



An
Bord
Pleanála

Inspector's Report ABP-307899-20.

Development	Permission for retention and alteration of an agricultural shed.
Location	Tonroe, Ardrahan, Co Galway.
Planning Authority	Galway County Council.
Planning Authority Reg. Ref.	20/629.
Applicant(s)	Frank Higgins.
Type of Application	Retention and Alteration.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	Frank Higgins.
Observer(s)	None.
Date of Site Inspection	13/10/2020.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The subject site is located in the townland of Tonroe, approximately 2.5km to the north west of Ardrahan. Junction 17 on the M18 lies less than 1km to the west of the site. The local road, L-85664 connects with the R458, which is the former N18 national road. The N18 was downgraded to regional road on the opening of the motorway.
- 1.2. The site lies to the east of a cul-de-sac road and adjacent to a former limestone quarry. Permission has recently been permitted, and is under construction, for the development of an Asphalt Plant on the quarry site.
- 1.3. The site has a stated area of 0.24ha, comprises part of a larger landholding, advised as extending to 18 acres (approximately 7.3ha), and is fenced off from public access. The landholding map submitted shows that approximately 2.2ha of the landholding is located adjacent to the former quarry to the north and east.
- 1.4. There is an existing large shed on the site, with a floor area of 284m². The shed itself rises to over 8m in height and appears to be falling into disrepair with a section of the side of the shed having been cut out and the front – roadside – elevation open to the elements. I could not gain access to the site, but it appears that there are two machines being stored in the shed. The adjacent landholding was also empty of any animals and appears overgrown and unused in comparison to other adjacent landholdings. There is no evidence of a farmyard at this location.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for the retention and alteration of an agricultural shed. Gross floor space of work to be retained: 284 sqm, all at Tonroe, Ardrahan, Co Galway.
- 2.2. The application included a number of supporting documents including as follows:
 - Plans, particulars and completed planning application form
 - Cover letter advising that the applicant will reduce the overall height of the shed by 1.5m to bring it in line with standard agricultural sheds. The shed is to be retained for agricultural purposes and a flock number has been included.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse planning permission for the proposed development for the following stated reason:

The planning authority consider that the design of proposed development is not considered reflective of an agricultural building. Furthermore, having regard to its overall scale, mass finishes and materials, the building results in a dominant and overbearing built form that does not fit appropriately or integrate effectively into this rural location. If permitted as proposed, the development would not assimilate satisfactorily into the receiving environment, would be contrary to DM Standard 33 of the Galway County Development Plan and would seriously injure the amenities, or depreciate the value of property in the vicinity. The proposed development would also set an undesirable precedent for similar developments in the vicinity of the site and therefore would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, planning history and the County Development Plan policies and objectives. The report also includes an Appropriate Assessment section.

The Planning Report concludes that proposed development is not acceptable. The Planning Officer recommends that permission be refused for the proposed development, for the reason cited above in section 3.1 of this report.

This Planning Report formed the basis of the Planning Authority's decision to refuse planning permission.

3.2.2. Other Technical Reports

None

3.2.3. Prescribed Bodies

None

3.2.4. Third Party Submissions

None

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

EN10-181: Unauthorised construction of workshop/storage building. The PA at the time found that the building was in use as an industrial storage building, including the storage of vehicles / materials associated with the construction industry. A Court Order was served for the removal of the unauthorised workshop / storage shed. This has not been complied with.

ABP ref: 07.RL3024: The current appellant, in 2012, referred the following question to the Board 'Whether works consisting of the provision of a store-barn-shed is or is not exempted development'. The inspector noted as follows:

Upon site inspection I noted that the shed was being used for the storage of window frames, scaffolding and also for the storage of a lorry. Within the curtilage of the site was rubble and debris and the site was bounded by temporary steel hoarding / fencing. No animals or farm machinery were present on site. I also have concerns in relation to the provision of a substantial number of windows in the structure, which I consider is highly unusual in an agricultural use building, as in general agricultural use buildings tend to be largely windowless buildings. From my site inspection I consider that the shed is being used to store materials associated with the construction industry and is not being used for an agricultural use as required under this exemption class.

The Board concluded that the use of the shed was not linked to any agricultural activity and could not be considered within the scope of Class 9 or Part 3 of the Planning and Development Regulations. The Board determined that the development was not exempted development.

PA ref: 16/1467: Permission refused to current appellant for 1). Demolition of an agricultural shed and 2). Construction of a dwelling house, garage, treatment unit and all associated services. (Gross floor space of proposed works: 212.3 sqm. demolition 288sqm). The reasons for refusal related to housing need (site is located within the Galway Transportation Planning Study Area) and absence of satisfactory details regarding water supply.

PA ref: 17/567: The same application as above was resubmitted and deemed invalid.

PA ref: 19/991: Permission refused for the retention of an agricultural storage shed and all associated services. Gross floor area of work to be retained 284m². The reasons for refusal related to the location of the large scale storage building which would injure the amenities of the area and the visual impact.

Adjacent sites:

The Board will note that the adjacent land to the north and east comprise lands which were sold by the current applicant / appellant which comprise the former quarry and sheds which were used by the applicant as part of his business operation up to approximately 2001 and which included sales of machinery, plant hire and storage of salvaged building material.

To North:

ABP ref: PL07.124602 (PA ref 01/392): Permission refused on appeal to the current appellant, for the construction of a replacement workshop/stores building on lands to the north of the current appeal site. The replacement building was required due to the sale of the existing building as part of the quarry.

To North East:

ABP ref: PL07.129246 (PA ref 01/3587): Permission granted for the continuance and extension of quarrying on lands to the east of the current appeal site.

ABP ref: ABP-301871-18 (PA ref: 17/1438): Permission granted, on appeal, for quarry restoration works and an Asphalt Plant.

5.0 Policy and Context

5.1. Development Plan

The Galway County Development Plan 2015-2021, is the relevant policy document relating to the subject site. The site is located in the open countryside and is not subject to any zoning objectives.

The site is located in an area designated as having a landscape sensitivity Class 1, being the least sensitive.

5.2. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the Castletaylor Complex SAC (& pNHA) (Site Code: 000242) and the Ardrahan Grassland SAC (Site Code: 002244) which is located approximately 400m to the south of the site. the Kiltiernan Turlough SAC (& pNHA) (Site Code: 001285) is located approximately 1.2km to the west.

There are a number of other Natura 2000 sites within the wider area and within 15km of the site.

5.3. EIA Screening

Having regard to nature and scale of the development, together with the brownfield nature of the site, 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

This is a First party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The issues raised are summarised as follows:

- It is considered that the application has been dealt with unfairly by the PA.
- The applicant proposes to reduce the overall height of the shed by 1.5m which will bring it into line with the majority of agricultural buildings in the area.
- The overall scale of the shed is modest and ABP have granted an Asphalt Batching Plant to the rear of the site which will dwarf the existing shed.
- Agricultural buildings come in many different shapes and sizes depending on use and age. Machinery sheds and storage sheds will differ from livestock sheds. The shed is primarily used for the storage of machinery and hay and is in keeping with other agricultural developments in the area.

It is requested that the Board grant permission for the shed.

6.2. **Planning Authority Response**

None.

6.3. **Observations**

None.

7.0 **Assessment**

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Visual Impacts
3. Other Issues
4. Appropriate Assessment

7.1. Principle of the development

- 7.1.1. The proposed development site lies in a rural area in the open countryside of County Galway. The application seeks permission to retain the existing shed and to amend the overall height to reduce it by 1.5m. The appellant submits that the shed is used for agricultural purposes and I note the submission of a flock number in the applicants' name. In principle, therefore, the retention of the shed can be considered acceptable.
- 7.1.2. However, the Board will also note the planning history associated with this shed, which was constructed without the benefit of planning permission some time before 2010. Enforcement action was taken against the appellant, PA ref EN10-181 refers, in relation to the unauthorised construction of workshop/storage building. The PA at the time found that the building was in use as an industrial storage building, including the storage of vehicles / materials associated with the construction industry. A Court Order was served for the removal of the unauthorised workshop / storage shed. This was not complied with.
- 7.1.3. The current appellant, in 2012, referred the following question to the Board, ABP ref: 07.RL3024 refers, 'Whether works consisting of the provision of a store-barn-shed is or is not exempted development'. The inspector noted as follows:

Upon site inspection I noted that the shed was being used for the storage of window frames, scaffolding and also for the storage of a lorry. Within the curtilage of the site was rubble and debris and the site was bounded by temporary steel hoarding / fencing. No animals or farm machinery were present on site. I also have concerns in relation to the provision of a substantial number of windows in the structure, which I consider is highly unusual in an agricultural use building, as in general agricultural use buildings tend to be largely windowless buildings. From my site inspection I consider that the shed is being used to store materials associated with the construction industry and is not being used for an agricultural use as required under this exemption class.

- 7.1.4. The Board concluded that the use of the shed was not linked to any agricultural activity and could not be considered within the scope of Class 9 or Part 3 of the

Planning and Development Regulations. The Board determined that the development was not exempted development.

- 7.1.5. It does not appear that any further enforcement action was taken by Galway County Council in relation to the shed and three, one deemed invalid, further planning applications were sought on the site. These three applications sought the demolition of the shed and the construction of a house on the site in its place. The two valid applications were refused permission.
- 7.1.6. Having looked at all the planning history associated with the site I would note that very little information was included in terms of the developments sought at the site. As part of the current application and appeal, the applicant submitted details of a flock number, in a letter from the Department of Agriculture, Food and the Marine dated 2013, and a map showing the landholding extending to 18 acres, in this area. However, no further details of the location of a farmyard is provided and having undertaken a site inspection, it is clear that this subject site is not used as a farmyard or for animals.
- 7.1.7. I would note the appeal submission which seeks to shed light on the fact that agricultural buildings are development for differing uses and the building the subject of this retention application is used for the storage of machinery and hay. On the date of my inspection, I would advise that the shed appears to be falling into a state of disrepair, with a section of the southern elevation having been removed, and no door present to the front (roadside) of the building. There was machinery located within the shed, which I viewed from the public road. I could not see any hay or confirm that the two visible pieces of machinery were agricultural in nature. Having carried out a further search, it appears that the applicants' business is located within the former quarry area to the north of the current proposed site.
- 7.1.8. Having considered all of the available information, I am not satisfied that the subject shed, or the immediate land adjacent to the shed site, is used for agricultural purposes. However, that is not to say that permission for an agricultural shed could not be considered acceptable at this location. The use of such a shed however, would require to be restricted by way of a specific condition of planning permission.

7.2. Visual Impacts

- 7.2.1. The Planning Authority considered that the scale and height of the building did not reflect that of an agricultural building and that it does not assimilate satisfactorily into the receiving environment, contrary to DM Standard 33 of the Galway County Development Plan. I also note the argument raised by the first party appellant in terms of the recent grant of planning permission of the Asphalt Batching Plant to the rear of the site. I would wholly accept that the scale of the shed to be retained and amended, is significantly smaller than the permitted development to the rear.
- 7.2.2. The existing structure is to be reduced in height to a maximum of 6.5m which will reduce the visual impact of the shed in the wider landscape. I would not share the concern of the PA in terms of the visual impact of the shed in this landscape and subject to an appropriate condition of permission which specifically restricts the use of the shed for the storage of hay and agricultural machinery associated with farming only, I would have no objection to the granting of permission in this instance. Should the Board have concerns, a condition to remove the many windows in the side elevations could be included for agreement with the Planning Authority.

7.3. Development Contribution

The subject development is not liable to pay development contribution, as the Development Contribution Scheme specifically exempts Agricultural Development from development contributions.

7.3.1. Appropriate Assessment

The site is not located within any designated site. The closest Natura 2000 site is the Castletaylor Complex SAC (& pNHA) (Site Code: 000242) and the Ardahan Grassland SAC (Site Code: 002244) which is located approximately 400m to the south of the site. the Kiltiernan Turlough SAC (& pNHA) (Site Code: 001285) is located approximately 1.2km to the west.

Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to

adjoining Natura 2000 sites. It is also not considered that the 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

I recommend that planning permission be granted for the proposed development for the following stated reason and subject to the following stated conditions.

9.0 Reasons and Considerations

Having regard to the pattern of permitted development in the area, to the provisions of the Galway County Development Plan 2015-2021, and to the proposed reduction in the overall height of the shed and layout and design as submitted, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of adjoining properties and would be acceptable in terms of traffic safety and convenience. 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, 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. The ridge height of the shed to be retained shall not exceed 6.5m.

Reason: In the interest of clarity, public safety and residential amenity.

3. The shed shall be used solely for the storage of hay and agricultural machinery as described in the submitted planning application. No change of use, including the use of the site as a farmyard or for the storage of any other plant or machinery, shall be undertaken at the site without the benefit of a further grant of planning permission for such use.

Reason: In the interest of clarity, public safety and residential amenity.

A. Considine

Planning Inspector

05th November 2020