



An
Bord
Pleanála

Inspector's Report ABP-312090-21

Development	Construction of an agricultural shed and associated site works.
Location	Curraduff (ed Rossard), Rossard, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20210986
Applicant(s)	John Murphy
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First Party
Appellant(s)	Philip Kearney
Observer(s)	None
Date of Site Inspection	4 th February 2022
Inspector	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. The site is located on a local road c. 140m north of the junction with the R702.
- 1.2. The site has a stated area of 0.84 hectares and comprises of an existing farm yard and farm buildings. The predominant land use in the area is agriculture with sporadic housing along local roads. There are two neighbouring dwellings adjacent to the site.

2.0 Proposed Development

- 2.1. Permission sought for the following:
 - Agricultural shed with a stated area of 372m².
 - The ridge height of the shed is 6.5m.
 - The uses proposed are stated as hay and straw storage.
- 2.2. Further Information was submitted to the Planning Authority dated the 18th of October 2021 as follows:
 - Details of landholding.
 - Letter from auctioneer which states that there are no redundant farm buildings on the farm.
 - It is stated that the applicant is an active farmer and is also an agricultural merchant trading in animal feed supplies.
 - It is intended that part or all of the proposed structure will accommodate bedding in the form of straw and hay destined for equine markets.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 5 No. standard conditions.

Condition 2 required that the proposed sheds would be for hay and straw storage as per the application drawings and not used to house animal manures for any reason.

Condition 3 required that activities at the facility shall be restricted to those specified in the planning application.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The first planner's report dated 9th of August 2021 considered that the proposed development was appropriately scaled for the site and appropriately located and would be acceptable in principle if the applicants could submit details of landholding and that there were no redundant buildings that could be used for storage purposes.
- The second planner's report dated the 9th of November 2021 considered that the applicant had adequately demonstrated land ownership/holdings and the requirement to build the shed at this location.

3.2.2. Other Technical Reports

- **Agricultural Scientist- Environment Section:** No objection subject to conditions.

3.3. Prescribed Bodies

3.3.1. No reports.

3.4. **Third Party Observations**

- 3.4.1. One third party observation was submitted to the Planning Authority which is similar to the grounds of appeal.

4.0 **Planning History**

I am not aware of any relevant planning history on the site.

Adjacent site:

PA Reg. Ref. 20171066

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

PA Reg. Ref. 20211234/ ABP 311732-21

Permission granted by PA for retention of existing agricultural entrance and associated site works. **Current appeal to the Board.**

5.0 **Policy Context**

5.1. **Development Plan**

Wexford County Development Plan 2013-2019 (Extended)

Section 6.4.6 Agriculture

- 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 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 Natura 2000 sites are located in the general vicinity of the proposed development site:

- River Barrow and River Nore SAC Site Code 002161 c. 3km from site.
- Blackstairs Mountains pNHa Site Code 000770 c. 1km from site.
- Blackstairs Mountains SAC Site Code 000770 c 1km from site.

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:

- The proposed shed will be used for commercial purposes and therefore Section 18.15 (Economic Development) of the Wexford County Council Development Plan is relevant.
- History permissions were not detailed on the application form.
- The site notice should have a yellow background.
- The close proximity of the shed to surrounding dwellings will have a negative impact on the value of property. A letter is attached to the appeal from an auctioneer in this regard.
- The proposed access road does not currently exist. This runs along a stream and will require significant structural reinforcement to accommodate commercial vehicles.
- The existing sheds on the landholding are full of straw and hay and not livestock as stated in the Further Information Response.
- The proposal will negatively impact on traffic as inadequate sightlines are available.
- Concern that the retained agricultural entrance would become the entrance to the proposed development – Current appeal to the Board ABP-311732-21.

6.2. Applicant Response

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

- It is considered that just because a farmer bales hay and stores it does not automatically disqualify him from being a farmer.

- I can access the site from my own lands and do not intend to upset Mr. O' Neill's double horse fence to access the site.
- The figure of my landholding is 50 acres of land plus 50 acres of commonage.
- The site is served by an existing entrance dating back in excess of 100 years.
- The existing hay and straw in the existing shed is for livestock and there is a need for a new structure to accommodate hay and straw away from the existing bovine yard.

6.3. Planning Authority Response

6.3.1. The Planning Authority response can be summarised as follows:

- The proposed shed is to be used for the storage of agricultural materials.
- Wexford County Council have access to searching the planning history and were well aware of the planning history.
- The planning authority considered the impact on the character and amenity of the surrounding area.
- Any impact on residential amenity is not considered to be overly adverse.
- Both the agricultural track and the appellant's dwelling are uphill from the appellant's dwelling.
- For avoidance of doubt, it was known during the application determination that the applicant is an agricultural merchant. Furthermore, the storage of such material at the proposed shed is not considered to create a level of intensity (collection and delivery) over and above that existing to farmyard.
- As the existing barn/shed is used for both storage of bedding and livestock handling, from a bio-security/cross compliance perspective, equine bedding and feeding materials need to be stored separately.
- There is no requirement for a bridge over the river Slaney as there is an existing bridge at this location.

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:

- Use of Proposed Shed
- Residential and Visual Impact
- Impact on Traffic Safety
- Other Matters
- Appropriate Assessment

7.2. Use of Proposed Shed

7.2.1. The appellant contends that the proposed development is commercial in nature and not agricultural and the economic development policy of the Planning Authority should therefore apply.

7.2.2. The stated size of the proposed shed is c. 372m². In the drawings submitted originally with the application, the proposed use is stated as hay and straw storage. Item 2 of the Further Information Request by the Planning Authority required the applicant to 'demonstrate the requirement for the shed by reference to the landholding owned by him and that there are no suitable redundant buildings on the farm holding to accommodate the proposed development.'

7.2.3. The response submitted by the applicant indicated that he owned 50 acres of land and had a further 50 acres of commonage. An auctioneer's letter was submitted which stated that there were no redundant farm buildings on the holding. It was stated that the intended use of the proposed structure was to accommodate bedding in the form of straw and hay destined for equine markets. It was stated that the applicant is an agricultural merchant trading in animal feed supplies.

- 7.2.4. The response from the Planning Authority to the appeal stated that ‘as the existing barn/ shed is used for both the storage of bedding and feeding materials in addition to livestock handling (cattle), from a bio-security/ cross compliance perspective, equine bedding and feeding materials requires to be uncontaminated with little or no dust/dirt.’ It was known by the Planning Authority that the applicant is an agricultural merchant. It was considered by the Planning Authority that the sale of four sites by the landowner was not considered to be significant and that the use proposed was for the storage of agricultural materials.
- 7.2.5. The response to the appeal from the applicant states that the ‘appellant belies a gross misunderstanding of the nature of farming.’ ‘A farmer bales hay and stores it. Just because he then sells some of it does not automatically disqualify him as a farmer and turn him into a commercial merchant of some type, in the same way as a farmer who rears calves and then sells them is still a farmer.’
- 7.2.6. I am of the view that the applicant has demonstrated a need for an agricultural building at this location. There is a requirement at the proposed location to facilitate bio security measures needed to farm and trade in accordance with Department of Agricultural guidance in relation to disease control and cross contamination advice. On the site inspection, I noted that there were existing farm buildings, but these were used to handle livestock and store bales of hay and would not be suitable to store materials for use in the equine industry. The applicant has pointed out that there is a very big demand locally for equine feedstuffs and bedding and that the equine industry in the Killealy area is a big employer and contributes to the local and national economy.
- 7.2.7. I consider that the primary purpose of the application is to provide a shed for the storage of materials to be used in the equine industry. These materials need to be stored separately from other materials to avoid the risk of cross contamination. I note that there are no suitable premises available within the existing farmyard for the use proposed and that the applicant farms a substantial holding in the area. As such, I am satisfied that the applicant has adequately justified that the use proposed is agricultural in nature.

7.3. Residential and Visual Impact

- 7.3.1. The main concerns raised by the appellant in relation to residential and visual impacts are that his property will be devalued by the proposed development. A letter is attached to the appeal from an auctioneer what states that the large agricultural shed will have a significant impact on the value of his property.
- 7.3.2. The proposed shed has a ridge height of 6.5m and a floor area of 372m². It is set back c. 58m from the regional road and c. 60m from the local road. In my view, it will not be readily apparent from either road due to the presence of a dense and mature hedgerow along the regional road and the proposed location to the rear of the appellant's dwelling on the local road. I would also note that agricultural buildings of this scale and type are common in this part of rural County Wexford and there are already a number in the surrounding area.
- 7.3.3. The proposal is of a standard agricultural design with a mix of concrete and metal cladding for the walls and roof. Whilst the structure will be visible from some surrounding areas, I do not consider that the placement of such a structure and its associated activity in a strongly agricultural rural area would be seriously injurious to the residential or visual amenities of the area. I note that the proposed agricultural building is located c. 40m to the east of the appellant's dwelling and c. 57m to the south of a newly built dwelling in the ownership of Mr. O' Neill – current appeal for the retention of an agricultural entrance under ABP-311732-21. Having regard to the site topography, the existing boundary planting, the separation distances and the presence of similar structures in the surrounding area, I am satisfied that the proposed development will not have a significant adverse impact on the residential or visual amenities of the area.

7.4. Impact on Traffic Safety

- 7.4.1. The main concern raised regarding traffic safety is that existing sightlines at the existing entrance are inadequate. Concern is also raised that the retained agricultural entrance currently on appeal to the Board may become the entrance to this development as the proposed access road does not exist at present.

- 7.4.2. The Planning Authority response refers to the current application for the retention of an existing agricultural entrance currently under appeal under ABP-311732-21 and states that it is considered inappropriate to comment further with respect to this appeal so as not to prejudice the determination by An Bord Pleanála.
- 7.4.3. The response submitted by the appellant states that he can access the shed from his own lands and he does not intend to use Mr. O' Neill's lands. It is intended to use the existing farm entrance which has been in existence for in excess of 100 years.
- 7.4.4. There are no reports from the roads section of the Planning Authority with regard to traffic safety at this location. Whilst the sightlines are somewhat restricted to the north, I am of the view that the sightlines are adequate for the storage use proposed at this location. I note the existing entrance is very wide, there is ranch type fencing at the entrance, there are no trees or hedgerow blocking visibility, and the entrance has served a farm for in excess of 100 years. I note that there is access from the existing farmyard to the rear of the existing boundary and stream to the field in which the proposed shed is to be located. There is an established access over the stream which is sufficiently wide for vehicular access and appears to have been in existence for a considerable period of time. I note that only a very small part of the track is surfaced close to the existing farmyard.
- 7.4.5. I am of the view that there is no indication from the applicant either in the Further Information or appeal responses that there would be sale of goods from the proposed shed. The primary purpose of the proposed shed is for the storage of hay and straw for use in the equine industry.
- 7.4.6. In terms of the applicant's concern regarding the use of the entrance belonging to Mr. O' Neill, this matter is currently before the Board and does not form part of the current application. Should the applicant propose to use this entrance in the future, planning permission would be necessary for same.
- 7.4.7. Having regard to existing established use of the site for agricultural purposes, the presence of an active farmyard, the proposed use for the storage of hay and straw associated with the equine industry, the limited scale and nature of the proposed development and following a site inspection, I am satisfied that the surrounding road network has adequate capacity to accommodate the proposed development without detriment to public safety.

7.5. Other Matters

- 7.5.1. A number of issues have been raised by the appellant in relation to the validity of the application including the previous history of a withdrawn application and the submission of a new application by a different applicant without a yellow site notice. Concerns were also raised in relation to links between both applicants.
- 7.5.2. I note that the Planning Authority has addressed these matters in their response by saying that it has the ability to search the planning history of the site and the first application was withdrawn and there was no need for a yellow site notice. In terms of the links between the applicants and subsequent breaches, the Planning Authority states that in the event of any subsequent breaches/ uses occurring, any affected person could contact the Enforcement Section and it is not for Wexford County Council to draw conclusions on any alleged links as part of a planning application/ appeal response.
- 7.5.3. I am satisfied that the planning application is valid and whilst I am aware that there was a previous withdrawn application by a different applicant, this matter is not considered to be relevant as the application was subsequently withdrawn. In terms of any future non- compliance, the Board has no role in these matters and it is a matter for the Planning Authority.

7.6. Appropriate Assessment

- 7.6.1. 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. 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

9.1. Having regard to the established agricultural use of the site, the nature, scale and use of the proposed development for the storage of bedding in the form of hay and straw destined for equine markets, the nature of the receiving environment, the pattern of development in the vicinity and the relevant provisions of the Wexford County Development Plan 2013-2019, it is considered that, subject to compliance with the conditions set out below, the development proposed would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would constitute an acceptable use at this location. The development proposed would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 18th day of October, 2021, 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 and the development shall be retained in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Arrangements for the disposal of surface water shall comply with the requirements of the planning authority for such works.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p>
3.	<p>The roof and elevational cladding of the proposed structure shall be coloured to match the existing farm complex. Details in this regard shall be</p>

	submitted to and agreed in writing with the planning authority prior to commencement of development. Reason: In the interest of visual amenity
4.	The proposed shed shall be used for hay and straw storage only in association with the landholding details submitted with the application and shall not be used for commercial purposes. Reason: In the interests of traffic safety, clarity, and orderly development.

Emer Doyle
Planning Inspector

18th February 2022