitivity (Class 3) in the Galway County Development Plan 2015 – 2021, would detract from the visual and residential amenities of the area, would interfere with the character of the landscape, contrary to objectives LCM-1 and LCM 2 of this Development Plan, and would set an undesirable precedent for similar future development in the area. The development for which retention is sought would, therefore, be contrary to the proper planning and sustainable development of the area.”

I note that the reporting inspector had recommended refusal on grounds of traffic hazard arising from failure to demonstrate adequate sightlines available at the entrance this was not included in the Board’s decision on basis that it would represent a new issue in the context of the appeal and decided not to include it in light of the substantive reason for refusal.

PL.07.247936 – 16/1481 Permission was refused for the retention and completion of an agricultural shed consisting of stables and agricultural storage shed/haybarn on grounds of insufficient justification for the need for the development proposed for retention and the Board was not satisfied that minimum sight distances could be achieved from the entrance.

Reasons for refusal were as follows:

Having regard to the locational context and planning history of the subject site, it is not considered that sufficient justification has been given relative to the need for the proposed retention development which comprises a large shed to be used for agricultural storage and stables, as a stand-alone building/facility on a relatively small landholding, separate from any larger farm complex or operations in a rural

area of High Landscape Sensitivity (Class 3), Landscape Conservation and Management Policy LCM 1 - Objectives LCM 1 and LCM 2 of the current development plan for the area refer. It is considered, therefore, that the retention of the proposed development would set an undesirable precedent and would be contrary to the proper planning and sustainable development of the area.

2. The building proposed for retention will be accessed via a circa 192 metres circuitous route from a proposed access onto a local road. The Board is not satisfied, on the basis of the information submitted with the planning application and appeal, that minimum sight distances for a local road can be achieved in both directions at the proposed access to ensure that no traffic hazard is created as a result of the development. It is therefore, considered that the retention development, if permitted, would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise. As such the proposed development would not be in the interests of the proper planning and sustainable development of the area.

0733 Permission to construct dwelling refused. Refusal reasons were based on a lack of housing need and impact on the character of a sensitive landscape and prejudice to public health.

05/1950 Permission to construct a dwelling refused on grounds of lack of housing need, impact on sensitive landscape and visually obtrusive design.

I note the following concurrent appeal on the adjoining site which is currently before the Board.

ABP-305015-19 Expansion to the recreational, sports and amenity facilities at Renville Park & Renville West comprising playground area, amenity walkway,

playing pitches, covered terraces and all associated site works. This is a third-party appeal of the Council's decision to grant permission subject to conditions.

4.0 Policy Context

4.1 The Galway County Development Plan 2015-2021 refers.

4.2 The appeal site is located on lands identified as Class 3 within the Landscape sensitivity and character areas map and have a 'high' landscape value.

Chapter 11 sets out agricultural policy including Objective AFF1 Sustainable Agriculture, Objective AFF4 Intensive Agriculture Developments. Objective AFF5 Compliance with EU Habitats Directive

Development Management Standards 33 and 34. Agricultural buildings and agricultural effluent.

Section 9.6 - Archaeological Heritage.

Section 9.9 - Natural Heritage and Biodiversity Policies and Objectives

Section 9.11 - Landscape Conservation and Management Policies

Objective LCM 1 - Preservation of Landscape Character.

Objective LCM 2 – Landscape Sensitivity Classification

DM Standard 12 - Support for facilitating sustainable Rural Enterprise.

DM Standard 39 - Compliance with Landscape Sensitivity Designations.

DM Standard 40 - Appropriate Assessment.

DM Standard 41: Field Patterns, Stone Walls, Trees and Hedgerows

DM Standard 45 - Archaeological Conservation and Preservation.

4.3 Natural Heritage Designations

4.3.1 The site is not located within an SAC or SPA, however the Galway Bay Complex SAC, is within c150m from the site and the Inner Galway Bay and Creganna Marsh (both SPA's) are within c.0.5km and 1km of the site respectively. An AA screening document was submitted with the planning application.

4.4 EIA Screening

4.4.1 Having regard to the nature and scale of the development proposed for retention there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

5 The Appeal

5.1 Grounds of Appeal

5.1.1 The appeal is submitted by James O Donnell Planning Consultant on behalf of the first party. Grounds of appeal are summarised as follows:

- Application includes significant measures to address the concerns raised by the Board in previous decisions.
- Planning Authority failed to take account of the application content and refused without fair assessment.
- Application provides detailed evidence of the nature of the specialised form of equine agriculture being carried out on the site consisting of the breeding and rearing of sports horses for competition.
- Stable block is required to cater for the needs six horses.
- Lands constitute a farmstead. The nature of this specialised equine agriculture on site does not require extensive farmland. Evidence is provided to demonstrate that the applicant has secured a lease in respect of additional lands of 5.18ha.

- Standalone agricultural sheds are commonplace throughout the Irish countryside and in Co Galway. A number of examples where Galway County Council have granted permission for stand alone stables on small holdings. 15/174 15/1495 17/203.
- Substantive measures are proposed to address previously raised concerns including proposals for part demolition of the shed reducing the size to 283.77sq.m which is below the threshold for normally exempted agricultural structures.
- Comprehensive landscaping proposals will assimilate the development into the landscape.
- Notably while the Board refused the previous application ABP302880 the previous reporting inspector who carried out a site inspection had no issues in relation to landscape and visual impact.
- Development complies with CDP settlement and agricultural policies and objectives.
- Local Authority's assessment of GAA complex application on the adjoining lands to the west and north west is inconsistent.
- Proposed measures including the reduction of scale and increased landscaping will greatly reduce any visual /residential amenity concerns.
- Driveway was not raised as an issue in previous decision of the Board.

5.2 Planning Authority Response

5.2.1 The Planning Authority did not respond to the grounds of appeal.

5.3 Observations

5.3.1 Observations are submitted by Ann Kelly, Michael Kelly, Harry Barret, Margaret Barrett, Robert O Callaghan, Josephine O Callaghan, Deirdre Nic Gabhainn and Donal Quinn, residents of Renville West. Submissions are summarised as follows:

- Dismay at ongoing process since unauthorised development on this site commenced in November 2016
- Application is considered to be a duplicate of previous refusals.

- Note planning history of refusals for proposed residential applications on the site.
- Retrospective nature of the application and planning enforcement history reflect poorly.
- No historical buildings on the site. Ownership of the site by the applicant is relatively recent.
- Specialised Equine Foaling base seems inconsistent with adjoining Sports Development.
- Location within the Inner Galway Bay Special Protection Area merits proper processes and planning compliance.

6 Assessment

- 6.1 Having examined the file, considered the prevailing local and national policies, inspected the site and assessed the proposal, the planning history and all submissions, I consider the key issues arising in this appeal for determination by the Board relate to the question of whether the proposal addresses the Board's previous reason for refusal which relates to the impact on the visual and residential amenity arising from the location of the site within a class 3 landscape area of high landscape value and the impact on the residential and other amenities of the area. The issue of appropriate assessment also needs to be addressed. I also note that in light of previous deliberations by the Board the matter of traffic safety and sightlines availability at the entrance also needs to be considered.
- 6.2 On the matter of the principle of the development proposed for retention in terms of locational justification, I note that the submissions of the first party address this matter in detail and the issue is also raised in the submissions of the observers. Having regard to the information submitted with regard to the applicant's involvement in equine business and the nature of the form of equine agriculture being carried out on the site, I consider that a reasonable case has been made to justify the provision of stables on the site. I note that whilst the initial decision of the Board PL.07. 247936 cited a lack of locational justification for the building, the Board's more recent decision ABP-302880-18 did not raise this as an issue. On this basis I consider that

it is appropriate to consider the revised proposal on its merit. On the issues of the observers' frustration at the ongoing unauthorised development at this location, whilst I acknowledge the concerns raised, I note that the planning legislation provides for an opportunity to regularise unauthorised development by means of a retrospective planning applications. It is appropriate therefore to assess the revised proposal on its planning merit.

- 6.3 On the matter of visual impact the Board's reason for refusal ABP302880-18 was as follows:

Having regard to the planning history of the subject site, and its locational context, it is considered that the development for which retention is sought, which comprises a large shed to be used for agricultural storage and stables as a stand-alone building/facility on a relatively small landholding, by reason of its scale, mass and bulk, and its location on elevated ground within a rural area of High Landscape Sensitivity (Class 3) in the Galway County Development Plan 2015 – 2021, would detract from the visual and residential amenities of the area, would interfere with the character of the landscape, contrary to objectives LCM-1 and LCM 2 of this Development Plan, and would set an undesirable precedent for similar future development in the area. The development for which retention is sought would, therefore, be contrary to the proper planning and sustainable development of the area.

- 6.4 The first party submits that in order to address the issue of scale, mass and bulk it is proposed to reduce the size of the structure by way of demolition of 67.77sq.m. This will involve a reduction in the length of the structure by approximately 5.5m. In addition, further landscaping and screen planting is proposed including the provision of native climbers along the walls of the building and additional planting along the raised berm in the vicinity of the building. I note that the application is accompanied by a visual impact assessment by James O Donnell Planning Consultant which refers to Objective LCM1 Landscape Sensitivity Classification requiring Visual impact assessment and LCM 2 Landscape Sensitivity Ratings requiring that in areas of high landscape sensitivity the design and the choice of location of proposed development in the landscape are critical considerations. The assessment concludes that subject

to implementation of the mitigation as outlined no adverse effect on the amenities of the area will arise and the development proposed for retention can be successfully assimilated at this location.

- 6.5 Having considered the submitted material and having visited the site and reviewed the visibility of the existing structure from the surrounding area I am inclined to concur that the dark colour of the structure, location and elevation on the site and set back from the public road coupled with the comprehensive landscaping and mitigation measures as outlined will aid integration of the structure into the landscape. On the issue of the visual impact of the access road to the stables, I consider that its route which follows the contours of the site coupled with its rough cast finish and landscaping appropriately mitigates its visual impact. On balance I consider that the development proposed for retention and completion is acceptable in terms of its visual impact. As regards visual impact on the recorded monument GA0950131 which is 85m from the structure, I note the submitted archaeological assessment by Dominic Delany and Associates Archaeological Consultants which concludes that the development has not impacted on the recorded monument or its associated area of archaeological constraint or the visual amenity of the monument. I consider that the conclusion is reasonable.
- 6.6 As regards impact on residential amenity, I consider that the separation distance from adjacent dwellings coupled with additional landscaping mitigation will ensure no undue adverse visual impact or disturbance arising from the development.
- 6.7 As regards effluent arising, it is proposed to provide a roofed manure pit with effluent tank to the rear of the existing building which is considered to be reasonable. An appropriate condition would apply in respect of compliance with Best Practice.
- 6.8 On the issue of traffic safety, I note that the applicant proposes to setback the roadside boundary to provide for sightlines, indicated to be 70m in both directions. I note that the site abuts a narrow local road which ranges between 3.5 and 5m in width. Speeds achievable and level of traffic on the road are both low. Having regard to this and to the agricultural nature of the operation on the site, I consider that adequate sightlines can be readily provided. I consider that provision of a set back stone wall boundary with landscaping is appropriate rather than fencing. I consider that this can be addressed by condition.

6.9 On the issue of appropriate assessment under the Habitats Directive (92\43\EEC) I note the screening report submitted compiled by Flynn Furney Environmental Consultants. The assessment considers the designated sites within 15km including the closest Galway Bay Complex SAC which is within 150m of the site and the Inner Galway Bay SPA and Creganna Marsh SPA which are within 0.5km and 1km respectively. The screening assessment notes on the basis of absence of identified pathways to the SAC and SPAs and separation distance with intervening roadway and farmland, no appropriate assessment issues arise. Having regard to the nature and scale of the development proposed for retention and 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.

7 Recommendation

7.1 I have read the submissions on file, visited the site and had due regard to the provisions of the Development Plan and all other matters arising. I recommend that planning permission to retain and complete the development be granted subject to the following conditions.

Reasons and Considerations

Having regard to the nature and extent of the development to be retained and to the existing character and pattern of development in the vicinity, it is considered that, subject to detailed mitigation measures as outlined within the application and to compliance with the conditions set out below, the proposed development to be retained would not seriously injure the amenities of the area or of property in the vicinity and would therefore be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Demolition works shall be completed within three months of the date of permission. No additional buildings shall be erected on the site unless otherwise authorised by a prior grant of permission.

Reason: In the interest of visual amenity.

3. *The roadside boundary shall be set back to provide for sight distances in accordance with submitted details. New roadside boundary shall consist of natural local stone and shall be completed within 6 months of the grant of permission.*

Reason: *In the interest of traffic safety and in the interest of visual amenity.*

4. *The stables shall be used only in strict accordance with a management schedule to be submitted to and agreed in writing with the planning authority, prior to commencement of development. The management schedule shall be in accordance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2017 (SI No 605 of 2017), and shall provide at least for the following:*
 - (1) Details of the number and types of animals to be housed.
 - (2) The arrangements for the collection, storage and disposal of slurry.
 - (3) Arrangements for the cleansing of the buildings and structures.

Reason: In order to avoid pollution and to protect residential amenity.

5. Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means acceptable in writing to the Planning Authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2017 (SI No 605 of 2017).

Reason: To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of water courses.

6. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-
- (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system, and
 - (b) all soiled waters, shall be directed to a storage tank. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interest of environmental protection, public health and to ensure a proper standard of development.

7. All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the 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.

8. The landscaping of the development shall be completed in the first planting season following grant of permission.

Reason: In the interest of visual and residential amenity.

Bríd Maxwell
Planning Inspector

8th April 2020