



An
Bord
Pleanála

Inspector's Report ABP-308468-20

Development	Retention & completion of straw storage shed. Planning permission also sought for the erection of new roadside boundary wall with pedestrian entrance, concrete yard area and all ancillary site works.
Location	Moneyhore, The Leap, Enniscorthy, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20200880
Applicant(s)	Isaac Wheelock
Type of Application	Permission & Permission for Retention
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party v. Decision
Appellant(s)	Pat Wheelock
Observer(s)	None.
Date of Site Inspection	22 nd December, 2020
Inspector	Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located in the rural townland of Moneyhore (The Leap), Co. Wexford, approximately 6km east of Enniscorthy and 1.8km northwest of the village of Davidstown, in an area that is typically rural in character and dominated by a rolling patchwork of agricultural fields interspersed with farmsteads and a considerable number of one-off dwelling houses most likely attributable to the development pressures arising from the proximity of Enniscorthy town and the N30 National Road.
- 1.2. The site itself has a stated site area of 0.103 hectares, is irregularly shaped, and forms part of a larger farmyard complex that includes various cattle housing, straw & fodder storage sheds, and associated open yard areas. It comprises that area occupied by the partially constructed, steel-framed, mono-pitched shed proposed for retention and completion, which is positioned between existing cattle housing to the east and a derelict cottage / outbuilding on the adjoining lands to the west, and an area of hardcore which opens onto the public road to the north. It can be accessed directly via an existing gated entrance arrangement or, alternatively, by way of an entirely separate access that serves the adjacent farmyard to the east / northeast. The wider landholding includes multiple sheds etc. and extends westwards to encompass a further complex of farm buildings and a Christmas tree plantation, however, those lands to the immediate south and west of the application site are in separate ownership and include an existing single-storey, bungalow-style dwelling house situated to the rear (south) of the proposed shed as well as a series of derelict stone outbuildings (to the west) and an open yard area enclosed by high roadside perimeter walling.

2.0 Proposed Development

- 2.1. The proposed development consists of the retention & completion of a partially constructed, steel-framed, mono-pitched agricultural shed (floor area: 243.66m²) to be used for the storage of straw. The proposal also includes for the construction of a concrete yard area between the aforementioned shed and the public road, the erection of a new roadside boundary wall with a pedestrian entrance, and all ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 23rd September, 2020 the Planning Authority issued a notification of a decision to grant permission & permission for retention of the proposed development, subject to 7 No. conditions. These conditions are generally of a standardised format and relate to issues including surface water drainage, the use of the structure for dry storage purposes only, and development contributions.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

Details the site context, planning history, and the applicable policy considerations before stating that the proposal is acceptable both in principle and in terms of its siting, design, impact on residential amenity, traffic implications, and environmental considerations. The report thus concludes by recommending a grant of permission & permission for retention, subject to conditions.

3.2.2. Other Technical Reports:

Environment Section: Recommends a grant of permission, subject to conditions.

Wexford County Fire Service: Advises that the proposed development should be designed and constructed in accordance with the Building Regulations, 1997-2019. In addition, it is stated that access to the building / site for fire-fighting purposes should comply with Section 5 of Technical Guidance Document B: Fire Safety Dwelling Houses Volume 2, 2017. Suitable provision should also be agreed with the Fire Authority prior to construction in order to ensure efficient fire service access onto the site in the event of an emergency.

Enniscorthy Municipal District, Roads Report: No objection.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

3.4.1. A single submission was received from the appellant and the principle grounds of objection / areas of concern raised therein can be summarised as follows:

- The existing shed encroaches onto the observer's property and he has not consented to same.
- Given its proximity, the shed proposed for retention and completion detracts from the amenity and property value of the observer's dwelling house.
- The proposed development poses a fire risk to the observer's property.
- The existing shed serves as a haven for vermin and has resulted in the infestation of the observer's dwelling house.

4.0 Planning History

4.1. *On Site:*

None.

4.2. *On Adjacent Sites:*

None.

4.3. *On Sites in the Immediate Vicinity (further west within the applicant's landholding):*

PA Ref. No. 20023294. Was granted on 23rd December, 2002 permitting Isaac Wheelock permission for the erection of a farm machinery shed at Moneyhore, The Leap, Enniscorthy, Co. Wexford.

PA Ref. No. 20100722. Was granted on 27th August, 2010 permitting Isaac Wheelock permission for the retention and completion of agricultural sheds for the storage of grain, together with concrete yard, concrete roadside boundary wall, widening of existing entrance and all other ancillary site works at Moneyhore, The Leap, Enniscorthy, Co. Wexford.

PA Ref. No. 20200231. Was granted on 27th May, 2020 permitting Isaac Wheelock permission for (a) erection of a farm machinery and sprayer shed and (b) the erection of a new grain store together with all ancillary site works at Moneyhore, The Leap, Enniscorthy, Co. Wexford.

5.0 Policy and Context

5.1. Development Plan

5.1.1. *Wexford County Development Plan, 2013-2019:*

Chapter 6: Employment, Economy and Enterprise:

Section 6.4.6: Agriculture:

Objective ED17: To promote the continued development of food production and processing within the county subject to complying with normal planning and environmental criteria and the development management standards in Chapter 18.

Objective ED20: To facilitate and support the development of sustainable agriculture practices and facilities within the county subject to complying with normal planning and environmental criteria and the development management standards in Chapter 18.

Chapter 14: Heritage:

Section 14.4: Landscape:

Section 14.4.2: Landscape Character Assessment: (2) Lowlands:

The Lowland area generally comprises gently undulating lands and relates to extensive areas of the county. This landscape has characteristics which provide it with a higher capacity to absorb development without causing significant visual intrusion. The landscape is characterised by higher population levels and more intensive agriculture. It is punctuated by many of the county's hills and ridges, the more sensitive of which have been defined as Landscapes of Greater Sensitivity

N.B. The proposed development site is located within the 'Lowlands' landscape unit as identified on Map No: 13: 'Landscape Units and Features' of the Development Plan ('Landscape Character Assessment').

Section 14.4.3: Landscape Management

Objective L01: To have regard to the Landscape Character Assessment and associated map contained in Volume 3, the Landscape and Landscape Assessment-Guidelines for Planning Authorities

(2000) Draft and any updated versions of these guidelines published during the lifetime of the Plan, when assessing planning applications for development.

Objective L03: To ensure that developments are not unduly visually obtrusive in the landscape, in particular in the Upland, River Valley and Coastal landscape units and on or in the vicinity of Landscapes of Greater Sensitivity.

Objective L04: To require all developments to be appropriate in scale and sited, designed and landscaped having regard to their setting in the landscape so as to ensure that any potential adverse visual impacts are minimised.

Objective L09: To require developments to be sited, designed and landscaped in manner which has regard to the site specific characteristics of the natural and built landscape, for example, developments should be sited, designed and landscaped to minimise loss of natural features such as mature trees and hedging and built features.

Chapter 18: Development Management Standards:

Section 18.23: Agricultural Buildings:

The Council will encourage and facilitate agricultural development subject to the following criteria:

- The impact on the character and amenity of the immediate and surrounding area.
- There are no suitable redundant buildings on the farm holding to accommodate the development.
- The proposal will not impact negatively on the traffic and environment of the area.

The Council recognises the need for agricultural buildings and acknowledges that there is often a requirement for these structures to be significant in scale.

Notwithstanding this, these buildings will be required to be sympathetic to their surroundings in terms of scale, materials and finishes. The building should be sited

as unobtrusively as possible and the finishes and colours used must ensure the building will blend into its surrounding and landscape. The use of appropriate roof colours of dark green and grey will be required. Where cladding is proposed it shall be dark in colour also.

5.2. Natural Heritage Designations

5.2.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Killoughrum Forest Proposed Natural Heritage Area (Site Code: 000765), approximately 3.0km north-northwest of the site.
- The Slaney River Valley Special Area of Conservation (Site Code: 000781), approximately 3.7km southeast of the site.
- The Slaney River Valley Proposed Natural Heritage Area (Site Code: 000781), approximately 5.1km southeast of the site.
- The Wexford Harbour and Slobbs Special Protection Area (Site Code: 004076), approximately 5.6km east of the site.

5.3. EIA Screening

5.3.1. Having regard to the minor nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, and the separation distance from the nearest 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

- The close proximity of the proposed hay barn poses a threat to the appellant's safety and that of his dwelling house given the risk of fire. In this respect, the

Board is advised that another hay barn in the same farmyard recently caught fire.

- Inadequate consideration has been given to the fire risk posed by the proposed development.
- The report of the case planner refers to the retention and completion of the partially constructed agricultural shed as generating '*a betterment in terms of visual amenity and site order*' before stating that it '*will not impact adversely on the adjoining property over and above the current situation*'. It is considered that such a statement is extraordinary given that the subject application is for 'retention and completion'. In effect, the case planner is seeking to justify a grant of permission on the basis that the completed shed will look better than the partially constructed structure which happens to be unauthorised.
- In referencing a '*betterment in terms of visual amenity*', it is submitted that the relevant comparison should be to an empty / vacant space as opposed to the existing unauthorised steel-frame construction.
- The reference to '*site order*' in the planning report is meaningless.
- Since the shed was brought into use and populated with straw and cattle, the appellant's dwelling house has suffered from an infestation of mice.
- There is sufficient space elsewhere within the applicant's landholding to accommodate the construction of a hay barn without intruding on the amenity of the appellant's neighbouring dwelling house.

6.2. Applicant Response

- There has been a farmyard on this site for a considerable length of time with the dwelling house on the adjacent lands having been constructed approximately 60 No. years ago.
- The applicant acquired the existing farmyard c. 30 No. years ago whilst the appellant took over ownership of the adjoining dwelling house. In the intervening years, the site has been in active use as a farmyard with straw

and hay being stored there. A former cattle crush was removed from the yard area some time ago.

- Several years ago, works commenced on the construction of a shed on site in order to cover the yard from the elements, however, only the steel frame was completed. The subject application now seeks permission for the retention and completion of this shed with no change proposed to its intended use i.e. the storage of straw.
- Contrary to the assertion in the grounds of appeal that the shed has been completed, only the steel frame is currently in place.
- With regard to the appellant's comments concerning the infestation of his dwelling house by mice / vermin, it is suggested that there are a number of existing sheds / outbuildings within the confines of his own property which may be the cause of same.

6.3. Planning Authority Response

- The existing steel-frame construction detracts from the visual amenity of the area when viewed from within the site itself and from the public roadway and surrounding lands. Its completion as proposed will result in a significant betterment in terms of visual amenity in the context of the application site and the surrounding area, including neighbouring lands / properties.
- The subject structure is not significantly higher than surrounding agricultural buildings and is located further away from the appellant's dwelling house.
- The retention and completion of the proposed shed will not adversely impact on the amenity of the neighbouring property over and above that of the existing situation on site.
- The proposed shed is not significantly closer to the appellant's dwelling house nor will it be noticeably higher than the adjacent cattle shed to the immediate east. Furthermore, the shed is intended (and has been conditioned as such) for dry storage purposes only and will not be used for the housing of livestock / animals.

- Given the intended use of the shed for dry storage purposes only, it is considered that any risk of infestation is minimal. In addition, the proposal was assessed by the Environmental Services Dept. of the Council which did not raise any concerns in this regard. Should there be any further incidences of infestation the affected party can contact Environmental Services who may investigate the matter.
- The structure which was previously the subject of fire damage does not form part of the proposed development and cannot be assessed as part of this application.
- The Chief Fire Officer was consulted as part of the application and attached advice notes as per the planner's report.
- It is not for the Planning Authority to advise the applicant to apply for, or to construct, an alternative shed / structure elsewhere on the landholding away from the appellant's dwelling house.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The principle of the proposed development
- Overall design and layout / visual impact
- Impact on adjacent property
- Appropriate assessment

These are assessed as follows:

7.2. The Principle of the Proposed Development:

7.2.1. On the basis that the development in question is intended for agricultural purposes, and as the subject site forms part of an existing active farmyard which is situated in a rural area where the predominant land use is agriculture, I am of the opinion that agriculturally-related developments such as that proposed are an inherent part of rural life and should generally be accommodated in such areas. Accordingly, in light of the foregoing, and having regard to the scale and the intended use of the proposed development in connection with the continued operation of the adjacent farmyard / farm holding, I am of the opinion that the subject proposal is acceptable in principle at this location.

7.3. Overall Design and Layout / Visual Impact:

7.3.1. The overall design and layout of the proposed shed is typical of similar agricultural structures common to rural areas and in this regard it is of relevance to note that the development will form part of an active farm complex. Furthermore, the construction will be largely screened from view by existing farm buildings both on site and within the immediate surrounds as well as by the proposed roadside walling to be erected along the northern site boundary. Accordingly, having regard to the foregoing, and in light of the specifics of the site context, including its location within the 'Lowlands' landscape character unit identified in Map No: 13: '*Landscape Units and Features*' of the Development Plan which is acknowledged as having a higher capacity to absorb development without causing significant visual intrusion, I am satisfied that the proposal will not unduly impact on the visual amenity of this rural area.

7.4. Impact on Adjacent Property:

7.4.1. Concerns have been raised as regards the proximity of the proposed storage shed to the appellant's neighbouring dwelling house on the adjacent lands to the immediate south, with specific reference being made to the potential fire risk (noting that a nearby storage shed within the same building complex recently caught fire) and an infestation of mice which has seemingly occurred since the shed was brought into use and populated with straw and cattle.

7.4.2. Whilst I would acknowledge that the proposed construction will be sited approximately 7m from the adjacent dwelling house at its nearest point, I am cognisant that the shed will form part of a long-established farm complex and that

the separation between it and the appellant's property will be broadly similar to that of the existing cattle housing on site. Furthermore, it would appear that the area to be occupied by the shed has historically been used as part of the wider farmyard given the applicant's reference to a former cattle crush at this location having been removed some years ago and the need for the shed in question to cover the existing yard which continues to be used for the storage of straw. Therefore, in light of the established usage on site and its relationship with the wider farm complex, and noting the intended use of the structure for dry storage purposes only, it is my opinion that the retention and completion of the proposed development will not give rise to any significant additional adverse impact on the broader amenity of the appellant's neighbouring dwelling house.

- 7.4.3. With respect to the appellant's assertion that the proximity of the proposed storage shed will endanger the safety of his property given the risk of fire (with reference to a nearby storage shed that previously caught fire), I note that Wexford County Fire Service was consulted as part of the application and did not object to the proposal, subject to certain provisions, including adherence to the Building Regulations, 1997-2019 as regards the design & construction of the development and the provision of access for fire-fighting purposes. Accordingly, on the basis that the Fire Authority would appear to be satisfied that the proposed development does not pose any undue risk of fire, and as such matters generally fall within the remit of other statutory codes / regulatory control such as the Building Regulations etc., in my opinion, it would be unreasonable to refuse permission for reasons pertaining to fire safety considerations.
- 7.4.4. In reference to the allegation that the appellant's dwelling house has been infested by mice since the shed was brought into use, in the first instance, I would advise the Board that as the building has only been partially constructed any such infestation cannot be attributed to the development as proposed to be completed. Secondly, given that the location of the proposed shed is presently used for the open storage of straw (and has seemingly been in use for such purposes for some time), I would similarly suggest that any current vermin control problems are unrelated to the shed as proposed to be retained and completed. In any event, given the wider site context, including its rural location, the established use of neighbouring lands as an active farmyard, and as the presence of a number of other structures both on site

and in the immediate surrounds (including those derelict outbuildings to the west of the applicant's landholding) may already serve to harbour mice / rodents etc., it is my opinion that difficulties arise in seeking to assign culpability to the subject development as regards any current / future rodent control problems. I am also cognisant that there would be an obligation on the applicant to implement adequate pest control measures on site in line with good agricultural practice and that it has been suggested by the Local Authority that its Environmental Services Dept. could investigate matters should any further incidences of infestation occur. Therefore, on the basis of the foregoing, I am unconvinced that the proposed development would result in any significant additional adverse impact on the amenity of the neighbouring dwelling house.

7.5. Appropriate Assessment:

- 7.5.1. Having regard to the minor nature and scale of the proposed development, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority should be upheld in this instance and that permission & permission for retention and completion be granted for the proposed development for the reasons and considerations and subject to the conditions set out below:

9.0 Reasons and Considerations

- 9.1. Having regard to the location of the development to be retained and completed within an established farmyard and to its nature and scale, it is considered that, subject to compliance with the conditions set out below, the development to be retained and completed would be an appropriate land use in this rural and agricultural area, would not seriously injure the amenities of the area or of property in the vicinity, and would not be prejudicial to public health. The development to be

retained and completed would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained 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. All uncontaminated roof water from the building 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.

3. The roof and elevational cladding of the structure to be retained and completed shall be coloured to match the existing farm complex. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. 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.

Robert Speer
Planning Inspector

23rd December, 2020