



An
Bord
Pleanála

Inspector's Report

ABP-321109-24

Development	Retention of storage shed and all associated site works.
Location	Barraderra, Monasterevin, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2460761
Applicant(s)	Willoughby's Hardware Ltd.
Type of Application	Retention
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	As above
Observer(s)	None
Date of Site Inspection	17 th January 2024
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The appeal site is located in a rural area approximately 1.7 km east of Monasterevin, Co. Kildare. The subject site is adjoined by agricultural fields to the immediate northwest and also on the opposite side of the public road.
- 1.2. The site has road frontage and an existing vehicular entrance with gated vehicular access onto a local road. The total size of the site is c. 0.055 ha and consists of two existing sheds and a yard.
- 1.3. The larger of the two sheds, the subject of this application, is rectangular in shape and extends from the front of the site, adjacent to the public road, to the rear of the site running along the northwestern boundary of the appeal site.
- 1.4. The storage shed is divided into three compartments and was vacant at the time of my site inspection.
- 1.5. A two-storey detached house is situated on the neighbouring site to the immediate east of the appeal site.

2.0 Proposed Development

- 2.1. Permission is sought for the retention of a storage shed and associated site works. The size of the storage shed is c. 330 m² and the shed is finished in green metal sheeting.
- 2.2. The storage shed has a sloping roof with the highest point of 5.3 metres, above ground level, along its southeastern elevation and falling to 4.5 metres along its northwest elevation.
- 2.3. The subject building is used for commercial storage for Willoughby's Hardware in Monasterevin.
- 2.4. The storage shed is served by an established vehicular access off the local road.
- 2.5. The PA did not request any amendments to the proposal by a further information request.

- 2.6. The first party appeal submission (dated 21st October 2024) includes an amendment to the subject storage shed reducing the shed in size to comply with the required setback distance from the public road.

3.0 Planning Authority Decision

- 3.1. The Planning Authority refused planning permission for the following reasons.

1. The development for retention is located on agricultural land as defined by Section 9.3 of the Kildare County Development Plan, 2023-2029, where Warehousing/Store/Depot use is generally not normally permissible. Furthermore, it is an objective of the ED 4 of the Monasterevin Local Area Plan, 2016-2022, to facilitate the development of an appropriate level of commercial, office, light industrial and warehousing development in Monasterevin and to provide for new warehousing and industrial development on lands zoned H: Industry and Warehousing within the town. The development for retention would, if permitted, undermine the objectives of the Kildare County Development Plan, 2023-2029, and the Monasterevin Local Area Plan, 2016-2022, in terms of the function of Monasterevin, and set a precedent for similar undesirable types of development in a rural area and would therefore be contrary to the proper planning and sustainable development of the area.
2. The development for retention exceeds the scale criteria outlined in Table 9.1 of the Kildare County Development Plan, 2023-2029, and could not be considered to be a small scale rural based business as it facilitates storage for a commercial premises in Monasterevin. Therefore, the proposed development would be contrary to Objective RD O1 and Table 9.1 of the Kildare County Development Plan, 2023-2029, and would be contrary to the proper planning and sustainable development of the area.
3. Having regard to the siting of the storage shed encroaching on the established building line of the area and exceeding the minimum requirement for building lines for a Country Road as per Table 15.7 of the Kildare County

Development Plan, 2023-2029, the development for retention contravenes section 15.7.7 of the Kildare County Development Plan, 2023-2029, would therefore be contrary to the proper planning and sustainable development of the area.

4. Access to the storage shed, development for retention, is gained from an existing entrance located on a dangerous bend in the road, where there are inadequate sightlines. To permit the development, would endanger public safety by reason of traffic hazard and obstruction of road users due to the movement of extra traffic generated, reduce capacity of the road. The development for retention would therefore be contrary to the proper planning and sustainable development of the area

3.2. Planning Authority Reports

3.2.1. The Planner's report, in summary makes the following points

- Development inconsistent with the land use zoning objectives.
- Scale of the development inconsistent with Objective RD O1 and Table 9.1 of the KCDP, 2023-2029.
- The siting of the storage shed 1.5m from the roadside contravenes section 15.7.7 of the KCDP, 2023-2029.

3.2.2. Other Technical Reports

- Water Services Dept. – No objections subject to conditions.
- Transport, Mobility and Open Spaces (TMOS) – Two reports were issued by the TMOS in relation to the application. **First Report** (dated 20th August 2024) – Applicant required to address concerns in relation to access and vehicular sight lines. **Second Report** (dated 17th September 2024) – Following consultation with Planning Dept. refusal recommended in relation to inadequate vehicular sightline provision and traffic hazard.

3.3. Prescribed Bodies

- None.

3.4. Third Party Observations

The PA received one submission, and the following summarises the main points.

- Storage shed is visually intrusive and out of scale for a domestic setting.
- Shed used for commercial storage generates noise and road pollution resulting in adverse impacts on residential amenities.
- Increases in traffic turning movements in a restricted space resulting in traffic hazard.

4.0 Planning History

Planning Enforcement

- UD8368: Unauthorised development consisting of utilising the site for commercial storage, garden shed and shipping containers. The containers have since been removed.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Kildare County Development Plan, 2023 – 2029, includes guidance for rural development in section 9.3 of the Plan. Section 9.3 the Plan advises that land not within an identified settlement or otherwise zoned, as part of the Plan, or any LAP, the use of the land will be deemed to be primarily agriculture.
- 5.1.2. Section 9.3 advises that existing commercial activities in towns and villages will not be permitted to relocate to the countryside or to un-serviced rural areas. However, the Plan gives favourable consideration for commercial development in rural areas as follows.

‘In specific circumstances, some commercial / industrial developments may be acceptable in rural areas due to their dependence on an existing local resource or source material that is required for the carrying out of the process / activity or service. In such instances the local resource or source of material shall be situated close to the location of the proposed development’.

5.1.3. Policy Objective RD O1 is relevant, and states,

‘Encourage the development of appropriately scaled alternative rural based small-scale enterprises that are appropriate in rural areas. All planning applications for one off enterprises in rural areas shall have regard to the criteria listed in Table 9.1 of the Plan’.

5.1.4. The Plan advises that one-off enterprises in the rural area may be situated in the open countryside only where the council is satisfied that there is a demonstrable need for the enterprise at the specific location in the first instance and where it complies with the criteria outlined in Table 9.1 (*Criteria for Assessment of One-off Enterprises in Rural Areas*) of the KCDP, 2023 – 2029.

5.1.5. Section 15.7.5 ‘*Stopping Distances and Sightlines*’ of the KCDP, 2023 – 2029, sets out guidance for the proposed development. The following guidance is relevant:

- Sightline requirements are determined by the Council on a case-by-case basis. Factors including the type, speed limit and condition of the road are taken into consideration.
- Development will not be permitted for inadequate sightlines that give rise to a traffic hazard.
- In cases where an access already exists with inadequate sightlines, policy recommends closing-up of this entrance prior to the use of an alternative access with adequate sightlines.
- All applications for planning permission must clearly indicate the sightlines available at the proposed access.

5.1.6. Section 15.7.5 ‘*Building Lines*’ requires compliance with minimum setback distances for developments from public roads as set out in Table 15.7. The minimum set back distance for developments from County Roads is 18.5m.

5.2. Local Area Plan

5.2.1. The subject site is located outside the plan boundary of the expired Monasterevin Local Area Plan, 2016 – 2022.

5.3. Natural Heritage Designations

- River Barrow and River Nore SAC (Site Code 002162) c. 1.6km southwest
- Grand Canal pNHA (Site Code 002104) c. 1.7 km west

6.0 EIA Screening

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

Background

- Site and yard used for storage for more than 7 years and not regarded as an agricultural use.
- Applicant bought the site and house in 2004. Subsequently sold the house to current owners.
- The yard and shed used for multiple uses over the years including repair of truck associated with cattle transport business, construction of decorative concrete blocks and storage of steel erectors.
- The storage shed is currently used by Willoughby's Hardware, one of the main employers in Monasterevin, as there are no other alternative established / developed facilities in Monasterevin.

Amended Proposal

- Appeal submission includes an amended proposal to reduce existing shed in size in order to comply with Table 15.7 of the KCDP, 2023 – 2029.

- Amended site layout plan indicates storage shed set back c. 10.3 m from the public road.

Vehicular Entrance

- Permission granted for the existing vehicular entrance by PA under L.A. Ref. 04/1924.

7.2. Planning Authority Response

- The Transport, Mobility & Open Space Department recommended refusal for the following reasons;
 - Entrance adjacent to a dangerous bend on the public road.
 - Inadequate sightlines inconsistent with TII Documents (DN-GEO-03060 and 03031) resulting in traffic hazard.
 - Increased risk of side swipe collisions.
 - No attempt to liaise with third parties to consider alternative more suitable entrance.
- PA confirms its decision to refuse permission.

8.0 Assessment

Having examined the application details and all other documentation on file, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Principle of Development and Compliance with Table 9.1 of KCDP
- Set Back Distances and Amended Proposal
- Vehicular Access

8.1. Principle of Development and Compliance with Table 9.1 of KCDP

Principle of Development

- 8.1.1. The appeal site is located outside of a settlement boundary in an un-zoned rural location. Section 9.3 of the KCDP, 2023 – 2029, advises that in general existing commercial or industrial activities in towns and villages will not be permitted to re-locate to the countryside or to un-serviced rural areas.
- 8.1.2. However, in some instance the KCDP will consider some commercial / industrial developments in rural areas due to their dependence on an existing local resource or source material that might be required, and which shall be located close to the development.
- 8.1.3. The development for retention relates to a storage shed (c. 339 m²) which serves an existing hardware store in Monasterevin, some 1.7km away. The subject storage shed would not be dependent on an existing local resource or source material. Therefore, having regard to the nature and use of the existing storage shed on the appeal site the development for retention would not be acceptable in principle.
- 8.1.4. The appeal site is located outside the plan boundary of the expired Monasterevin Local Area Plan, 2016 – 2022, (LAP). The LAP is currently under review. The LAP is therefore not relevant to this assessment.

Compliance with Table 9.1 of KCDP

- 8.1.5. Notwithstanding the above conclusion in relation to the principle of development I would note that Policy Objective RD O1 of the KCDP is relevant to the development for retention.
- 8.1.6. The KCDP advises that in some circumstances one-off enterprises in the rural area may be situated in the open countryside only where there is a demonstrable need for the enterprise at the specific location in the first instance and where it complies with the criteria outlined in Table 9.1 of the KCDP. Policy RD O1 encourages appropriately scaled alternative small-scale enterprises that are appropriate in rural areas and all applications for one off enterprises shall have regard to Table 9.1 of the Plan.

8.1.7. The appellant argues there is a demonstratable need for the existing storage shed, to serve the hardware store based in Monasterevin town centre, as there are no other established or developed facilities in Monasterevin and there is a need to provide this storage shed for an existing business. For completeness, and noting the applicant's need for the development, I have assessed the planning application having regard to the criteria in Table 9.1 of the KCDP as per Policy Objective RD O1.

8.1.8. Table 1 below sets out the relevant criteria for Table 9.1 of the KCDP, 2023 – 2029.

Criteria	Assessment
<i>Development proposals shall be limited to small-scale rural based business development with a floor area at circa 200 square meters and shall be appropriate in scale to its location.</i>	The storage shed has a floor area of 339 m ² and therefore is non-compliant with this criterion.
<i>The development will enhance the strength of the local rural economy.</i>	The storage shed is not rural related and would not strengthen the local rural economy.
<i>The proposed development will normally be located on the site of a redundant farm building / yard or similar agricultural brownfield site.</i>	The subject site was previously part of a residential curtilage and non-agriculture related.
<i>There is a demonstrable social and economic benefit to being located in a rural area.</i>	A social and economic benefit justifying the location of the subject development in this rural location has not been demonstrated.
<i>The proposal shall include a comprehensive planting plan of native species to screen the development.</i>	No screening or planting plan of native species provided.
<i>The proposal will not adversely affect the character and appearance of the landscape.</i>	The scale and proximity of the storage shed to the public road is inconsistent with development management standards.
<i>The proposal will not be detrimental to the amenity of nearby properties, and in particular the amenities of nearby residents.</i>	The use of the storage shed for commercial purposes will give rise to additional traffic generation and noise implications, with impacts on established amenities. However, I would not consider such impacts detrimental to the amenity of nearby residential amenities.
<i>The existing or planned local road network and other essential infrastructure can accommodate extra demand generated by the proposal.</i>	Inconsistent with development management standards in respect of vehicular access.
<i>The proposal shall be accompanied by a mobility plan catering for employees' home to work transportation.</i>	The storage shed will not generate any permanent employment on the site.
<i>Adequate proposals to cater for any waste arising at the facility.</i>	No waste storage provided.
<i>All advertising should be kept to a minimum and be suitable in design and scale to serve the business.</i>	No advertising proposed.

<i>Proper planning and sustainable development.</i>	Not in accordance with proper planning and sustainable development, on basis that the storage shed is not acceptable in principle (refer to section 8.1.1. to 8.1.4 above).
<i>The proposals should conform to all other objectives of the County Development Plan.</i>	Inconsistent with development management standards in respect of setback standards and vehicular access.

- 8.1.9. Conclusion: On the basis of the above considerations the retention of the storage shed and its use as a commercial storage facility on the subject site would not be consistent with the KCDP, 2023 – 2029, in particular section 9.3 ‘Rural Economy and Rural Enterprise’ and would contravene Policy Objective RD O1 of the KCDP, 2023 – 2029.

8.2. Set Back Distances and Amended Proposal

- 8.2.1. Section 15.7.5 ‘*Building Lines*’ of the KCDP, 2023 – 2029, requires that buildings in rural areas shall have a minimum set back distance of 18.5m from county roads for compliance with Table 15.7 ‘*Building Lines from Public Roads*’ in Rural Areas’ of the KCDP, 2023 – 2029.
- 8.2.2. The site layout plan submitted with the planning application indicates the existing storage shed has an inadequate minimum setback distance from the nearside edge of the public road, which is therefore inconsistent with this development plan standard.
- 8.2.3. The appeal submission includes an amended site layout plan indicating a minimum set back distance of c. 10 metres from the nearside edge of the public road. I note the amended drawing is not to scale, however I have measured the amended set back distance based on the submitted plans with the application and on this basis, I estimate that the setback distance from the nearside public road in the amended drawing is approximately 10m to 14m. Although the amended drawing allows for a greater set back distance the proposal would be inconsistent with the development management standards of the KCDP, 2023 – 2029. Therefore, the application has not adequately addressed PA refusal reason no. 3.

8.3. Vehicular Access

- 8.3.1. In accordance with Section 15.7.5 '*Stopping Distances and Sightlines*' of the KCDP, 2023 – 2029, sightline requirements are determined by the Council on a case-by-case basis. Factors including the type, speed limit and condition of the road are taken into consideration.
- 8.3.2. The internal report on the file from the Transportation, Mobility and Open Spaces Department (dated 17th September 2024) reports that the vehicular entrance is located adjacent to a dangerous bend on the road resulting in inadequate sight lines which creates a traffic hazard. I would note that this view is reiterated in the PA response to the appeal submission. The PA response submission also submits that the sightlines do not comply with TII Documents (DN-GEO-03060 and 03031).
- 8.3.3. I noted from my site assessment that the maximum speed limit for the public road adjacent to the development is 60kph. In addition, Table 9.3 '*Design Speed Related Parameters*' of the TII '*Rural Road Link Design*¹' advises that the desirable minimum stopping sight distance for a road with a speed limit of 60km is 90 metres.
- 8.3.4. I noted from my site assessment that the sightline provisions to the west of the existing vehicular entrance are achievable, however the sightline provisions to the east of the vehicular entrance are restricted due to the horizontal alignment of the public road approximately 40 – 50 metres from the existing site entrance. Therefore, the sightline provision is not achievable in an easterly direction.
- 8.3.5. The appellant submits details of the vehicular entrance which was permitted under L.A. Ref. 04/1924. I have reviewed the planning application permitted under L.A. Ref. 04/1924, however this application relates to the retention of extensions to an existing dwelling house, and not specifically the vehicular entrance on the subject site, and therefore the decision in relation to L.A. Ref. 04/1924 would not support the appellant's case.
- 8.3.6. Based on the documentation on the file, it is my view, that the vehicular entrance, the subject of the application before the Board, is not in accordance with the KCDP, 2023 – 2029, and TII guidelines and therefore would not be suitable for an intensification of use on the subject site.

¹ DN-GEO-03031, April 2017

- 8.3.7. I would therefore consider that the subject vehicular entrance would not be suitable to cater for the traffic movements generated by the development on the site and would endanger public safety by reason of a traffic hazard.

9.0 AA Screening

- 9.1. I have considered the ABP-321109-24 in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2. The proposed development comprises of the retention of storage shed and is located in a rural area.
- 9.3. The closest European Site, part of the Natura 2000 Network, is the River Barrow and River Nore SAC (Site Code 002162) located approximately 1.6km southwest of the subject site.
- 9.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- Small scale and nature of the development.
 - The absence of any ecological pathways.
 - Taking into account screening determination by the PA.
- 9.5. I conclude, 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.
- 9.6. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

I recommend that planning permission be refused for the reasons set out below.

11.0 Reasons and Considerations

1. The development for retention is outside of a settlement boundary in an unserviced rural area and defined as primarily agriculture in Section 9.3 of the Kildare County Development Plan, 2023-2029. The development for retention would be inconsistent with Table 9.1 '*Criteria for Assessment of One-off Enterprises in Rural Areas*' of the Kildare County Development Plan, 2023 – 2029, and if permitted would set a precedent for similar undesirable types of development in a rural area. The proposed development would therefore be contrary to Objective RD O1 and Table 9.1 of the Kildare County Development Plan, 2023-2029 and would be contrary to the proper planning and sustainable development of the area.
2. The siting of the storage shed for retention is contrary to the minimum set back distance required for building lines for a County Road as set out in Table 15.7 of the Kildare County Development Plan, 2023-2029, as such the development for retention contravenes the requirements of section 15.7.7 of the Kildare County Development Plan, 2023-2029, and would therefore be contrary to the proper planning and sustainable development of the area.
3. It is considered that the development would endanger public safety by reason of traffic hazard, where the public road is substandard in terms of horizontal alignment at a point where sightlines are restricted in an easterly direction. The development would endanger public safety by reason of traffic hazard and therefore would be contrary to the proper planning and sustainable development of the area.

Kenneth Moloney
Senior Planning Inspector

25th April 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321109-24		
Proposed Development Summary	Retention of storage shed and all associated site works.		
Development Address	Barraderra, Monasterevin, Co. Kildare		
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)?			
Yes			Proceed to Q3.
No	✓		No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	✓		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

Yes	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)
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5. Has Schedule 7A information been submitted?		
No	✓	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ **Date:** _____