



An
Bord
Pleanála

Inspector's Report

ABP-313238-22

Development	Relocation of existing agricultural entrance and new agricultural shed
Location	Drumgower, Horse and Jockey, Thurles, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	21910
Applicant(s)	Cyril & Ailish Darmody
Type of Application	Retention Permission & Permission
Planning Authority Decision	Grant Retention Permission & Permission
Type of Appeal	Third Party
Appellant(s)	Gerard O'Hara
Observer(s)	None
Date of Site Inspection	23 rd of March 2023
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The development site (stated area 0.965 ha) is situated in the townland of Drumgower, c. 2km north of Horse and Jockey. It is accessed via the local road network, and the entrance is on the southern side of the L4156. It is approx. 4km to the south of Thurles, and less than 1km to the east of the crossroads junction with the N62. The local road bridge is across the M8 further to the east. The junction of the N62 (6) and the M8 lies further to the south.
- 1.2. The site is within the rural agricultural area. The site which is relatively flat and partially laid to grass, is adjacent to and forms part of the landholding of a recently built two storey dwelling house. There is newly planted beech hedgerow, along the roadside frontage. The existing access to the dwelling is centrally located on the southern side of the L4156, there is also a farm entrance and access route for the subject site close to the western site boundary.
- 1.3. The surrounding area is rural in nature and there are a number of one-off and farm dwellings and agricultural buildings in the area. There is a gated access to a house and farm buildings opposite the proposed site entrance. There are houses to the east and west of the site. The house to the west has some planting along its eastern and southern boundaries adjoining the site. There are also hedgerows along the eastern and southern site boundaries. There is a grass verge along the site frontage with the fast busy local road.
- 1.4. Some works, including a track along the western site boundary and surfacing have been taking place and proximate to the southern site boundary to facilitate the new agricultural shed. However as noted on the day of the site visit, the shed (which requires planning permission) has not been constructed. I also noted on my site visit, that there were no livestock on site, nor on the adjoining landholding, nor any evidence of such. There was no signage or evidence of a commercial business.

2.0 Proposed Development

- 2.1. This development consists of the following:
 - Retention permission for existing farm access road and existing hard surface yard;

- Permission to relocate the existing agricultural entrance to provide a new agricultural entrance;
- Permission for an agricultural shed and all associated works.

3.0 Planning Authority Decision

3.1. Decision

On the 10th of March 2022, Tipperary County Council, granted:

- Permission for Retention for development of land namely, existing farm access road and existing hard surface yard and
- Permission to relocate the existing agricultural entrance to provide a new agricultural entrance and for agricultural shed and all associated site works;

This is subject to 4no. conditions which in summary these include: Compliance with plans and particulars and as amended by the further information submitted; the entrance to be used as an agricultural entrance only, to include details of boundary treatment; external finishes of the agricultural building; recycling and disposal of waste.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner had regard to the locational context of the site, planning history and policy, to the interdepartmental reports and the submissions made. Their Assessment included the following:

- They considered the proposal relative to agricultural development to be acceptable in principle.
- They noted the District Engineer has no objections subject to conditions.
- They had some concerns that the location of the entrance would have a significant impact on the neighbouring property.
- That there was a lack of clarity as to why the applicant, with a landholding of 8 acres requires an agricultural shed of 174m² GFA.

- They have undertaken a screening of the development for AA (Appendix 1) and provide that an AA is not required.
- Development contributions are not required due to the nature and scale of the development (currently below the threshold exempted under the DCS 2020).

Further Information request

The Planning Authority's F.I request included the following:

- They considered the size of the shed to be disproportionate to the size of the landholding and requested a justification for the proposed agricultural shed be submitted.
- They have serious reservations about the proposed location of the farm lane along the western boundary to the side and rear of neighbouring residential property and request that a revised location for the access be submitted.
- The applicant was advised to submit revised plans and elevations of the new entrance and roadside boundary treatment.

Further Information response

Darmody Architecture's response on behalf of the applicants included the following:

- They include a letter, from the applicants which, outlines reasons why they require the proposed agricultural shed at 174sq.m. Noting that this agricultural shed will be multipurpose and will also serve the home farm with over 100 acres in nearby Bawnlea.
- A revised Site Layout Plan has been submitted which proposes a revised location of the access lane 20.5m from the western boundary of the neighbouring property.
- A comprehensive landscaping scheme is proposed to screen the development from the neighbouring property on the western boundary.
- The area and outline of the site to which the application relates had increased from 0.965ha to 1ha to accommodate the proposed relocated lane and landscaping.

- The revised drawings note the proposal to provide a 1.2m high random limestone faced masonry as the front boundary wall and omit the wooden post and rail fence.

Planner's response

The Planner had regard to the F.I submitted and their response included the following:

- They noted that the proposed agricultural shed is to be used for domestic and agricultural purposes which they deemed to be acceptable.
- The revised location for the proposed access lane is deemed to be acceptable in that it would reduce the impact on the neighbouring residential property.
- The revised plans and elevations of the new entrance and roadside boundary treatment are to the satisfaction of the planning authority.
- They consider that the development complies with the policies and objectives of the North Tipperary CDP 2010 (as varied) and that the development does not have an adverse impact upon the character of the area or the amenities of adjoining properties. They recommended a grant subject to conditions.

3.3. Other Technical Reports

District Engineer

They refer to sightlines and have no objections subject to conditions regarding surface water drainage to be managed on site.

3.4. Prescribed Bodies

None noted on file.

3.5. Third Party Observations

Submissions made by local residents have been noted in the Planner's Report. Their concerns regarding the impact of the proposed development on their residential amenity and the amenities of the area have been noted. These are considered further in the context of the Grounds of Appeal as referred to below.

4.0 Planning History

As noted in the Planner's Report, the following permission is relevant to the site:

- Reg.Ref.16/600348 – Permission granted subject to conditions by the Council to Cyril & Ailish Darmody for the construction of a two storey dwellinghouse, entrance, garage, a private well, a packaged waste-water treatment system and polishing filter and all associated site works.

This has been constructed and is to the east of the subject site on the greater landholding.

5.0 Policy Context

5.1. Tipperary County Development Plan 2022-2028

This is now the pertinent plan, made for the county of Tipperary and is adopted and is effective from the 22nd of August 2022.

Introduction - Framework

Section 1.1 provides: *This is the first Plan ever prepared for the entire county of Tipperary, and it replaces the South Tipperary Plan 2009, and the North Tipperary County Development 2010. This Plan was adopted at the plenary meeting of Tipperary County Council (the Council) on 11th July 2022.*

Section 1.1.1 notes: *This Plan is influenced by, and must comply with, a set of overarching planning frameworks, each shaping and coordinating planning, economic and spatial development at national, regional and local levels. These include the National Planning Framework 2018 (NPF), and the Southern Regional Spatial and Economic Strategy 2020 (RSES).*

Section 1.4 provides: *The development objectives in this Plan are consistent, as far as practicable, with the conservation and protection of the environment...*

Core Strategy

Section 2 provides the Core Strategy. Table 2.3 Settlement Typologies. It is noted that the subject site is located outside of any settlement in the open countryside. It is to the west of the village boundaries of Horse and Jockey.

Roads

Section 12 refers to Sustainable Transport. This chapter sets out policies and objectives in the Plan to enhance national and regional connectivity and to support development of a sustainable transport strategy for the county.

Section 12.6 provides the Planning Policy. This includes:

12-4 Maintain and protect the safety, capacity and efficiency of Tipperary's roads network and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities, (DECLG, 2012) and the Trans-European Networks Regulations and to avoid the creation of additional access points to national roads to which speed limits greater than 60kmh apply.

Agriculture

Section 3.4.1 acknowledges the importance of agriculture as part of the rural economy. It supports national programmes for sustainable agriculture as a key component in a sustainable and low-carbon economy.

Section 8 refers to Enterprise and Rural Development.

Section 8.4.1 notes that the Council will support sustainable expansion of agriculture and horticulture, where it is demonstrated that it respects the natural functions of the environment, including water systems and ecology.

Section 8.4.4 refers to Start-up Enterprise in the Open Countryside.

Section 8.6 includes Planning Policies. This includes:

8-4: Facilitate the development of alternative farm enterprises, whilst balancing the need for a proposed rural-based activity with the need to protect, promote and enhance the viability and environmental quality of the existing rural economy and agricultural land.

8-5: Support and facilitate small-scale start up-rural enterprise in the countryside within and/or adjoining the owner's home. Development proposals will be required to meet the following criteria:

a) The development shall not have an adverse impact on the residential, environmental and rural amenity of the area;

b) Any new structure shall be of a scale appropriate to the size of the site, and be sited and designed to ensure it does not detract from the rural setting and landscape character of the area;

c) Where the enterprise or activity develops to a scale that is inappropriate by virtue of activity or size in its rural context, the Council will encourage its re-location to a more suitable location on zoned land within towns and villages, and,

d) Uses that would entail significant customer draw, including non-farm related shops/retailing will not be considered appropriate.

Environment

Section 11 has regard to Environment and Natural Assets

This includes regard in Section 11.3 to Conservation and Protection of 'European Sites' SACs and SPAs.

Section 11.4 refers to Water Quality and Protection noting regard to the Water Framework Directive.

Section 11.8 to Noise and Light Emissions.

Section 11.9 provides policies relevant to the protection of the environment.

Volume 3 – Development Management Standards

Roads - Section 6.1 refers to Parking, Traffic and Road Safety.

Section 6.1 refers to Road Design & Visibility at a Direct Access.

A direct access is a vehicular access from any residential, commercial or agricultural property to and from a public road. New direct accesses shall not be permitted within 90m of the exit of a roundabout on a national road, or within 50m of the exit on a non-national road.

Table 6.1: X-Distance Requirements and is relative to junctions and accesses for Regional and Local Roads.

For direct access to a non-national road, the same principles apply as for national roads. Where posted mandatory speed limits are provided the design speeds and associated Y-Distances in Table 6.2 shall apply.

5.2. Natural Heritage Designations

The site does not adjoin nor is it proximate to any Natura 2000 site.

5.3. EIA Screening

The proposed development and that for retention does not fall within the scope of any of the Classes of development for the purposes of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

A Third Party Appeal has been submitted by local resident, Gerard O'Hara. In summary this includes the following:

Procedural issues

- The proposed development is on land which borders their property on the eastern and southern boundaries (an aerial view showing this property and the existing access routes is included). Appendix A refers.
- They have regard to the to the applicant's response to the Council's RFI. However, concerns remain regarding the development. They note that the proposed changes as proposed in the F.I revised plans were not readvertised.
- They welcome the landscaping scheme and the change in the plans submitted, which moves the proposed 'farm access road' 20.5m from their eastern and southern boundary.
- The appellant had intended to submit his own submission regarding the RFI but notes that the Council's decision had been made.

Proposed Agricultural Shed

- The development proposed and to be retained would be contrary to the proper planning and sustainable development of the area.
- The reason for the scale of the 'agricultural shed' in relation to the size of the landholding has not been adequately justified and would be disproportionate.

- They note the need to promote sustainable forms of agriculture and the impact of intensive farming emissions, water quality and biodiversity.
- They note it appears that there is an extensive amount of farm buildings at Bawnlea already (Ms Darmody's home farm) located over 20kms away from the site in Drumgower.
- The storing of large amounts of machinery in Drumgower for use on land that is a considerable distance would have a negative effect on the environment and amenity of Drumgower, Bawnlea and the areas in between due to increased traffic, fuel and noise pollution.
- The constant movement of agricultural machinery from the 'agricultural shed' to the farm makes no sense in the context of energy conservation, proper planning and sustainable development of the area.
- Concern that the 'agricultural shed' may not be used for agricultural purposes, but for the storage of machinery related to the applicant's construction business (BDS Construction).
- The existing unauthorised entrance, farm access lane and yard have been used principally by non-agricultural traffic.
- The plans submitted do not include a detailed floor plan indicating how, or whether the proposed shed is to be subdivided internally for the various proposed uses.
- The development will have a negative impact on the local area in terms of sustainable development and amenity. There is no condition specifying that the proposed 'agricultural shed' is to be used for agricultural use only.

Concerns about Conditions

- Notwithstanding the concerns regarding the GFA and proposed use of the 'agricultural shed' as has been outlined, they have serious concerns that there are no conditions in the permission to grant in relation to the sequencing of the proposed activities i.e movement of the entrance and the farm access road, landscaping and building of the 'agricultural shed'.

- As noted in the F.I submission the application includes the creation of a new agricultural entrance and the construction of a new farm access lane. The existing entrance and farm access lane, which were constructed without planning permission in July 2018, will be closed and the farm access lane reinstated to agricultural use.
- They note the extensive hours of the use of the existing access lane from as early as 5.45am to as late as 10pm. This has a negative impact on their residential amenities.
- It is of concern that no explicit conditions are in place regarding the sequence of the development. Concern that the existing farm access lane will be used for construction traffic while the proposed 'agricultural shed' is built along with continued traffic related to the construction business, agricultural business and the movement of machinery from Drumgower to Bawnlea.
- The new entrance and farm access should be the first elements of the development to be completed followed by the closure of the existing entrance and the reinstatement of the existing farm access in 'agricultural use'. The front boundary wall should be built prior to the construction of the 'agricultural shed'. In addition, consideration should be given to a condition regarding the times during which construction work may be undertaken.

Concern regarding the implementation of planning permission

- Horticultural contractors have been on the site to lay a new beech hedge from the entrance to the applicant's house to the current unauthorised entrance. The fact that a new beech hedge has been planted along the boundary with the road may indicate that this wall will not be built.
- They note the boundary treatment and landscaping condition and have concerns that this will not be carried out as planned. They note previous landscaping conditions relative to the dwelling house (Reg.Ref.16600348) have not been fully complied with.
- While they note the inclusion of a condition on disposal of surplus waste they have difficulties in seeing how it will be enforced.

- They include a copy of their submission to the application, which includes reference to the unauthorised development and the negative impact of the development on their residential amenities.

6.2. Applicant Response

A First Party response has been submitted by Virtus on behalf of the Applicants. This provides details of the locational context of the site, a summary of relevant Local Planning Policy and has regard to the Council's decision. Their response to the Third Party Grounds of Appeal includes the following:

Procedural issues

- The planning authority did not consider the F.I significant in relation to its effects on the environment and therefore the applicant did not need to advertise the F.I submitted in this instance. They refer to Part 4, Article 35 of the Planning and Development Regulations 2001-2022 and to Section 34(8) of the Planning and Development Act relative to this issue and the 4 week period to make a decision.
- The Council's approval of the RFI submission was made in accordance with the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

Agricultural Shed

- They provide details of the proposed agricultural uses of the shed to be used as a multi-purpose build to house livestock, store feed, machinery, equipment and stock required to serve and support their livestock farming practice in the landholding.
- The size of the shed is needed to support their livestock and all associated infrastructure and supplies.
- The shed will be used primarily to serve the livestock farming practice in Drumgower. It is proposed to support Bawnlea farm, with periodic movement of machinery and supplies. Frequent movements of livestock and machinery, equipment or supplies between the two farms will not take place.

- The shed may be used for the storage of the applicant's construction business (BDS Construction). It will have no affiliation with this business and will be used solely for farming practices.
- They provide details of the internal layout of the shed.

Farming Operations

- They note that while the 8 acre farm is less than average size, that Drumgower farm is very open and is supported by the 100 acre farm at Bawnlea as the herd expands and more feed supplies and land is needed.
- The proposed development will have links with the farm at Bawnlea and will use this farm to support Drumgower farm and vice versa, nonetheless the interaction between these farms will be sporadic.
- Traffic movement and noise generation will not exacerbate the existing agricultural movements on the public roads in the vicinity.
- Noise pollution to the neighbouring property will be mitigated by moving the existing agricultural lane 20m further to the east in the landholding and landscaping to provide additional screening.
- It is not considered that the emissions generated by the farm operations would be excessive, due to size and location.
- It is their intension to move towards modern electric farm vehicles and machinery and to insert solar panels.
- The entrance, lane and shed will be used for agricultural use only.

Regard to Conditions

- They intend to comply with the Council's Engineering Section's recommended condition, relative to surface water drainage.
- There is a septic tank and percolation system to the southeast of the house that manages foul water and surface water, in addition to other SUDs around dwelling and its curtilage, such as permeable paving etc.
- The proposed development includes and extensive landscaping scheme which was designed by a qualified landscape architect.

- They note that condition no.2 refers to the use of the entrance as an agricultural entrance only. This would make the shed an agricultural use building only as the entrance cannot be used for any other purpose.
- They contend that condition no. 2 of the Council's permission allows the applicants to have a choice of retaining the native planted beech or replacing the hedge with a new native sod, stone faced masonry or dry stonewall along the roadside boundary.
- They note the reference to the landscaping scheme not having been carried out relative to their previous permission Reg.Ref. 16600348 (Condition no.6). They submit that the landscaping scheme as shown in the approved drawings for Reg.Ref. 21910 will be implemented as part of the proposed development and in accordance with Condition no.1 of the Council's permission.
- Having regard to disposal of waste they provide that they will comply with condition no. 4 of the Council's permission for the lifetime of the development.

Impact on neighbouring property

- Having regard to sequencing, it is intended to construct the shed using the existing lane and entrance. Impacts on the property on the north-western boundary will be controlled and monitored during these works.
- The site building works will follow normal construction site development work times and they provide details of such, including proposed hours of operation.

Summary and Conclusions

- This is submitted relative to all the points made in their response to the appeal. They request the Board to approve the Council's permission.

6.3. Planning Authority Response

The Planning Authority have not responded to the Grounds of Appeal.

6.4. Observations

None noted.

7.0 Assessment

7.1.1. This is a Third-Party Appeal against the Council's decision to grant permission subject to conditions for the proposed development. Having regard to the documentation submitted, to planning history and policy, the issues raised in the Grounds of Appeal and to the First Party response, and to my site visit, I would consider that the issues primarily centre on:

- Policy Considerations
- Background
- Access and Layout
- Regard to Agricultural Shed
- Drainage issues
- Appropriate Assessment

7.2. Policy Considerations

7.2.1. It is noted that this proposal was considered by the Council, under the North Tipperary County Development Plan 2010 (as varied) and that their Assessment includes reference to a number of policies and objectives under this plan. This has now been superseded by the policies and objectives of the Tipperary County Development Plan 2022-2028, and those of relevance have been noted in the Policy Section above and further in the Assessment below. This includes those relevant to the proposed development, agricultural development, access and environmental issues.

7.2.2. Chapter 8 of the Tipperary CDP 2022-2028 sets out the strategy for Enterprise and Rural Development. This includes in Section 8.4.1 that the Council will support the sustainable expansion of agriculture, where it is demonstrated that it respects the natural functions of the environment, including water systems and ecology. In addition, that the Council will favourably consider projects ancillary to existing farming activities, such as renewable energy in agriculture, which contributes toward the viability of the farm and the rural community. As noted in the Policy Section above Section 8.6 provides the Planning Policy and Policies 8-4 and 8-5 refer to the

criteria for small-scale start up rural enterprise in the countryside. This includes reference to ensuring that the development would not detract from its rural setting, environment and the landscape character of the area.

- 7.2.3. The Council acknowledges the importance of agriculture as part of the rural economy. Regard is had to National and Regional Policy. Reference is also had to 'Our Rural Future' Rural Development Policy (DRCD 2021), which refers to supporting the sustainability of agriculture. While agricultural development is generally supported, the scale and usage of the proposed shed has been queried. This is particularly in view of the small size of the landholding and the applicant's justification in response to the Council's RFI and to the Third Party Grounds of Appeal. It is of note that Class 6 of Part 3, Schedule 2 of the Planning and Development Regulations 2001 (as amended) refers to *Exempted Development for Agricultural Structures*. This includes: *No such structure shall be used for any purpose other than the purpose of agriculture.*
- 7.2.4. Regard is had to the Third Party concerns, including relative to the location of the entrance and access route, to the siting, design and layout and the proposed usage of the agricultural shed in this Assessment below. Also, to the impact of the agricultural access on the adjoining property to the west of the site and to issues of road safety, the character and amenities of the area and the environment.

7.3. **Background to Development**

- 7.3.1. Permission was granted subject to conditions by the Council for the construction of a two-storey dwelling house, entrance, domestic garage, a private well, a packaged waste-water treatment system and polishing filter and all associated site works on the landholding at Drumgower, Thurles (Reg.Ref.16600348 refers). This dwelling has now been constructed and is occupied. The new centrally located gated entrance to serve this dwellinghouse is in situ. This site included the subject landholding (3.69ha). The current applicants are as per the previous application.
- 7.3.2. It is of note that the subject site, shown red as extended in the F.I submitted (c.1ha) is located along the western edge of the larger landholding. There is an existing unauthorised entrance to the local road and an access route that runs along the western boundary to the area proposed for the agricultural shed to the rear in the

southern part of the site. While some construction works have been commenced, this building has not as yet been constructed and requires permission.

- 7.3.3. The Third Party provide that the existing entrance and farm access lane, were constructed without planning permission in July 2018. They are concerned about the impact on their residential amenities and the amenities of the area and they request that this access be closed and the farm lane be reinstated to agricultural use.

7.4. Access and Layout

- 7.4.1. Currently there are two accesses to the greater landholding i.e that centrally located and associated with the applicant's permitted dwelling, and that unauthorised proximate to the western site boundary. The latter is associated with the subject site and the works thereon. As shown on the revised Site Layout Plan submitted it is proposed to remove the unauthorised entrance from the western boundary and to relocate it to a location c.30m further to the east so that it is opposite the entrance on the opposite side of the local road. This will result in two separate accesses to the subject lands within 25m along the road frontage.
- 7.4.2. It is noted that sightlines appear to be adequate and that the Council's District Engineer, has not objected. However, regard is had as to the need/desirability for the creation of a second access to serve what is a relatively small landholding and noting the existing access has already been constructed to serve the dwellinghouse and associated works (16/600348 refers). The proposed relocated access is to provide an access route to serve the proposed agricultural shed.
- 7.4.3. In response to the Council's F.I request and to the Third Party concerns, it is now proposed to move the existing access track (recently constructed and not shown on the original landholding associated with the permitted dwelling or on aerial photography) c.20.5m from the western site boundary. As shown on the plans submitted with the F.I the unauthorised access is to be removed and the access route proximate to the western site boundary is to be reinstated to agricultural use. The revised Site Layout Plan shows that this area, to the west of the proposed entrance route is then to be landscaped. I would consider that the revised location of the access and route will have less of an impact on the appellant's property and

neighbouring land to the west. It is recommended that if the Board decides to permit that a landscaping scheme be submitted.

7.5. Regard to the Agricultural Shed

- 7.5.1. The Site Notices refer to the provision of an agricultural shed. This is to be sited at the rear and southern part of the site. As shown on the Site Layout Plan it is to be well set back and sited c.216m to the south of the Appellant's dwellinghouse and c. 118m from the Applicants dwelling house and c. 245m from the road. It is shown to be sited close to i.e. c.3m from the southern and eastern site boundaries. The Site Layout Plan shows that the 'Existing Yard is to be retained'. It is of note that this yard is under construction to serve the shed. If the Board decides to permit, in order to allow the retention and augmentation of boundary landscaping to aid screening I would recommend that it be conditioned that the shed be sited a minimum of 4m from the southern and western site boundaries.
- 7.5.2. The application form provides that the floor area of the shed is given as 174sq.m. The floor plans show the rectangular form and some disparity in that it shown to be 7.9m in width by 24.95m in length i.e 197sq.m. The Elevations show that it is proposed to have a barrell vaulted corrugated metal roof and be 7.625m in height. It is also proposed to have recessed steel sliding doors on the north and eastern elevations. External finishes are to include corrugated steel cladding over the steel structure. It is noted that the Council included a condition relative to external finishes. Condition no. 3 stipulates that the building be painted dark green. If the Board decides to permit, I would recommend a similar type condition.
- 7.5.3. The Council's F.I request queried the size of the proposed shed relative to the small size of the landholding (i.e 1ha – subject site (shown red) and taken from 3.69ha (shown blue)). The applicant was requested to submit a justification for the proposed shed. The F.I response provides that the agricultural shed will be multipurpose and will also serve Ailish's home farm with over 100 acres in nearby Bawnlea. A letter has been submitted from the applicants relative to their proposed farming enterprises. This notes that they intend to farm the home farm and the need for the shed to shelter and house their animals (starting with a single suckler herd of pedigree cows/calves at foot and one bull). They require a section of the shed to

have a cattle crush set up. Also, to store feed/ hay, meal/bedding straw etc. They note that a section of the shed store will also shelter the required farm machinery, tractor, trailers, JCB loader, diet feeder, much spreader, fertilizer spreader, land roller, baler and tractor mounted mower.

- 7.5.4. It is noted that a floorplan/layout showing how the shed is to be utilised/sub-divided has not been submitted. The First Party response provides that the precise internal layout of the shed has not been agreed, but that it will be fully open plan with different sections allocated for cows calving; an area for the cattle crush (for the safe entry and exit of cattle to and from the shed from the landholding fields), and storage of farm machinery, hay and feed for the cattle.
- 7.5.5. The Third Party is concerned that the size of the agricultural shed is disproportionate to the size of the landholding in order to serve another farm 20km away as well as house animals, feeds, bedding and machinery. They note that there are several farm buildings on the home farm and query the sustainability of movements of livestock and machinery. Also, that the 'agricultural shed' may not be used for agricultural purposes, but for the storage of machinery related to the applicant's construction business (BDS Construction). They note that the shed has not been conditioned as being solely for agricultural purposes.
- 7.5.6. The First Party response includes that the proposed development will have links with the farm at Bawnlea and will use this farm to support the Drumgower farm and vice versa, but that nonetheless the interaction between these farms will be sporadic. That the use of the Bawnlea farm in support of the proposed development and agricultural use will be infrequent and will not exacerbate agricultural traffic, emissions, and noise in the immediate and surrounding areas. While they reiterate that the proposed development will be for agricultural use only, they note that the shed may also be used for the storage of the applicant's construction business (BDS Construction).
- 7.5.7. I would consider that there is some lack of clarity concerning these issues. I would be concerned about the scale of the proposed shed relative to potential for commercial use. If the Board decide to permit, I would recommend, that it be conditioned that the use of the shed be restricted to agricultural use and associated storage. In addition, that the floor area be reduced to a maximum of 174sq.m as

proposed on the application form and that the shed be sited so it be a minimum of 4m from the western and southern boundaries and that it be conditioned that revised plans be submitted showing this. Also, that a proposed layout plan for the various agricultural uses within the shed be submitted for the written agreement of the planning authority.

7.6. Drainage issues

- 7.6.1. The Council's District Engineer recommended a condition regarding surface water drainage. While noting the Council's permission did not include this condition, the First Party response provides that the applicant has ensured that the layout of the proposed scheme complies with this condition. They provide that there is a soakaway to the north of the proposed shed that will manage all surface run-off on-site and that enters from the adjoining sites. They note that there is an existing septic tank and percolation system to the southeast of the existing house that manages foul water and surface water. This is in addition to other SuDs measures around the dwelling and its curtilage, such as permeable paving, etc.
- 7.6.2. Having regard to the latter, the septic tank and percolation area and SuDs measures are relative to the dwelling house and not the proposed agricultural shed. If the Board decides to grant it is recommended that a drainage condition including relative to the proposed agricultural shed and yard area should be included.

7.7. Appropriate Assessment

- 7.7.1. Having regard to the nature and scale of the proposed development and retention development and the nature of the receiving environment and distance to the nearest European site, it is concluded that no Appropriate Assessment issues arise and the development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission and retention permission be granted subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development and that proposed for retention, on unzoned land in the rural area and related solely to agricultural use, it is considered that subject to the conditions below, that it would not have an adverse impact on the environment, amenities of adjoining properties or be visually detrimental to the character of the area, be prejudicial to public health or result in traffic hazard. The proposed development and retention development would, therefore, would not detract from and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The proposed development and retention development shall be carried out and completed, in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 16th day of February 2022, and by the further plans and particulars received by An Bord Pleanála on the 3rd of May 2022, 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 proposed development and that for retention hereby permitted shall be used only for agricultural purposes and associated storage, and for no other purpose, without a prior grant of planning permission for change of use.

Reason: In the interest of residential amenity.

3. Prior to the commencement of the development the applicant shall submit the following for the written agreement of the planning authority:
 - (a) Revised plans showing the agricultural shed setback a minimum of 4m from the western and southern site boundaries and that the maximum gross floor area of the shed shall not exceed 174sq.m.

- (b) Floor plans showing the sub-division for the proposed agricultural uses including the housing of animals, cattle crush and storage areas within the shed,
- (c) Proposals for the disposal of effluent/waste relative to the use of the shed including for animals.

Reason: In the interests of clarity and public health.

4. (a) Detailed specifications, including sequencing for the removal of the unauthorised access and provision of the relocated access from the public road and access route through the site to serve the proposed agricultural development to be in accordance with that shown on the revised Site Plans submitted to the Council on the 16th of February 2022 shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

- (b) The existing unauthorised access and access route proximate to the western boundary of the site, shall be closed up and reinstated to agricultural use.

Reason: In the interest of traffic safety and residential and visual amenity.

5. The roof and elevational cladding of the proposed agricultural shed shall be coloured dark green unless otherwise agreed in writing with the planning authority.

Reason: In the interests of the visual amenities of the area.

6. Water supply and drainage arrangement for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard:

- (a) Uncontaminated surface water run-off shall be disposed of directly in a sealed system and

- (b) All soiled waters shall be directed to a storage tank.

- (c) All drainage details, including surface water drainage at the entrance to the site shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development.

Reason: In the interest of environmental protection and public health.

7. The site shall be landscaped, using only deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This scheme shall include for boundary treatment, including that along the road frontage.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size species, unless agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Angela Brereton
Planning Inspector

24th of May 2023