



An
Bord
Pleanála

Inspector's Report

ABP-311123-21

Development	Construction of an agricultural storage shed and all ancillary site works.
Location	NEALE PARK , THE NEALE , CLAREMORRIS
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	21105
Applicant(s)	Jacqueline Maloney
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Jacqueline Maloney.
Observer(s)	None.
Date of Site Inspection	7 th February 2022.
Inspector	Bríd Maxwell

1.0 Site Location and Description

1.1. This appeal relates to a rural site located within the townland of Neel Park circa 4.5km to the south of Ballinrobe, Co Mayo. The appeal site has a stated area of 0.85 hectares and is part of a larger landholding including a dwellinghouse and associated outbuildings which extends to 1.82 hectares. The appeal site comprises a number of field patterns within an undulating landscape enclosed within a mixture of boundary walls and hedging. Levels on site vary from a spot level of 100m on the public road in the vicinity of the entrance to 107.8m towards the northwestern part of the site while levels on the local road to the southwest at the junction of the cul de sac serving the site and the local road fall to 95.7m OD. The appeal site includes an entrance and farm access road from the south-eastern end of the site frontage leading to the more elevated north-western part of the site on which a number of shipping containers and other equipment are stored.

2.0 Proposed Development

- 2.1. The proposal involves permission for the construction of an agricultural storage shed 126m² to be located at the north-eastern end of the site with a finished floor level of 108.0m. The application details that the storage shed is intended for the storage of animal feed, farm machinery and other items associated with agricultural use.
- 2.2. Following additional information and clarification request it was proposed to modify the entrance. Proposed finished floor level of the shed was to be reduced from 108m to 107.4mAOD and the proposed shed height was also reduced from 5m to 4.4m.

3.0 Planning Authority Decision

3.1. Decision

By order dated 29th July 2021 Mayo County Council issued notification of the decision to refuse permission for the following reasons:

The development at this location would contravene materially development policy objective LP01 of the Mayo County Development Plan 2014-2020 in relation to ensuring that development will not have a disproportionate effect on the existing or

future character of a landscape in terms of location, design and visual prominence; the agricultural shed at this location would be an obtrusive feature in the landscape. Therefore, the proposed development would interfere with the character of the landscape which it is necessary to preserve and if permitted would be contrary to the proper planning and sustainable development of the area.

The applicant has not demonstrated to the satisfaction of Mayo County Council that the access visibility requirements as set out in the Mayo County Council Development Plan 2014-2020 can be achieved. Therefore, it is considered that the proposed development would endanger public safety by reason of traffic hazard.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's initial report sought further information to include details of sightlines, surface water proposals and the question as to when the farm access road was constructed. Applicant was requested to reconsider relocation of proposed sheds to group with existing buildings. A pole framework to be erected to demonstrate the exact location of the proposal.

Following the submission of additional information, a second clarification request sought a revised entrance location and revised siting of the proposed shed.

Final report recommended refusal consistent with the subsequent decision.

3.2.2. Other Technical Reports

Planner's report outlines that Area Engineer sought relocation of access westwards away from the existing roadway to the south.

3.3. Prescribed Bodies

No submissions

3.4. Third Party Observations

No submissions

4.0 Planning History

None

5.0 Policy Context

5.1. Development Plan

The Mayo County Development Plan 2014-2020 refers.

LP-01 It is an objective of the Council, through the Landscape Appraisal of County Mayo, to recognise and facilitate appropriate development in a manner that has regard to the character and sensitivity of the landscape and to ensure that development will not have a disproportionate effect on the existing or future character of a landscape in terms of location, design and visual prominence.

As regards the Mayo County Council Landscape Appraisal the site falls within the South East Mayo Plains Landscape Character Area and Landscape Protection Policy Area 4 Drumland and Inland Lowland. The landscape sensitivity matrix does not address agricultural development however suggests that development such as forestry, communication masts, industrial / commercial, rural dwellings and road projects have low potential for adverse impact on landscape character unless siting and design are poor.

5.2. Natural Heritage Designations

The site is not within a designated area. The nearest such sites include the Clyard Kettle Holes SAC (Site Code 004080) which occurs within 1.2km to the south and east. Skealaghan Turlough SAC Site Code 000541 5.3km to the northeast. Lough Mask SPA 004062 and Lough Mask Complex SAC (001774) occurs within 5km to the west.

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development, and the nature of the receiving environment, and lack of connectivity to a sensitive area, there is no real likelihood of significant effects on the environment arising. 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

6.1.1 The grounds of appeal are summarised as follows:

- Applicant owns 4.5 acres of land around her house due to family break up.
- Land is rented seven miles away.
- Shed is needed to securely store a tractor, digger and other farm machinery.
- Lands to the south are subject to flooding due to underground streams.
- It is proposed to plant trees to the south side of the shed to screen the proposal.
- No record of crash at the entrance. Additional traffic will be minimal.
- Search for an alternative site for a shed has been unsuccessful.

6.2. Planning Authority Response

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

7.0 Assessment

7.1. The issues to be addressed in this appeal are those matters raised within the grounds of refusal relating to the visual impact and impact on traffic and road safety. The issue of appropriate assessment also needs to be addressed. I note that the planning authority questioned the date of construction of the entrance and access road on the site within the request for additional information and in response the applicant indicated that the entrance has been in place for generations however in approximately 2013 wider pillars were built and farm road leading to the shed was

finished with hardcore at this time. I note that google earth images dated April 2009 do not show an entrance or access road at this location.

- 7.2. The Council's first reason for refusal was on the basis that the proposal would be an obtrusive feature in the landscape and would interfere with the character of the landscape which it is necessary to preserve in accordance with policy objective LP-01 of the Mayo County Development Plan 2014-2020. The proposed shed is to be located on the most elevated part of the landholding and I would concur that the proposed location would result in an entirely obtrusive feature in the landscape. The landscaping measures would not overcome the inherent poor siting proposed. I consider that alternative siting within the landholding adjacent to the applicant's dwelling would be far more appropriate. I note that the applicant was invited by the Planning Authority to explore such options during the course of the application however opted not to avail of this opportunity. Based on the foregoing, I consider that refusal is warranted.
- 7.3. The Council's second reason for refusal is on grounds of inadequate sightlines at the entrance. I note that the appeal site is accessed off a minor cul de sac which is lightly trafficked, and I consider that the level of traffic arising from the proposed use as outlined would not be significant and adequate sightlines could be achieved. On this basis I consider that refusal on traffic grounds is not warranted.
- 7.4. On the matter of appropriate assessment having regard to the limited nature of the development and lack of connectivity to Natura 2000 sites, it is reasonable to conclude that, 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 designated European Site and a Stage 2 Appropriate Assessment and submission of an NIS is not therefore required.

8.0 Recommendation

Having regard to my assessment of the development as outlined above I consider that the proposed development would detract from the amenities of the area by virtue of its poor siting and design. I therefore recommend that permission be refused for the following reason.

9.0 Reasons and Considerations

It is an objective of the Council, through the Landscape Appraisal of County Mayo, to recognise and facilitate appropriate development in a manner that has regard to the character and sensitivity of the landscape and to ensure that development will not have a disproportionate effect on the existing or future character of a landscape in terms of location, design and visual prominence. The proposed development by reason of its siting and design would represent inappropriate and obtrusive skyline development which would be detrimental to the visual amenities of the area and detrimental to the character of the rural landscape contrary to the provisions of the Mayo County Development Plan 2016-2022. The proposed development area would set an undesirable precedent for similar such development and would therefore be contrary to the proper planning and sustainable development of the area.

Bríd Maxwell
Planning Inspector

26th May 2022