



An
Bord
Pleanála

Inspector's Report ABP-307511-20

Development	Planning permission for the development of a container storage yard and site development works.
Location	Green Road, Ballyroan, Co. Laois
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	20/69
Applicant(s)	Alan Cole
Type of Application	Planning permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party(s) v Decision
Appellant(s)	(1) David Cass & Michelle Leech-Cass v Decision
Observer(s)	None
Date of Site Inspection	19 th February 2021
Inspector	Fergal Ó Bric

1.0 Site Location and Description

- 1.1. The appeal site is located in the rural townland of Rathmoyle, Abbeyleix, County Laois, approximately three kilometres north-east of Abbeyleix town and four kilometres south-west of Ballyroan village. The surrounding area is primarily agricultural in character with a dispersed settlement pattern of individual dwelling houses. The appeal site comprises a farmyard and a number of farm buildings. Immediately south of the site is an occupied farm dwelling, in which the landowners, the parents of the applicant presently reside. To the north, south-east and west of the appeal site are agricultural lands, Access to the appeal site is via a three and a half metre wide cul-de-sac laneway, approximately 200 metres in length. At the southern end of the cul-de-sac is a controlled gated access to the farmyard area and at the northern end of the cul-de-sac is a junction with a local county road, the L6720.
- 1.2. The appeal site has a stated site area of 0.33 hectares and comprises a concreted farmyard area and two farm buildings located towards the back (south) of the yard. It is stated that the farmyard has not been used in recent times and is presently vacant and the farmlands are leased out.

2.0 Proposed Development

- 2.1. The proposal is seeking planning permission for the following items:

- A container storage yard.
- Part demolition of existing shed and renovation of same shed to house containers
- All associated site works.

Thirty individual storage containers are proposed as part of this development. The storage containers (twenty-five of them) would be set out on the existing concreted farmyard area and five of the containers would be located within part of an existing barn structure. The containers would be finished in a powder coated steel frame and sides. Each container would have a height of 2.4 metres, a width of 2.4 metres and a length of 5.9 metres, giving each one a floor area of approximately 14 square metres (sq. m.).

- 2.2. The cumulative area of the container storage structures would be 420 square metres (sq. m.) and would be set out in a U-shaped plan with a low-level mono-pitch roof for the containers. The site is enclosed by a combination of fencing and hedgerows.
- 2.3. A 43 sq. m. section of an existing barn structure would be demolished to provide for the proposed development.
- 2.4. The site is served by a connection to the public watermains and by an on-site septic tank system. Surface water outfall is to a soakpit.
- 2.5. Further information was submitted in relation to: Justification for location of proposed development within a rural area; Details of likely traffic volumes and types of vehicles likely to access the facility; Details of sightlines at the junction of the cul-de-sac with the adjoining county road; details of the capacity of the cul-de-sac to cater for vehicles passing; Surface water management details; and comments on the content of the third-party submissions received.

3.0 Planning Authority Decision

- 3.1. Notification of a decision to grant permission for the proposed development was issued by the Planning Authority subject to eleven conditions. Several of these conditions are of a standard nature and relate to matters including surface water management, waste management, signage, landscaping, colour of proposed structures and development contributions. However, the following conditions are of note:

Condition number 2: Planning permission is for a period of five years only.

Condition number 4: Waste management.

Condition number 7: Landscaping

Condition number 9: Hours of operation.

Condition number 11: Development contributions.

4.0 Planning History

4.1. I am not aware of any relevant planning history pertaining to the appeal site.

5.0 Policy and Context

5.1. Development Plan

Laois County Development Plan 2017-2023.

Section 5.10 of the Development Plan pertains to rural economic activities. However, there are no policies/objectives specifically pertaining to container storage developments or any development of a similar kind/nature. There is a specific policy RUR1 which pertains to agricultural diversification which sets out the following:

To support the expansion, diversification and intensification of agriculture and the agri-food sector by facilitating appropriate related development subject to environmental and planning considerations.

5.2. Natural Heritage Designations

None relevant.

5.3. Environmental Impact Assessment-Preliminary Screening

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

6.0 The Appeal

6.1. Grounds of third-party appeal

The third-party appeal submission, received from neighbouring residents has highlighted a number of issues including the following:

Principle of Development:

- The proposed development is in an area used exclusively for agricultural use and has not been designated for the planned use within the Laois County Development Plan (LCDP) 2017-2023.
- Permitting the development would establish an undesirable precedent for allowing further industrial/commercial development or for further changes of use.
- These issues were raised within the first planning report prepared by Laois County Council.

Roads & Traffic:

- Increased traffic would impact upon local road and pedestrian safety.
- Do the sightlines at the junction of the cul-de-sac with the local county road comply with the best practice road safety standards?
- Access to the site is via a right of way, can alterations be made to a right of way?

Residential Amenity:

- There is potential for light and noise pollution to emanate from the development which would be contrary to Sections 6.4.4 and 6.4.5 of the Development Plan.

Other Issues:

- The proposal would only generate employment for one person. How can the conditioned hours of operation be maintained by one person in terms of maintaining security and access?

6.2. Applicant Response to third party appeal submissions

The applicant has issued a response to the issues raised within the third-party appeal as follows:

Principle of Development:

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- The proposals would represent a form of farm diversification and would increase the income generated by the current farmstead which is owned by the parents of the applicant, who have retired and leased out their lands.
- The proposals would be in accordance with specific objectives EC 17 and EC 18 regarding providing employment opportunities for highly skilled outbound commuters to work locally and to foster stronger engagement between commuters and their local towns.
- There are many businesses and industries operating in the rural areas in Laois and which do not adversely impact upon neighbouring amenities.
- There is demand in the local rural area for container storage facilities. The applicant has spoken to people in the local areas of Ballyroan and Abbeyleix who have expressed an interest in having a secure storage facility available in the area.
- Letters of support from a local sawmill who are seeking a document storage facility and from a vintage car club have been submitted. Local trades people have also expressed an interest in letting the storage container units.
- The applicant has modelled his proposal on a UK storage facility at Loughborough, approximately 1 mile from East Midlands airport, where an existing farmyard was converted to a storage facility.
- The Planning Officer stated in the report that it is considered that this type of development would be better suited to a built-up area, on zoned and serviced lands. However, it was also acknowledged that commercial developments have been permitted in rural areas. The location has been chosen given its distance, 120 metres removed from the appellants dwelling house, and given the proposed hours of operation, during daylight hours only and that only cars and vans would visit the storage facility.
- The hours of operation as set out by the Planning Authority are acceptable.
- The site is suitably located, being only 3.7 kilometres from Ballyroan and n 2.8 kilometres from Abbeyleix.

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Traffic and Access:

- Traffic would be minimal with less usage and less heavy vehicles that if used for agricultural purposes.
- Adequate sightlines at the junction of the cul-de-sac with the county road have been demonstrated

6.3. **Planning Authority Response**

None received.

7.0 **Assessment**

7.1. I consider that the key issues raised within the appeal are as follows:

- Principle of development
- Traffic and Access
- Residential Amenity
- Other Issues

7.2. **Principle of Development:**

7.2.1. The appeal site is located within a rural area as set out within the Laois County Development Plan. The proposed container storage facility would be commercial in nature, Both the appellants and the Planning Authority make reference to the proposals representing a form of farm diversification. It is unclear from the planning documentation submitted how the proposal would represent appropriate farm diversification. The Planning Authority did express reservations regarding the suitability of the development in a rural location in terms of demonstrating compliance with the Rural Enterprise Policy within the Development Plan. The applicant makes reference to a container storage facility, in proximity to the East Midlands airport in the UK. The nearest airport to the appeal site is Dublin Airport which is not in proximity to the appeal site and therefore, I do not consider the comparison to be relevant in the assessment of the current proposal. The applicant has not provided details demonstrating that the proposal represents an appropriate form of farm diversification as required under Section 5.10 of the Development Plan.

The applicant has failed to demonstrate the site-specific locational requirements for the current proposal. I consider that the storage container use could just as easily be located within an urban settlement boundary, such as in Abbeyleix or Portlaoise, where there are zoned serviced lands and suitable roads infrastructure available to provide for a container storage use.

7.2.2. In terms of the rural economic activities, the applicant states that this development would allow commuters the opportunity to remain working locally. I consider it unlikely that the proposed container storage facility would reduce the level of out commuting from the area, it is not a type of business that would generate or create any significant employment. This is acknowledged by the applicant within his planning documentation where he states that employment for one person would be created at the facility.

7.2.3. Specific policy RUR 1 supports the expansion, diversification, and intensification of agriculture by facilitating appropriate related development subject to environmental and planning considerations. I am not satisfied that the current proposals constitute appropriate (agricultural) related development. There are no specific policies or objectives within the Development Plan that would support the container storage development. The proposals would conflict with the employment objectives set out within Volume 2 of the Development to promote the development of the employment/industrial lands in the local service Centre of Abbeyleix. On balance, it is considered that the proposals would not be acceptable in principle, would encourage unsustainable travel patterns from local urban settlements of Abbeyleix and Ballyroan to the rural hinterland to support a non-site-specific use within a rural area. Therefore, I consider that the proposal would be contrary to the proper planning and sustainable development of the area.

7.3. Traffic and Access

7.3.1. Access to the site is from a cul-de-sac which leads from the appeal site for a distance of 200 metres where it adjoins a local county road to the north, the L6720. The cul-de-sac is illustrated in yellow (as a right of way) within the planning documentation submitted. No letter of consent has been submitted consenting to the use of the laneway to access the container storage yard. The cul-de-sac has a carriageway width of approximately 3.5 metres and for much of its length it would not

be possible for two vehicles to pass simultaneously. The applicant states that the site would be accessed by trades people one or twice a week using smaller vehicles. However, it would not be possible to substantiate these claims, in terms of the number of daily/weekly traffic movements to/from the site nor the types/sizes of vehicles entering/exiting the site.

- 7.3.2. Sightlines of 90 metres in both directions at the junction of the cul-de-sac and the local county road have been shown. Sightlines in a westerly direction at the junction are measured to the far roadside edge of the carriageway along the L6720. Therefore, sightlines have not been demonstrated in accordance with the required standards, in that they are not illustrated to the nearside carriageway verge. It is unclear if the required sightlines may require third party consent at the junction.

7.4. **Residential Amenity:**

- 7.4.1. Given the nature of the proposed development, the appellants have raised the issue in respect of impacting on the residential amenity of surrounding properties through excessive noise levels from activity on site and from traffic accessing and egressing the site. Whilst I would acknowledge the appellants concerns in this regard and their submission that the operations that would be conducted from the site could adversely impact upon their amenities, it is of relevance to note the separation distance between the appeal site and the nearest residential properties (being in excess of 120 metres) and the existence of mature hedgerow screening around the perimeter of the appeal site.
- 7.4.2. On the basis of the foregoing, I am satisfied that the development would not excessively impact on the amenities of the area.

7.5. **Appropriate Assessment**

Having regard to the nature of the proposed development in the form of storage containers, 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 planning permission be refused for the following reason:

9.0 Reason

It is the policy of the planning authority, as set out in the current Development Plan for the area, to permit development proposals for business enterprises in the countryside where the proposed use has locational requirements that can only be accommodated in a rural location and where this has been adequately demonstrated. This policy is considered to be reasonable. It is considered that the proposed development of container storage space has no specific locational requirements which necessitate its location at this rural, unzoned and unserviced location and would, thereby, contravene this development plan policy. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Fergal Ó Bric
Planning Inspectorate

10th June 2021