



An
Bord
Pleanála

Inspector's Report

ABP-318502-23

Development	Retention of hardcore surface, fencing, potting shed, entrance and ancillary site works + permission for front boundary wall
Location	Rooskagh Townland, Bellanamullia, Athlone, Co. Roscommon
Planning Authority	Roscommon Co. Co.
Planning Authority Reg. Ref.	23352
Applicant(s)	Michael Stokes
Type of Application	Retention permission & Permission
Planning Authority Decision	Refusal for 3 no. reasons
Type of Appeal	First Party
Appellant(s)	Michael Stokes
Observer(s)	None
Date of Site Inspection	7 th April 2024
Inspector	Bernard Dee

1.0 Site Location and Description

- 1.1. The appeal site is located in Rooskagh Townland which is located approximately 4km west of Athlone town centre and is located in Co. Roscommon. The appeal site is situated in a rural area with a dispersed settlement pattern. There are dwellings to the north and south of the appeal site and opposite the site is a semi-derelict farmyard complex which is used as a vehicle park and general storage area.
- 1.2. The overall site area is stated to be 0.249ha and the floor area of the shed for which retention is sought is stated to be 54m².
- 1.3. The Board should note that on the site inspection on 7th April 2024 there was no shed at the site but the concrete slab foundation of the shed was visible. Presumably the appellant has removed this shed prior to the site visit. In addition, the site was in use to graze a horse at the time of the site inspection and the site had a for sale sign erected to the front of the site.

2.0 Proposed Development

- 2.1. Retention permission is sought for the retention of a hardcore surface, fencing, potting shed, partially constructed vehicular entrance and ancillary site works.
- 2.2. Planning permission is sought for a new front boundary wall incorporating a vehicular entrance. From the site layout plan it is proposed to locate the proposed (partially constructed) entrance at a point fronting the public road in the NE corner of the appeal site in close proximity (approx. 6m) to the vehicular entrance of the dwelling to the north of the site. No drawings or dimensions of the proposed front boundary wall were attached to the appeal file.

3.0 Planning Authority Decision

3.1. Decision

Permission for the proposed development was refused on 26th October 2023 for 3 no. reasons.

- 1. The location, siting and nature of the subject development on a parcel of infill land between two residential properties in this unserviced rural area, and unconnected with any proximate agricultural landholding or residential property, is inappropriate in the rural setting and if permitted to be retained would constitute haphazard and uncoordinated development which is out of character with the established pattern of development and would set a precedent for further inappropriate development of this nature in the area. The development, if retained, would give rise to an adverse visual impact, would be injurious to residential amenity and would depreciate the value of property in the vicinity. The development would therefore be contrary to the proper planning and sustainable development of the area.*
- 2. On the basis of the information provided with this planning application, the development of the 'potting shed' and hardstanding in this rural area, is for use for personal purposes and does not represent a rural based activity. Consequently, the development fails to comply with and is not supported by the policy objectives set out in the Roscommon County Development Plan 2022-2028 in respect of rural development and natural resources. In addition, the stated use of the development to facilitate the growing of vegetables for personal purposes reflects a use typically associated with a domestic setting and ancillary uses and activities undertaken in such a domestic context. The development does not however form part of such a domestic setting. The development therefore also fails to comply with the policy position set out in Section 12.9 (Domestic Garages / Sheds) of the Roscommon County Development Plan 2022-2028, wherein the basic premise is consideration of a domestic garage or shed relative to an existing dwelling. The subject development is not therefore supported in planning policy as set out in the Roscommon County Development Plan 2022-2028 in either agricultural or*

domestic context and would therefore be contrary to the proper planning and sustainable development of the area.

3. *Having regard to the alignment of the road and observed traffic movements in the vicinity of the subject site, the Planning Authority considers that insufficient sightlines are available from the proposed access onto the public road, particularly in a southern direction. The proposed access arrangement would endanger public safety by reason of a traffic hazard. If granted, this development would set an unwanted precedent for facilitating similar developments, with deficient sightlines along roads where alignment is compromised. The proposed development is therefore contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report on file, in summary, had regard to the following planning issues:

- The proposed dwelling is located in a rural area and is not zoned for development in the County Development Plan 2022-2028.
- There are two live enforcement cases in relation to the proposed retention/permission application on these lands. The applicant is seeking to regularise the items identified in the enforcement notices through this current retention application.
- The refusal of planning permission for a house on this site in 2021, Ref. 21560, related to a failure to demonstrate local housing need in an area under urban influence and due to the traffic hazard associated with the entrance onto the public road. The reasons for refusal are still valid.
- The application site does not form part of a larger agricultural holding nor fall within the curtilage of an existing dwelling.
- Claims by the applicant that the shed (now removed) on the application site is to be used as a potting shed in connection with the growing of vegetables for an allegoric family member are undermined by the fact that most of the site is covered in hardstanding.

- The use of the site for an agr—business does not comply with policy Objectives RD 5.2, RD 5.4 or RD 5.5 of the Development Plan as the site is not part of a commercial agricultural operation.
- Neither does the shed comply with the provisions of Section 12.9 of the Development Plan which regulates ‘Domestic Garages/Sheds (Urban and Rural)’ as the shed is not ancillary to any dwelling on the site.
- There is no justification for the unauthorised works on the application site and the retention of said works would result in ad hoc development which would be out of character in this rural location between two existing dwellings.
- The vehicular entrance, notwithstanding the indication on the site layout drawing of 90m sightlines to north and south of the entrance, in reality having regard to the site specific circumstances of its location, does represent a traffic hazard.
- Neither AA nor EIA is required in relation to the proposed development.
- Recommend a refusal of permission for 3 no. reasons.

3.2.2. Other Technical Reports

- Environment Department – note the site was previously inspected and was being used for the storage of IBC containers. Conditions recommended if the application is to be approved by the Planning Authority.

3.2.3. Prescribed Bodies

- Prescribed Bodies were not consulted in relation to this application.

3.2.4. Observations

- None received.

4.0 Planning History

4.1. On the Appeal Site

- Ref. 23316 – an application for retention permission for a concrete foundation slab and erection of a steel potting shed, new vehicular entrance and all associated site works at the current appeal site. Incomplete application, invalidated on 20th July 2023.
- Ref. 21560 – an application for permission for the construction of a proposed dormer style dwelling house, detached domestic garage and waste water treatment system, storm water soakaways, and all associated site works, Retention Permission for works already carried out for a new vehicular entrance and site boundary fencing and associated site development works, Permission was also sought to complete same. Retention and permission refused on 29th November 2021 for 2 no. reasons relating to a lack of demonstration of genuine local housing need and also due to deficient sightlines at the access point.
- Ref. 21509 – an application for permission for the construction of a proposed dormer style dwelling house, detached domestic garage and waste water treatment system, storm water soakaways, and all associated site works. Retention permission for works already carried out for new vehicular entrance and site boundary fencing at the current appeal site. Incomplete application, invalidated on 9th September 2021.
- Ref. 21367 – an application for permission for the construction of a proposed dormer style dwelling house, detached domestic garage, new vehicular entrance, waste water treatment system, storm water soakaways and all associated site works at the current appeal site. Incomplete application, invalidated on 28th July 2021.
- Ref. 21290 – an application for permission for the construction of a proposed dormer style dwelling house, detached domestic garage, new vehicular entrance, waste water treatment system, storm water soak ways and all associated site works at the current appeal site. Incomplete application, invalidated on 31st May 2021.

4.2. In the Vicinity of the Appeal Site

- None of relevance to the current appeal.

4.3. Enforcement History of the Appeal Site

- Ref. UDR 2542 – relates to a live enforcement which commenced in September 2023 (including legal proceedings) against the First Party appellant that requires the unauthorised entrance onto the public road and the hardstanding at the appeal site to be removed and the land reinstated to its former condition.
- Ref. UDR 2813 – relates to a live enforcement (commenced in March 2023) against the First Party appellant that requires the unauthorised shed and concrete foundation slab at the appeal site to be removed and the land reinstated to its former condition. This enforcement action includes the requirements of the earlier UDR 2542 case in relation to the unauthorised vehicular entrance and hardstanding areas.

5.0 Policy and Context

5.1. Development Plan

Roscommon County Development Plan 2022-2028

Chapter 5 Rural Development and Natural Resources

Section 5.3 Rural Economic Activity

In order to secure sustainable rural development, it is important that rural communities and traditional rural based agricultural activity and agricultural diversification are supported.

The benefits of supporting other appropriate rural based commercial activities are also recognised, with developments related to agri-food and tourism being examples of such. There is however a need to balance the development of rural areas alongside the need to protect the countryside, in order to ensure the sustainable management of the natural resources of the county. The Commission for the Economic Development of Rural Areas (CEDRA) was established in 2012. The REDZ (Rural Economic Development Zone) initiative was a recommendation

contained within the CEDRA and is intended to complement the Town and Village Renewal Scheme and cater for projects between the towns and surrounding hinterland that maximise local assets in areas such as tourism, culture, heritage and other areas that support rural economic activity. Our Rural Future, Ireland's Rural Development Policy 2021-2025, published in March 2021, sets out a blueprint for the development of rural Ireland over the next five years. The policy will be implemented through 150 commitments which will address the challenges facing communities and deliver new opportunities for people living in rural areas. The policy will also help rural areas recover and create more resilient rural economies and communities for the future.

It is a policy objective of Roscommon County Council to:

- RD 5.1 Work with all relevant stakeholders to implement the recommendations of the CEDRA Report on Energising Ireland's Rural Economy and Our Rural Future, Ireland's Rural Development Policy 2021-2025 to develop economic, social and cultural benefits for the rural community.

Section 5.4 Agricultural Activity and Diversification

Census 2016 figures recorded a total of 2,311 persons identifying their occupation being in the industrial category of 'agriculture, fisheries and forestry'.

However, this figure does not capture the full extent of engagement in the sector, given that it does not record those with multiple occupations including part time occupations in rural resourced based activities. Indeed, the more accurate reflection of the number of farmers in Co. Roscommon should be based on the number of herd numbers as pertaining to the District Veterinary Office and that figure is recorded at 5,535. The Council seeks to ensure the continuity of agriculture for reasons which are not solely economic. This sector has important cultural significance, is the predominant land use in the county and has essentially shaped the landscape and settlement pattern of the County. For these reasons and for the economic benefits for the County, the Council's rural development strategy is centred on facilitating the continuity of agriculture as well as supporting agriculture by maintaining the integrity of viable farming areas. To sustain rural communities in the changing economic climate, farm diversification and new employment opportunities will be required. It is

important to acknowledge the challenges posed by Brexit to the rural economy and the need to support vulnerable businesses in their response to the changing economic climate. There is scope for agricultural business to diversify into a broad range of areas.

The Council supports the diversification of farm businesses into areas which do not impact the landscape or environmental protection policy objectives of this plan.

Examples of potential diversification areas include:

- Organic Farming;
- Home based economic activity;
- Rural tourism;
- Diversification into other rural economic sectors such as forestry, bio-fuel and renewable energy.

It is a policy objective of Roscommon County Council to:

- RD 5.2 Encourage and facilitate agricultural diversification into agri-businesses such as organic foods and rural tourism, as a means of promoting rural diversity and strengthening the local economic base.
- RD 5.3 Support and encourage farm-based renewable energy technologies as a means of improving the shift toward a low-carbon and climate resilient economy in the agriculture, food and forestry sectors.
- RD 5.4 Support the agricultural sector and the development of agriculture to facilitate the development of sustainable agricultural activities.

Section 5.5 Agri-food and Local Produce

In recent years there has been significant growth in the demand for fresh local produce. Developments in horticulture and in value added food and agricultural enterprises are sectors with opportunities for growth.

National level strategies such as Food Wise 2025¹⁹ emphasise the importance of this sector and its potential for enhanced growth. The main themes of Food Wise 2025 - sustainability, human capital, market development, competitiveness and innovation - underpin the strategy for development in rural Roscommon. Artisan food and beverage production is also playing an increasingly important role in the

economy of County Roscommon. The resultant high-quality, locally-produced goods make a significant contribution to both the food and hospitality industry in the county. The development of An Chistin, a new food hub in Castlerea which includes training facilities as well as food business incubation units for rent to local food producers, is an important element in the future development of this sector in the county. Local Country Markets also make an important contribution to the food sector and local economy, with markets held throughout the county on a weekly basis.

It is a policy objective of Roscommon County Council to:

- RD 5.5 Promote the continued development and expansion of the agri-food sector through the themes set out in Food Wise 2025, subject to environmental constraints.
- RD 5.6 Protect the economic and social benefits of local country markets devoted to the sale of local agricultural and craft produce and to support their role as visitor attractions.

Chapter 6 Economic Development

Section 6.3 The Role of Rural Roscommon

The rural economy is vital to sustaining rural populations, as well as contributing to the success of the larger growth centres which they serve.

It is acknowledged that businesses in rural areas, and their employees, benefit from the high quality of life and the opportunities arising from the available capacity in local social, community and educational facilities. This Plan seeks to accommodate proposals for small scale enterprise in rural areas, including the suitable expansion of existing facilities, subject to relevant planning considerations, including demonstration that the nature of the activity is appropriate to the rural area and evidence that it cannot be accommodated on zoned land in the towns within the county.

It is a policy objective of Roscommon County Council to:

- ED 6.9 Support the development of rural resource based industries in rural areas, subject to compliance with appropriate planning and servicing requirements.

- ED 6.10 Facilitate proposals for new small-scale rural enterprises or extensions to existing small scale, rural-based, indigenous activity, subject to compliance with appropriate planning and servicing requirements.
- ED 6.11 Facilitate new commercial uses for vacant or derelict buildings, including buildings in rural areas, subject to compliance with appropriate planning and servicing requirements.

Chapter 12 Development Management Standards

Section 12.9 Domestic Garages and Sheds

Domestic garages and sheds shall generally be subordinate to the existing dwelling in its size, unless in exceptional cases where a larger garage/shed compliments the existing dwelling in its design and massing.

The proposed structure shall not have an adverse impact on the amenities of adjoining properties through undue overlooking, undue overshadowing and/or an over dominant visual impact. Careful consideration will be given to site coverage to avoid the unacceptable loss of private open space. Proposed external finishes should be appropriate to the domestic setting.

Section 12.20 Agricultural Development

As recognised in Chapter 5 of this Plan, agricultural activity remains an important contributor to the economic and social viability of rural areas and is a key source of employment.

Large scale agricultural development and/or agriculture-related industry involving processing farm produce will generally be permitted subject to proper planning and sustainable development.

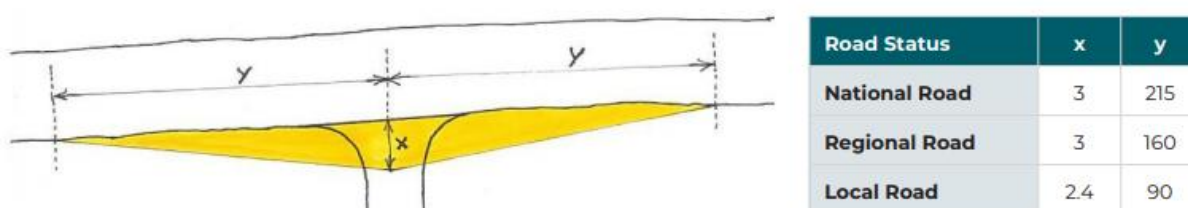
Agricultural structures should be sited as unobtrusively as possible. Finishes and colours used should blend the development into its surroundings. The grouping of agricultural structures is encouraged in order to reduce their overall impact.

Section 12.24 Roads and Transportation

Accessibility and Sight Lines

Safe unobstructed sight distances should be provided and maintained thereafter from vehicular entrances onto the road network. Sight lines shall be provided as follows:

Figure 12.4: Sight Distance Requirements



Visibility splays for Local Roads will be determined on a site-specific basis subject to traffic safety. In general, only the minimum interference with existing roadside boundaries and hedges shall be permitted.

Planning applications shall also include third party consent letters and accompanying Land Registry Maps for sight distance triangles, if applicable. A legally binding agreement shall be signed by both parties all parties where there is a transfer of land, or where the physical movement of a boundary is necessary to achieve the required sightlines.

- New rural entrances should not be located within the following distances of junctions: National Primary Roads 150 metres.
- National Secondary Roads 100 metres.
- Regional Roads 100 metres.
- Local Primary Roads 40m.

Where the above criteria in terms of sightlines or distance from junctions cannot be met, a safety audit should be submitted to justify reductions.

5.2. Natural Heritage Designations

The following natural Heritage designation is located in the vicinity of the appeal site:

- Castlesampson Esker SAC 001625 is located approximately 2.2km from the appeal site.

5.3. EIA Screening

Having regard to the limited nature and scale of the development for which retention is sought and the proposed development for which planning permission is sought and the absence of any significant environmental sensitivity in the vicinity/ 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

The relevant planning grounds of appeal put forward by the First Party are, in summary, as follows:

- The landowner should be permitted to put this small site to some use and a use as a domestic food production area would not have a significant adverse impact on the surrounding landscape.
- The site is located in an area where houses are clustered and set back from the road and accessed via a driveway. In this respect the appeal site has similar characteristics to the nearby dwelling plots.
- There are no waste water implications associated with the potting shed and the hardcore area is semi permeable which would cater for any surface water runoff.
- The green cladding of the shed helps it assimilate into the receiving landscape. Additional screen planting can be conditioned by the Planning Authority if so required.
- The sightline referenced by the Planning Authority in the traffic hazard reason for refusal are appropriate for a dwelling these standards are considered excessive for the type of agri-use proposed and the entrance would not create a traffic hazard at this location.

6.2. Planning Authority Response

- The Planning Authority has not responded to this appeal.

6.3. Observations

- None received.

7.0 **Assessment**

7.1. Having examined all the application and appeal documentation on file, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.

7.2. The assessment issues therefore relate to the policy context, visual impact and traffic hazard associated with the use of the appeal site for domestic food production.

7.2.1. The issue of AA Screening is also addressed in this assessment.

7.3. Policy Context

7.3.1. The zoning objectives of the Roscommon County Development Plan 2022-2028 and the Roscommon Town LAP 2014-2020 relating to the appeal site accept that the principle of agricultural use or agri-business would be permissible at the appeal site. The First Party states that vegetable growing would be for family use only (for a daughter with special dietary requirements) and not a commercial operation.

7.3.2. The shed is now removed from the appeal site but were it still present I would comment that it is an inappropriate form of development in this rural location. The shed and land are intended to produce food for the appellant's family and as such would be classed as ancillary to domestic use of land. However, the family home is located several kilometres to the east so that the appeal site cannot be considered as ancillary to the use and enjoyment of the family home.

7.3.3. Further, a significant portion of the appeal site has been fenced off and covered in hardcore surfacing and with a concrete slab for the shed foundations. This fact significantly undermines the appellant's claims that the landholding is to be used for domestic food production.

7.3.4. If the proposal were for commercial food production at the appeal site this would be contrary to the requirements of the Development Plan as the site is not of a commercially viable size to qualify as an agri-business which is supported in the Development Plan by rural diversification policies.

7.3.5. The proposed development is not in compliance with development management standards and it would have an adverse impact on the residential amenity of adjoining properties and represent an inappropriate use of agriculturally zoned land.

7.4. Visual Impact

7.4.1. The use of the appeal site would represent an ad hoc development which would be out of character with the dispersed settlement pattern in the area and the visual impact of the proposed development would be out of character with the existing pattern of development in the area.

7.4.2. Having regard to the above, I would advise the Board that the adverse visual impact on the character of the area would be a legitimate basis on which to issue a refusal of permission in this instance.

7.5. Traffic Hazard

7.5.1. Having inspected the site I believe that the concerns expressed by the Planning Authority are correct and that notwithstanding the indication of the required 90m sightlines on the site layout drawing, on the ground due to the topography of the area, the access point would constitute a traffic hazard especially having regard to the proximity of an existing vehicular entrance immediately north of the appeal site.

7.5.2. I believe that the additional vehicular access on this stretch of road would constitute a traffic hazard and I would recommend to the Board that this issue forms the basis of a reason for refusal of permission in this instance.

7.6. AA Screening

7.6.1. Having regard to the relatively minor modifications proposed to a previously permitted development within an urban area and the distance from the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that planning permission for the retention of works carried out to date at the appeal site be refused and that the proposed boundary wall also be refused planning permission for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 1 Having regard to the provisions of the Roscommon County Development Plan 2022-2028, and to the location of the proposed development in a rural area on an infill site, and to the existing pattern of development in the area, it is considered that the proposed use would be contrary to the policy requirements of the Development Plan, would injure the visual amenities and character of the area and would constitute an inappropriate and ad hoc development in a rural area. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.
- 2 It is considered that the access to the appeal site at a point where a speed limit of 80 km/h applies, would endanger public safety by reason of inadequate achievable sightlines which would endanger pedestrians, cyclists and other road users and would therefore constitute a traffic hazard.

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.

Bernard Dee
Planning Inspector

11th April 2024

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

An Bord Pleanála Case Reference	ABP-318502-23		
Proposed Development Summary	Retention of a shed, hard standing area, fencing, a vehicular entrance and all ancillary site works plus the construction of a front boundary wall		
Development Address	Rooskagh Townland, Bellanamuillia, Athlone, Co. Roscommon		
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	√
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			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				Proceed to Q.4

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

Inspector: _____

Date: 11th April 2024

Bernard Dee