



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311732-21

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<b>Development</b>	Retention of existing agricultural entrance & associated site works
<b>Location</b>	Curraduff, Rossard, Co. Wexford.
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20211294
<b>Applicant(s)</b>	Barry O' Neill
<b>Type of Application</b>	Retention permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Philip Kearney
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	13 <sup>th</sup> January 2022 and 4 <sup>th</sup> February 2022
<b>Inspector</b>	Emer Doyle

## 1.0 Site Location and Description

- 1.1. The site of the proposed development is located in a rural area at Curraduff, Rossard, approximately 1km outside of Killealy, Co. Wexford on a local road c. 100m north of the junction with the R702.
- 1.2. The site has an area of 0.734 hectares and existing development on the site consists of a newly built dormer dwelling and garage together with two existing entrances. The main entrance serves the existing dwelling and the entrance which is the subject of this retention application serves a paddock area to the side of the dwelling.

## 2.0 Proposed Development

- 2.1. Permission is sought to retain an existing agricultural entrance at this location.

## 3.0 Planning Authority Decision

- 3.1. Permission granted subject to 7 No. standard conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The planner's report stated that the principle of agricultural access to serve the southern part of the site including access for animal transport vehicles (and also service WWTS) is considered to be acceptable.

#### 3.2.2. Other Technical Reports

**Roads Report:** stated that 65m sightlines are required and are available and recommended permission subject to conditions.

### 3.3. Prescribed Bodies

- 3.3.1. No reports.

### 3.4. **Third Party Observations**

- 3.4.1. A third party observation was submitted to the Planning Authority. The grounds of the appeal reflect the principal planning concerns raised.

## 4.0 **Planning History**

### **PA Reg. Ref. 20171066**

Permission granted for dwelling house with services, domestic garage and all associated site works.

### **Enforcement - PA Complaint No. 0210/2021**

Warning letter served in relation to unauthorised agricultural entrance.

### **Adjacent site:**

### **PA Reg. Ref. 2021/0986 ABP Ref. 312090-21**

Permission granted by Planning Authority to John Murphy for construction of agricultural shed. Current appeal to Board. I note that the appellant in this case is the same as the current case.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

#### 5.1.1. **Wexford County Council Development Plan 2013-2019**

Relevant Policies include the following:

#### Section 18.29.3 Sightlines

The Council will assess the detailed siting and design of each proposed access/egress point to a public road on its merits, having regard to the NRA DMBRAS and DRMB Road Geometry Standards, the nature of the development and likely traffic/ turning movements, the circumstances on the road where access/egress is proposed.

The following criteria will form part of the assessment:

- The provision of the required sightlines
- Road/ traffic safety including existing road conditions and gradient of access
- The management of surface water
- Establishment of precedent

## **5.2. Natural Heritage Designations**

5.2.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- Blackstairs Mountains Special Area of Conservation (Site Code 0770)
- Blackstairs Mountains proposed Natural Heritage Area (Site Code 0770)
- River Barrow and River Nore Special Area of Conservation (Site Code 002161)

## **5.3. EIA Screening**

5.3.1. 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 and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The grounds of appeal can be summarised as follows:

- Concern regarding traffic safety.
- Concern regarding need for development.
- Concern regarding overstepping boundary of appellant.

- Concern regarding breach of Condition No. 7 of PA Reg. Ref. 20171066.

## 6.2. Applicant Response

6.2.1. The response submitted by the applicant can be summarised as follows:

- Some of the trees which were removed were not safe. We are planting mature trees to replace these.
- The appellants concerns regarding road safety are unfounded.
- Our architect has verified that our application refers solely to lands within our ownership.

## 6.3. Planning Authority Response

- No response.

## 6.4. Observations

- None.

## 7.0 Assessment

7.1. The main issues that arise for consideration in relation to this appeal can be summarised as follows:

- Traffic Impact and need for agricultural entrance
- Other Matters
- Appropriate Assessment

## 7.2. Traffic safety and need for agricultural entrance

7.2.1. The appellant raises concerns regarding the need for the development, the traffic safety implications and the breach of condition 7 of PA Reg. Ref. 20171066.

- 7.2.2. I note that permission was granted to the applicant for a dwelling house under PA Reg. Ref. 20171066 and condition 7 required that the roadside boundary and mature trees shall be retained and planted with a mix of deciduous local shrubs. This boundary was completely removed to provide for fencing and an agricultural entrance at this location. The Roads Design Section report states that 65m sightlines are available in both directions at the entrance and I concur with this. However, these sightlines can only be provided because condition No. 7 was breached according to the appellant. The appellant response states that he is 'aware that he removed trees which were not safe and when the landowner up the road ceded, free of charge to the Roads Authority a long strip of his land one metre wide in order to widen the road for the purpose of road safety, we followed suit and moved back one metre from road edge.'
- 7.2.3. Whilst I accept the views of the applicant that the sightlines can only be provided because condition No. 7 of PA Reg. Ref. 20171066 has been breached, I am satisfied that adequate sightlines are available at this location. I note that the local authority were carrying out road works in the area on the day of inspection and the offer of additional lands to facilitate road widening would aid the local authority in this regard in my view. I also note that the applicant has recently landscaped the boundary with indigenous planting.
- 7.2.4. In terms of the purpose of the agricultural entrance, the applicant submitted the following information to the Planning Authority:
- 'The paddock contains out treatment unit and percolation are which is all securely fenced from the remainder of the paddock which allows me to keep the children's ponies in this paddock and/or on occasion a racehorse, as I am a jockey. When I built the house I then opened a field entrance onto the road in order to gain access to the treatment plan as also so I could load or unload a horse. There is a gate from the house into the field but I couldn't get heavy plant in through this entrance if I needed to service or empty the treatment unit; and it would do a lot of damage to the driveway if I was trying to bring a horse in through that entrance also, in addition to the road entrance being safer with no risk of a horse escaping, as I have set the gate well back and have double fencing and electric fencing inside.'

- 7.2.5. I share the view of the appellant that granting permission for a separate entrance for the purpose of servicing a treatment system would set a poor precedent. The servicing of a treatment plant is an occasional use and there is no reason why this need cannot be served from the permitted entrance for the dwelling on site similar to the vast majority of rural dwellings in Co. Wexford and in every county of Ireland.
- 7.2.6. However, having regard to the applicant's occupation as a jockey and the stated use of the paddock for the keeping of horses, I consider that access for animals from this location would constitute an agricultural use and would be acceptable. I also note the planning authority report considers that the principle of an agricultural access to serve the southern part of the site including access for animal transport vehicles is considered to be acceptable.
- 7.2.7. As such, I am satisfied that there is an agricultural use at this location and a proven need for the development in accordance with Development Plan requirements.

### **7.3. Other Matters**

- 7.3.1. The appellant asserts that the site boundary of the land is incorrect and the fence has been partially erected on lands outside of the site boundary. The appellant asserts that his architect has verified that the application refers solely to lands within his ownership. It is noted that the planning authority is satisfied as to the validity of the application. A grant of permission, as provided for under section 34.13 of the Planning and Development Act, 2000, as amended, does not provide for entitlement to implement a grant of permission and as such, the Board has no role in relation to this matter.

### **7.4. Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

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

## 9.0 Reasons and Considerations

Having regard to the pattern of development in the vicinity, the nature of the subject development and the established nature of the agricultural land use, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would not adversely affect the residential amenities of the area, would not create a traffic hazard and would, therefore, not be contrary to the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	The development shall be retained 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.  <b>Reason:</b> In the interest of clarity.
2.	No surface water at the location of the gate/entrance shall be permitted to flow onto the public road, and the developer shall agree drainage arrangements in writing with the planning authority to ensure that this is the case, within three months of the date of this Order.  <b>Reason:</b> In the interest of road safety.
3.	The entrance hereby permitted is for agricultural purposes only.



	<b>Reason:</b> In the interest of clarity.
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Emer Doyle  
Planning Inspector

18<sup>th</sup> February 2022