



An
Bord
Pleanála

Inspector's Report

ABP-317190-23

Development	Construction of an agricultural building to rear of existing dwelling.
Location	Sranure, Cloneygowan, Co. Offaly.
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	23122
Applicant(s)	Garry Mullins.
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Niall Smith
Observer(s)	None.
Date of Site Inspection	25 th of July 2024.
Inspector	Caryn Coogan

1.0 Site Location and Description

- 1.1. The site is located in a rural area of Co. Offaly, northwest of Clonygowan town. It is located in a the townland of Sranure, with direct access onto a local road.
- 1.2. The site area is 2.88ha. It includes stone clad dormer bungalow along the roadside boundary. To the rear of the dwelling house there is a private garden area. Beyond the residential curtilage there is a small stables block, a small outdoor arena, dungstead fronting the stables, a shed, paddocks links by a gravelled roadway and hard surfaced areas for parking a storage of machinery.
- 1.3. The large shed (316sq.m), which is the subject of this appeal, is located along the western site boundary. From my inspection, I noted the shed stores bedding and foodstuffs, and includes 4No. loose boxes (which are used for housing foals). The remainder of the property is broken up into paddocks and a small vegetable garden, dissected with surfaced pathways (the subject of this appeal).
- 1.4. There is a hard surfaced area o accommodate parking to the rear of the private dwelling/ garden. There is also another hard surfaced area located centrally on the site where the horse box is stored.
- 1.5. A small surface water channel dissects the site. There is a bridge crossing the watercourse to the large shed and paddocks at the rear of the property.

2.0 Development

- 2.1. The development is for the retention of an agricultural building and ancillary roads to the rear of dwelling and all associated site works.
- 2.2. According to the planning application details, the gross floor area of the building to be retained is 316.8sq.m. The gross floor area of existing buildings on the site is 450sq.m.

3.0 Planning Authority Decision

3.1. Decision

Offaly Co. Co. granted planning permission for the proposed development subject to 2No. conditions by Manager's Order dated 16th of May 2023.

The conditions were two standard planning conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The site is located within a flood zoned however according to www.floodmaps.ie. The site is not liable to flooding.
- The subject shed to be retained is 135m from the nearest 3rd party dwelling and setback 165m from the public road. The site is fully screened on all boundaries
- It is exempt from development contributions.
- Permission recommended.

3.2.2. Other Technical Reports

- Roads Engineer: No objections.
- Public Health: The external lights on the property are acceptable and should have no impact on the neighbouring property. The site does not generate additional noise compared to other agricultural practices.
- Environment / Water Section : No concerns

3.3. Prescribed Bodies

None

3.4. Third Party Observations

The neighbour to the east of the site objected on the following grounds:

- Noise and light pollution
- Odours
- Chemicals
- Mental health and wellbeing
- Flooding
- Retention of ancillary roadways.
- A stud farm is operating on the site, operating 7 days a week

4.0 Planning History

- 4.1 Ref: PL2/21/62: Retention permission granted to Garry Mullins for a pergola/carport to the rear of the existing dwelling and permission for alterations to front boundary wall and entrance, single storey extension to side of the existing dwelling. Granted subject to 7No. conditions.
- 4.2 Ref: PL2/05/427 : Permission granted for change of house design from previously permitted under Ref: PL2/00/476.
- 4.3 Ref PL2/00/476: Permission granted to Fran Hearty for the construction of a dwelling house subject to 15No. conditions.

5.0 Policy Context

5.1. Development Plan

5.1.1 Chapter 5 Economic Development

5.7.1 Agriculture, Agri-Food, Agri-Tech, Food and Beverage

Agriculture has always been and will continue to be a strong employer in the county and the Council recognises and values this fact. The Council will take a positive approach to applications for sustainable agricultural developments generally, subject to the protection of ground waters, residential amenities, designated habitats and the landscape

5.11 Rural Economic Development Policies

Agriculture

REDP-04 It is Council policy to support the development of agriculture where it is compatible with the sustainable development of the county and commensurate with sustaining the farming community.

REDP-05 It is Council policy to ensure that agricultural developments are designed and constructed in a manner that will ensure that groundwater watercourses and sources of potable water are protected from the threat of pollution in line with Water Quality Regulations and the requirements of the Water Framework Directive

REDP-10 It is Council policy to favourably consider proposals for on-farm based diversification, which are complementary to the agricultural operation on the farm such as: • Specialist farming practices, for example, flower growing, equine facilities, poultry, mushroom growing, and specialised animal breeding; • Farm enterprises such as processing, co-ops, farm supply stores and agri-business; • The production of organic and specialty foods to meet the increase in demand for such products; and • The conversion of redundant farm buildings of vernacular importance for appropriate owner-run enterprises such as agri-tourism, as a way of supporting a viable rural community, subject to the proper planning and sustainable development of the area.

5.1.2 Chapter 13 Development Management Standards

DMS-118 Siting In the construction and layout of agricultural buildings, the Council requires that buildings be sited as unobtrusively as possible and that the finishes and colours used, blend the development into its surroundings. New agricultural buildings shall be located within or adjacent to existing farm buildings, unless it has been demonstrated that the building must be located elsewhere for essential operational reasons.

DMS-120 Protection of amenities Proposed agricultural developments shall demonstrate that the proposal;

- Will not result in a detrimental impact on the amenity of residential dwellings outside of the applicants landholding in relation to noise, smell, pollution or visual amenities;

- Will not result in a pollution threat to sources of potable water, water courses, aquifers or ground water;
- Create a traffic hazard;
- Makes proper provision for disposal of liquid and solid waste; and
- Does not impact significantly upon Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Natural Heritage Areas (NHAs), Areas of High Amenity, Landscape Sensitivity Areas, Key Scenic Views and Prospects and Key Amenity Routes, sites of heritage or cultural value, or areas at risk of flooding.

5.2. **Natural Heritage Designations**

The River Barrow and River Nore SAC is 5.11km south of the site.

5.3. **EIA Screening**

See appended report.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

There is a stud farm on the adjoining site to their home. It is an intensive business requiring 7 days per week, early morning to late in the evening, with several employees. The third-party appellant has cited the following grounds of appeal:

6.6.1 **Noise and Light Pollution**

- Staff arrive early, start machinery and muck out stables.
- The newly constructed garage domestic garage is been used for storage and an office for the stud farm.
- On dark mornings and evenings there is flood lighting into their home and back garden.
- The newly constructed yard behind their fence is been used to store feed and machinery.
- The horses are noisy and are not pets.

- Every day there is constant moving of horses over and back across a newly constructed bridge.

6.6.2 Horse Urine and excrement and fly infestations

- The prevailing wind blows the stench towards their house. The windows and doors have to be kept closed. During warm weather the house is plagued by flies.
- The arena has bark mulch, and combined with animal waste it causes an unbearable stench.

6.6.3 Chemicals used

- Creosote stakes and laths are used at the stud farm for fencing.
- Creosote has well know adverse health impacts.
- It is now banned for use.
- He stored creosote up against the appellants fence.
- The appellant has two young children, [REDACTED]
[REDACTED] The children now need to play close to their house rather than their large back garden.

6.6.4 [REDACTED] health and wellbeing

- The stud farm and its management is taking a severe toll on their [REDACTED]
[REDACTED]
- There has been constant construction noise and stud farm activity when there should have been quietness.
- [REDACTED] They would not have bought their home if they knew of

6.2. Applicant Response

A summary of the applicants response to the third party appeal is as follows:

- The applicant has built, owned and lived at his property for over 17 years. He keeps and breeds horses as a pastime. The agricultural building has been there for over 15 years and was recently extended. It brought the size to the upper limit of exempt development. It was applied for and granted by Offaly Co. Co. He also applied and was granted retention permission for the ancillary roadways which are used to move horses from the shed to a different paddock. A loose stone was used, therefore no detriment to drainage.
- The applicant was residing overseas and was not at the house on a fulltime basis. The appellant moved into the area, perhaps unaware of his pastime.
- There is no legitimate planning argument to refuse the development.
- The appellants arguments lack substance, vexatious in nature and designed to delay or upset the applicant.

6.3. Planning Authority Response

The planning authority requests the Board to support its decision to grant planning permission for the development.

7.0 Assessment

7.1. Having considered the content of the appeal file, and inspected the site, I consider the relevant issues are as follows:

- Principle of the development
- Impact of the Development
- Flooding

7.2 Principle of the Development

7.2.1 The site 2.88 Ha, includes the applicants dwelling house, garden area, stables, a small arena, sheds, dungstead and a number of small paddocks. This is a rural area, and I have no issue with the principle use of the land for keeping horses. I noted a small stable block during my visit. The subject of this appeal is a large shed along the western site boundary. It is 316sq.m., and is a portal framed structure. It

stores, bedding, feeds, machinery and includes 4No. horse stalls. The shed is discreetly sited alongside a mature screen planting and is not visible from surrounding properties.

7.2.2 The use of a landholding for keeping of horses is acceptable in this rural area. The surrounding landuse is agriculture. There is no zoning associated with the lands, this is a rural area. According to the appeal submission the applicant has built, owned and lived at his property for over 17 years. He keeps and breeds horses as a pastime. He resides part-time out of the country. According to the file, the agricultural building, the subject of this appeal, has existed for over 15 years and was recently extended. The extension of the shed brought the size to the upper limit of exempted development. Planning permission for retention of same was applied for and granted by Offaly Co. Co. The neighbouring third-party appellants state the site is been used as a stud farm, and is operating seven days a week from early morning to late at night. There is noise in the early mornings and light pollution in the evenings as a result of activities on the site.

7.2.3 I inspected the site, and from my general observations the entire site is immaculately kept. The site, 2.88ha, hosts a very small equine facility behind the applicants dwelling house. There are very few stables associated with the development. The property does not cater for a high volume of horses. The agricultural shed, the subject of this appeal, is over 135 metres from the third party's dwelling house. It exceeds the exemption threshold of Class 6, Table 2 of the *Planning and Development Regulations (2001)*. The shed is ancillary to the equine use of the property, which, in my opinion, is a small equine/ hobby facility.

7.2.4 On balance I consider the principle of the shed, and the surfaced laneway between the paddocks to be acceptable at this rural location. From aerial photography and mapping, it is clear the equine use of the site had been established for a considerable length of time at the subject site. The landuse accords with the prevailing agricultural use of the surrounding area.

7.3 Impact of the Development

7.3.1 The third-party appellant resides in the neighbouring dwelling east of the subject site. Similar to the subject site, the appellant's dwelling is located in close proximity to the public road. The residential curtilage of the neighbouring property extends back to

the stream which runs through the subject site and along the rear boundary of the appellants property. The appellants property also includes a small 'former' stable block and a garage located midway in the rear garden. The third party has cited a number of ongoing concerns in their appeal in terms of :

- Noise – staff arriving early, machinery, movement of people and horses
- Odours
- Chemicals
- Floodlighting
- Wellbeing/ Health

7.3.2 Firstly, as stated previously the equine facility on the subject site is small scale, and hobby based activity. The owners reside outside of Ireland for parts of the year. The site is very well maintained. I did encounter one employee on site who looks after the horses in the absence of the owner and a hobby vegetable garden. This is not a commercial stud farm as implied by the third-party appeal submission. The all-weather exercise arena is small and compact in area. It is too small to exercise or train horses. It is merely a facility to let horse loose from their stables as opposed to using the paddocks especially during the winter period. The dungstead is small, because there are a small number of stables on the property.

7.3.3 The stables and the shed have existed on the property for a considerable length of time. The movement, management and feeding of livestock/ horses is normal activities. The ambient noise levels would not materially increase similar to any noise associated with agricultural activities. The effluent storage facilities associated with the subject shed would appear to be adequate in terms of size, location and use to cater for the keeping of horses on the site and the distances prescribed in the Planning and Development Regulations 2001 as amended. The Environment and Public Health section of the planning authority had no objection to the development. I did not encounter a material intensification of use associated with the site.

7.3.4 The flooding lighting includes a number of external lights including a fluorescent light at the stables positioned 80metres from the neighbouring house, and a number of security lights fixed to the exterior of the stable block and the subject shed. These are not tall overbearing light fixtures. There is a tall mature hedge along the

common boundaries of both sites. I consider the lighting of the premises to be acceptable and would not result in undue loss of residential amenity to the adjoining property. In response to the appellants concerns regarding 'Creosote', this is merely an allegation, and the product has been banned in Ireland. I could find no evidence of the product been stored on the subject site. The allegations that the development has impacted negatively on the third party's family health and well being are unsubstantiated and without foundation.

- 7.3.4 The modus operandi of the small equine facility includes regular horse husbandry. It is a small-scale facility, well maintained by the applicant. The pathways to the paddocks are surface in gravel, maintaining good drainage and easy access to the paddocks without poaching.

7.4 Flooding

- 7.4.1 There is a stream that runs along the rear boundary of the appellants property and dissects the applicants property. I noted a bridge over the stream connecting one part of the applicants site to the shed and paddocks. I noted a horse box north of the stream, therefore the bridge has the width and the capacity to cater for vehicular movements. During my inspections, the water level of the stream was low. There was no evidence of flooding on site, or surface water ponding or poor saturation.
- 7.4.2 The location of the stream is not included on the OPW's Flood Mapping system. This mapping system is a valuable tool to determine the likelihood of flooding and informing flood risk management activities to reduce the impact and risk from future flooding. In addition, I note the Area Engineer's Report on file dated 18th of April 2023 which indicated there are no issues regarding Flood Risk associated with the site.

8.0 AA Screening

- 8.1. I have considered the proposal to retain an existing shed and construction of a ancillary pathways in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located within a rural location 5.1km north of the nearest European Site, R. Barrow and River Nore SAC. The development proposal consists of the retention of an existing agricultural shed and farmroad on site. Having considered the nature, scale, and location of the

project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- scale and nature of the development
- location-distance from nearest European site and lack of connections

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

Based on my consideration of the appeal file, the assessment above and my site inspection, I recommend that planning permission be granted for the development.

10.0 Reasons and Considerations

Having regard to the Offaly County Development Plan 2021-2027, and the scale and nature of the development, it is considered that the development would not seriously injure the residential amenities of the area and would be acceptable in terms of visual amenities. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The 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 22nd of March 2023, 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. Water supply and drainage arrangements 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.

Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

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

3. All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

Reason: In the interest of public health.

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.

Caryn Coogan
Caryn Coogan
Planning Inspector

26th of August 2024

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	317190			
Proposed Development Summary	Retention of an agricultural building and ancillary roadways to the rear of an existing dwelling house and all associated site works			
Development Address	Sranure, Cloneygowan, Co. Offaly			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes		
		No X	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No			Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary

				Examination required
Yes		Class/Threshold.....		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: Cawn Coogan

Date: 27/8/2024