



An
Bord
Pleanála

Inspector's Report ABP-313539-22

Development	Construction of agricultural storage shed and associated site works
Location	Rathgranny & Ballindurrow , Multyfarnham , Co Westmeath
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	2280
Applicant(s)	Simon McGovern
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Simon Mc Govern.
Observer(s)	None
Date of Site Inspection	30/01/2023.
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The subject site is located to the south of a local rural road, L-1820. It is positioned 500metres from the edge of Multyfarnham.
- 1.2. The subject site is 0.29ha and consists of an entrance and a field. The field is to the rear of an old dwelling, outbuilding and hard standing area. There are no defined boundaries internally on the landholding, there is a new dwelling currently under construction to the west of the site. The site is within a larger landholding that includes an old dwelling along the roadside boundary, an outbuilding, a hard standing area, which stores cars, vans, crashed vehicles, and the new two storey dwelling currently under construction.
- 1.3. Visibility at the access is good in both directions. The roadside boundary includes trees and mature hedging.
- 1.4. The southern site boundary is a mature hedge.
- 1.5. The general topography is flat with no notable features.

2.0 Proposed Development

- 2.1. It is proposed to construct an agricultural storage shed for machinery with a stated total floor of 267.5sqm. There are two roller shutter doors and 2 normal doors on the front (northern) elevation. The specification is half nap plaster finish and cladded sheeting.
- 2.2. The applicant is also the owner of the dwelling currently under construction to the west of the site.

3.0 Planning Authority Decision

3.1. Decision

Westmeath Co. Co. Refused the proposed development by Manager's Order on the 14th of April 2022 for two reasons:

1. It is considered that the agricultural need for the use, scale and extent of the proposed structure has not been demonstrated in terms of serving an

agricultural landholding, the restricted site size and existing use of the proposed subject site it is not considered to an agricultural landholding and accordingly would contravene policy CPO 9.28 of Westmeath County Development Plan 2021-2027 and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to its design and siting, it is considered the absence of satisfactory justification to the contrary, the subject structure which is more akin to a commercial design form is inappropriate in a rural context and represents an ad hoc piecemeal development and would if permitted interfere with the character of the landscape, seriously injure the amenities of the adjoining residential property, would set an undesirable precedent for similar development of this type in a rural area, would depreciate value of property and would be contrary to policy CPO 16.53 and accordingly, would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

- No details of farming/ agricultural activities have been provided. There were no existing agricultural buildings, livestock, fodder evident at time of inspection.
- The site is only 0.29Ha which is small for agricultural activities
- The site is currently used as a vehicle recovery service.
- The primary use of the site is residential, and an agricultural building cannot be considered incidental to the enjoyment of the existing dwelling or for the dwelling granted under 21/231.
- Concerns that the shed will be used for the applicants 24 hour car recovery business which is located in Multyfarnham, 720m north east of site.
- The shed is positioned too close to the dwelling currently under construction and it may have noise/ nuisance impacts on nearby dwellings.

3.2.2. *Other Technical Reports*

District Engineer: No objections

Environment Section: No objections subject to 7No. environmental conditions relating to construction activities, fuelling of plant and machinery, oils and hydrocarbons to be stored in a bunded area, contaminated water, dust and burning of waste is prohibited.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

4.1 *Planning Ref: 21/231*

Simon McGovern granted planning permission to demolish dwelling and domestic garage and to decommission the existing septic tank. To construct a replacement dwellinghouse and domestic garage, installation of a package wastewater treatment system. Retention of the widening of site entrance, and construction of a shared entrance.

4.2 *Section 5 Declaration 2321*

A new agricultural shed, 300sq.m. is not exempted development by virtue of its siting, scale and intended future use.

5.0 Policy Context

5.1. Development Plan

Westmeath County Development Plan 2021-2027

Farm Diversification Policy Objectives

It is a policy objective of Westmeath County Council to:

CPO 9.28 Support agricultural development as a contributory means of maintaining population and sustaining the rural economy, whilst maintaining and enhancing the standing of the rural environment and through application of the EU Water Framework Directive and EU Habitats Directive.

CPO 16.53 Agricultural Buildings and Structures and Associated Works

- The design, scale and siting and layout of agricultural buildings should respect and where possible enhance the rural environment.
- Buildings should generally be located a minimum of 100metres from the nearest dwelling other than the applicants dwelling
- The Council will seek to cluster agricultural buildings and structures together and siting to assimilate effectively into the landscape.
- The use of harmonious external materials should be used to minimise obtrusion on the landscape.

CPO 16.34 Domestic Garages/ Shed/ Store

- The design, form and materials should be ancillary to and consistent with the main dwelling on site.
- Structures should generally be detached and sited to the rear of the dwelling house and visually subservient in terms of size, scale and bulk.
- Storage facilities should be used solely for purposes incidental to the enjoyment of the dwelling and not for any commercial, manufacturing, industrial use or habitable space in the absence of prior planning consent for such use.

5.2. Natural Heritage Designations

There are 14No. Natura 2000 sites within 15Km of the subject site, in particular Lough Owel SPA/ SAC which is 2.5km from the subject site, and Deverragh SPA also 2.5km from the site. There is no known hydrological connection from the site to the Natura 2000 sites.

5.3. EIA Screening

Having regard to the nature and scale of the proposed development, comprising of retention of a agricultural garage/ shed there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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 applicant is currently building a house on his lands and need the shed for two reasons:

1. His domestic house for storage of cars, turf, etc
2. The second part of the shed will be used by his father in law who is an agricultural contractor and carries out agricultural works in the area and needs a secure base to store his machinery between jobs.

Mr. McGovern's partner is Orlaigh Byrne and her father's herd number is S1080853

6.2. Planning Authority Response

None

7.0 Assessment

7.1 I inspected the site and considered the appeal file and the following issues are relevant to this appeal:

- Planning History
- Design and Scale of Structure
- Intended Use of Structure
- Impacts on Amenity
- Development Plan

- Appropriate Assessment

7.2 Planning History

In September 2021 the applicant Simon McGovern was granted permission for a two-storey dwelling on a site immediately west of the subject site. The extent of the applicant's landholding was illustrated in the documentation associated with Planning Reference 21/231. Mr McGovern owns the subject site, the portion of land along the road frontage with the vacant house and outbuilding and the site to the west with the dwelling under construction and currently at roof level.

Under Planning Reference 21/231 the applicant got planning permission for a combined entrance, the demolition of the existing dwelling and decommissioning of existing septic tank and soakaway, and a new two storey dwelling with packaged wastewater treatment system. The subject site, apart from the access, was excluded from the site boundaries associated with Ref. 21/231.

The replacement dwelling is currently under construction and is at roof level. From my site inspection, there were trucks, vans, cars, crashed cars, etc parked throughout the site, which are associated with the applicant's vehicle recovery business located in the adjoining village, Multyfarnham 750metres east of the subject site.

7.3 Design and Scale of Structure

The proposed shed is located along the southern boundary of the landholding, setback 21m from the new dwelling and 55metres from the edge of the road. It is 267sqm. (24.1m x 11.1m internally), 7.4metres in height. The design is half nap plater finish, with insulated cladding panels, two roller shutter doors and 4No. normal doors.

7.4 Intended Use of Structure

On appeal the applicant states there are two proposed uses for the structure:

1. His domestic house for storage of cars, turf, etc
2. The second part of the shed will be used by his father-in-law who is an agricultural contractor and carries out agricultural works in the area and needs a secure base to store his machinery between jobs.

The applicant has not supplied any supporting documentation as evidence regarding the storage of contractor's agricultural machinery in site. He states the father of his

partner is an agricultural contractor. He does not specify the type of machinery, where the machinery is currently stored, or the need to store the machinery at this location. There are no details given of the actual contractor's name or current location. The Board cannot accept this use based on the vague and minimal evidence presented. There is no evidence on file linking the landholding or use of the shed to agricultural use.

In terms of a domestic shed, the proposed structure resembles a more commercial shed, and is not akin to a domestic garage. I refer to the Westmeath County Development Plan 2021-2027:

CPO 16.34 Domestic Garages/ Shed/ Store

- The design, form and materials should be ancillary to and consistent with the main dwelling on site.
- Structures should generally be detached and sited to the rear of the dwelling house and visually subservient in terms of size, scale and bulk.
- Storage facilities should be used solely for purposes incidental to the enjoyment of the dwelling and not for any commercial, manufacturing, industrial use or habitable space in the absence of prior planning consent for such use.

The proposed structure is not subservient to the main dwelling. The primary use of the landholding is **Residential**. In fact, the dwelling house that was granted planning permission under reference 21/231 is located on a separate site to the current proposal. Both developments have two different site boundaries. Therefore, if the Board were to consider the proposal favourable, it cannot be conditioned to be incidental to the use of the dwelling as they are separate entities in planning terms. Having regard to the current use on the landholding as a storage/ parking area associated with the applicant's vehicle recovery business located in the village 500metres east of the site, I would be concerned the proposed structure would be used as part of his business, which would be inappropriate at this rural location.

7.5 Impact on Amenity

The proposed structure is located in close proximity to the new dwelling (21m) and dwellings to the east of the site. Any commercial activity, and indeed agricultural contracting, would be unacceptable at this location, given the negative impact to

existing residential amenities at this rural location. Agricultural contracting can operate at early and late hours depending on the type of farming and weather conditions. This could lead to a noise nuisance and disturbance to existing dwellings in the area, who currently are not experiencing such activities, and the current land use associated with the landholding is residential and not agricultural. In addition, the storage required for such large machinery can be extensive and the proposed structure could potentially be inadequate and require future expansion, and the site is restrictive in size to accommodate future proposals for extensions.

I would agree with the planning authority's first reason for refusal, the site is only 0.29ha. The relevant policies in the development plan area are outlined under section **9.11 Agriculture** and based on the evidence presented in the planning application, the applicant has failed to demonstrate this is a form of agricultural diversification or the site is an agricultural landholding.

Furthermore, I would agree with the second reason for refusal, the proposed structure resembles a commercial/ industrial structure and represents an ad hoc piecemeal development in a rural area and is more appropriate to industrial/ zoned lands in an urban/ village setting, and it would seriously injure the residential amenities of the area and militate against the rural environment.

7.6 Appropriate Assessment

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. I recommend the Board uphold the planning authority's decision to REFUSE the proposed development for the following reason(s).

9.0 Reasons and Considerations

Having regard to:

- Current development plan policies and objectives in the Westmeath County Development Plan 2021-2027,
- The planning history of the landholding,
- Scale and design of the proposed structure,
- The restricted nature of the site
- The proximity to existing residential developments
- The current use of the landholding for the storage of vehicles associated with a commercial vehicle recovery business

it is considered the applicant has not demonstrated the justification for an agricultural structure at this location, the proposed structure is inappropriate in design and scale at this rural location in close proximity to existing dwellings, and it represents an ad hoc piecemeal form of development which would seriously injure the amenities of the areas, militate against the rural environment and would set an undesirable precedent for similar developments in the area, and therefore be contrary to the proper planning and sustainable development of the area.

Caryn Coogan
Planning Inspector

1st of March 2023