



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314185-22

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<b>Development</b>	Permission to construct an agricultural storage shed and all associated site development works
<b>Location</b>	Aghalustia Townland, Ballaghaderreen, Co. Roscommon
<b>Planning Authority</b>	Roscommon County Council
<b>Planning Authority Reg. Ref.</b>	22131
<b>Applicant(s)</b>	John O'Grady.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	To grant.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Sean and Phil O'Connor.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	3 <sup>rd</sup> January 2023
<b>Inspector</b>	Deirdre MacGabhann

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## 1.0 Site Location and Description

- 1.1. The 0.30ha appeal site is situated c.2km to the south of Ballaghaderreen, in the townland of Aghalustia, County Roscommon. It lies on the eastern side of a minor county road, with access via a laneway from the county road. The laneway is a cul-de-sac and serves agricultural land. To the north of the laneway, at the junction of the lane and county road, is the appellant's single storey dwelling and detached garage. To the north of this along the county road is a cluster of one off houses and farm buildings. These include the applicant's dwelling at the northern end of the cluster (see FI response).
- 1.2. At the time of site inspection the flat site was wet underfoot but with no significant water ponding (substantial rainfall preceded site visit). A number of tractors were located on the south eastern part of the site. Field boundaries comprises primarily post and wire fencing.

## 2.0 Proposed Development

- 2.1. The proposed development, as revised by further information (30<sup>th</sup> June 2022) comprises an agricultural storage shed of 188sqm. The rectangular shed has an internal area of 19mx9.8m and a ridge height of c.7m. Externally it is finished in concrete/block wall to ground with profile sheeting above. There is a roller shutter door in the southern elevation and the shed is situated c.16m from the edge of the private laneway with the roller shutter door facing the laneway. A new entrance to the site is proposed immediately south of the shed with a yard indicated to provide a turning area for vehicles off the laneway.
- 2.2. In the course of the application, the applicant indicates:
  - The shed will be used for the storage of a collection of old tractors and hay for the applicant's main farm lands at Cloonlumney (7ha), 11-12km to the north of the site. Vehicle movements will be limited to the applicant's personal car/van once or twice a week, with tractors once or twice a week in the summer and once or twice a week in the winter for loading in or taking out hay for the main farm.

- The storage shed needs to be in proximity to the applicant's home (north west of the site) and is the only site available (see response to FI).
- 90m sightlines can be provided at the junction of the laneway and county road (at 2.4m from the edge of the county road). Permission from adjoining land owner (to south) is provided to trip hedges in order to achieve/maintain these.
- The existing boundary hedge along the western side of the site will be retained and a new native beech hedge will be planted along the same boundary of the site and maintained at 1.8m.

2.3. The planning application form states that the site will not be serviced in terms of water supply or wastewater. The additional information form in respect of farm development indicates that the development will be connected to an ESB supply and water supply.

2.4. The planning application includes letters for consent from three landowners to use the right of way into the private laneway and onto the county road to access the site.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. On the 30<sup>th</sup> June 2022, the PA decided to grant permission for the development subject to 7 no. conditions. Condition no. 2 requires that the shed be used for dry agricultural related storage purposes only and not for any commercial purposes. Condition no. 3 deals with the management of surface water and condition no. 4 the provision of sightlines. Condition no. 5 requires the retention and strengthening of boundary vegetation, including new landscaping of semi-mature native species to be provided along the lateral and rear boundaries in the first planting season following commencement of development.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

- 25<sup>th</sup> April 2022 – Refers to relevant planning policy and third party submission made. It screens the proposed development for EIA and AA and considers

that these are not required (modest scale, distance from sensitive locations). The report states that agriculture is seen as a key contributor to the economic and social viability of rural areas and is supported by the policies of the CDP subject to normal planning considerations (Policy 5.4). However, it notes limited details in respect of the applicant's agricultural activities, no information on sightlines at the junction of the lane and county road, ownership of laneway and limited set back of the shed from the laneway. It recommends further information for these matters. Effects in terms of visual impact, design and siting and flooding are considered to be acceptable.

- 27<sup>th</sup> June 2022 – Refers to the FI submitted and considers that the matters raised have been adequately addressed.

#### 3.2.2. Other Technical Reports

- None.

#### 3.3. Prescribed Bodies

- None.

#### 3.4. Third Party Observations

3.4.1. There is one observation on the proposed development from the occupants of the property immediately west of the site. It raises the following concerns:

- Visual impact (eyesore), devaluation of property, development out of character with observers buildings. Overshadowing of property and impact on privacy. Drawings do not show observers garage (closer to proposed shed). No boundary hedge in place to be retained. Request boundary wall erected if permission granted.
- Noise and water pollution (shed will be used to fix machinery/vehicles).
- Site does not form part of a farm.
- Flooding on site (runs into observers property).
- Inconsistencies in application (consultation with ESB re overhead lines and need for water supply).

## 4.0 Planning History

- None.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. Section 5.4 of Roscommon County Development Plan 2022-2028 deals with agricultural activity. It recognises the importance of the sector for economic and cultural reasons. Policy RD 5.4 supports the agricultural sector and the development of agriculture to facilitate the development of sustainable agricultural activities.

### 5.2. Natural Heritage Designations

- 5.2.1. The appeal site is largely removed from sites of nature conservation interest. The nearest site is c.4.5km to the north east of the site, Lough Gara pNHA and Callow Bog SAC (site code 000587 and 000595 respectively).

### 5.3. EIA Screening

- 5.3.1. Having regard to the nature and limited scale of the proposed development, the absence of any significant environmental sensitivity in the vicinity and in the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed 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. Third party grounds of appeal are:
- Revised plans bring shed closer to appellant's dwelling and garage (garage not shown on applicant's plans).

- Shed will be used as part of applicant's commercial business (operating from home premises to the north of the site). Site purchased 18 months ago for sole purpose of building a shed and will extend the applicant's shed/metal and machinery building.
- No sense providing shed for storing feed for a farm 15km away. Applicant is not involved in farming activity, just repair of farm vehicles belonging to others. He owns no livestock and no livestock on site since purchase. Vintage farm machinery will have to be refurbished and rebuilt, causing noise and other pollution, impacting on appellant's tranquillity and privacy.
- Additional run off from site and flooding of appellant's garden and percolation area.
- Signatures not received from all landowners who have a right of way over lane.
- Also refer the Board to observations made (summarised above).

## 6.2. **Applicant Response/Planning Authority Response/Observations/Further Responses**

- None.

## 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, I consider that the main issues in this appeal relate to:

- Impact on residential amenity.
- Flooding of adjoining lands.

7.2. In coming to this view I am mindful that the proposed development is agricultural in nature, which is supported in principle by policies of the County Development Plan and acceptable in the rural area in which the development is proposed. Further, the applicant is entitled to bring forward the application for the development on the

subject site regardless of location of associated residential dwelling and farm and for it to be adjudicated on upon its merits.

7.3. The appellant argues that consent has not been provided from all owners of the laneway to the site. However, given the provision of three letters of consent from owners of the laneway and absence of specific objections by any landowner of the laneway, I am satisfied that sufficient legal interest has been indicated to enable the applicant to make the planning application.

7.4. I also draw to the Board's attention that the plans in respect of the proposed development which indicate a site which is slightly inconsistent with the field boundaries on site. Any permission which is granted, would be on the basis of the detailed plans for the development, the location of the proposed shed as shown on these plans and the boundaries indicated in the plans.

#### **7.5. Impact on Residential Amenity**

7.5.1. The appeal site lies immediately east of the appellant's residential property. The proposed shed is sited c.23m to the south east of the appellant's garage. At this distance, and having regard to the orientation of the appellant's dwelling and absence of fenestration, no issues will arise regarding overshadowing or overlooking. Views of the shed will be possible from the appellant's property, albeit obliquely from the residential dwelling, and with views of the shed also obstructed by the applicant's garage.

7.5.2. The appeal site is currently separated from the appellant's property by a post and wire fence which provides no visual screening. The applicant's plans indicate retention of the existing hedge and provision of a beech hedge to be maintained at 1.8m. This arrangement (proposed hedge) would provide an appropriate screening of the subject development from the appellant's dwelling, particularly from the garden of the property, and if maintained at this height would not give rise to overshadowing in the rear garden of the appellant's property. In the rural area where the development is situated, I do not consider that a block wall (as proposed by the appellant) is appropriate or warranted.

7.5.3. The appellant raises concerns regarding the potential for commercial use of the shed and, in particular, for the risk of environmental effects (e.g. noise) with impacts on



their amenity. In considering this issue I am mindful that the applicant has sought permission for a storage shed of hay and machinery. Whilst I note the concerns raised by the appellant, the board can only determine the appeal on the basis of the proposed use, not a speculative future use. If the proposed shed is used for the storage of old tractors and hay for the main farm, as proposed, I do not consider that this would give rise to any significant adverse effects by way of noise or other pollution to the detriment of the applicant's dwelling or residential amenity. Further, any use of the shed for commercial purposes would fall outside the scope of the permission and would require an application for planning permission or be a matter for the planning authority under their enforcement powers.

- 7.5.4. The planning application states that there will be no water supply to the shed or treatment of wastewater. Contradicting this, the additional information in respect of farm developments states that the development will be connected to an ESB supply and water supply. If the correct information is that the site be connected to ESB and water, this would be acceptable, subject to the nature of the proposed development remaining as a storage shed i.e. with the use of electricity and water supporting this function only.

## **7.6. Flooding of Adjoining Lands**

- 7.6.1. The appellant's raise concerns in respect of discharge of surface water from the subject site to their lands. At the time of site inspection there had been significant rainfall and the ground of the appeal site was wet underfoot. However, I noted no surface water flow towards the appeal site or evidence of past surface water flow. The proposed development affects a small area of the appeal site. If the Board are minded to grant permission I would recommend that a condition be attached to direct surface water flows to a soakaway or watercourse, to the satisfaction of the planning authority, and prevent an increase in any discharge from the proposed hard surfaces towards the adjoining property.

## **8.0 Appropriate Assessment**

- 8.1. Having regard to the nature and modest scale of the proposed development, its location substantially removed from European sites, it is concluded that no

Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 9.0 Recommendation

9.1. I recommend that permission for the development be granted subject to conditions.

## 10.0 Reasons and Considerations

Having regard to the proposed use of the subject development, its location on site removed from the adjoining residential property and arrangements for landscaping, and subject to compliance with the conditions set out below, it is considered that the proposed development would be in accordance with the policies of the Roscommon County Development Plan 2022-2028 and would not seriously injure the visual or residential amenities of the area and would not lead to an increased risk of flooding on adjoining lands. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the plans and particulars submitted on the 3<sup>rd</sup> June 2022, except as otherwise may 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The agricultural storage shed granted permission shall not be used for the repair of machinery or for commercial purposes.</p> <p><b>Reason:</b> In the interest of clarity.</p>

3.	<p>Prior to the commencement of development details of arrangements for the disposal of surface water from hard surfaces by soakaway or drains to adjacent watercourse shall be submitted to the planning authority for written agreement. No surface water shall be allowed to flow onto the public road.</p> <p><b>Reason:</b> In the interest of traffic safety and to prevent flooding on adjoining lands.</p>
4.	<p>Prior to the commencement of development vehicular access arrangements to the site shall be constructed and thereafter maintained in accordance with the Proposed Agricultural Storage Shed Site Layout Plan (Drawing no. 22-P-01-001 rev A) submitted on the 3<sup>rd</sup> June 2022.</p> <p><b>Reason:</b> In the interest of traffic safety.</p>
5.	<p>In the first planting season following the commencement of the development the boundaries of the site shall be planted with native hedgerow species. Along the western boundary of the site, this shall comprise beech hedging as shown in Drawing no. 22-P-01-001 rev A, submitted on the 3<sup>rd</sup> June 2022, with this hedging to be maintained at 1.8m.</p> <p><b>Reason:</b> In the interest of residential amenity and biodiversity.</p>
6.	<p>Construction waste shall be disposed of by an authorised waste collector in accordance with the Waste Management Act 1996, as amended.</p> <p><b>Reason:</b> In the interest of orderly waste management.</p>

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Deirdre MacGabhann

Planning Inspector

16<sup>th</sup> January 2023