



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321126-24

<b>Development</b>	Construction of upgraded farmyard entrance gate including natural stone-faced wing walls and pillars and improvements to sightlines along road boundary.
<b>Location</b>	Ballinagee, Enniskerry, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	2460092
<b>Applicant(s)</b>	Reginald White
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	As above
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16 <sup>th</sup> December 2024
<b>Inspector</b>	Kenneth Moloney

## Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	3
3.1. Planning Authority Reports .....	4
3.2. Prescribed Bodies .....	5
3.3. Third Party Observations .....	5
4.0 Planning History .....	5
5.0 Policy Context .....	6
5.1. Development Plan .....	6
5.2. Natural Heritage Designations .....	7
5.3. EIA Screening .....	7
6.0 The Appeal .....	7
6.1. Grounds of Appeal .....	7
6.2. Planning Authority Response .....	8
6.3. Observations .....	8
7.0 Assessment .....	8
8.0 AA Screening .....	12
9.0 Recommendation .....	13
I recommend that planning permission be refused for the reason set out below .....	13
10.0 Reasons and Considerations .....	13
Appendix 1 – Form 1: EIA Pre-Screening	

## 1.0 Site Location and Description

The subject site is in a rural area situated approximately 2.5km south of Enniskerry, Co. Wicklow. The subject site measures 0.3 ha and has a square configuration. The site formed part of a larger landholding.

The local area is rural upland in character with the predominant use agriculture. There is an existing agricultural building on the appeal site which has a floor area of approximately 264 sq. metres. The appeal site is a small agricultural landholding although there was no active agricultural use on the site, at the time of the site inspection.

The site adjoins the public road, which is a local rural road, and the gradient of site falls downwards from the public road. The site has an established vehicular entrance onto the public road, with the gates set back from the roadside verge.

## 2.0 Proposed Development

The proposed development is for the upgrade on an existing farm entrance, to replace with new gated entrance. The proposed entrance is to comprise of quartzite faced pillars and wing walls, and a sliding metal sheeted gate.

The wing walls of the proposed gate are 1.5 metres in height, and the proposed pillars are 1.8 metres in height.

It is proposed that the vehicular sightlines for the new entrance will be improved.

## 3.0 Planning Authority Decision

The Planning Authority **refused** planning permission for the following reasons.

1. Having regard to the limited size of the landholding, and the inadequate information provided regarding the proposed use of the lands, it has not been demonstrated that the proposed development is necessary to support the use of the lands for agriculture or agri-business. Consequently, the proposed development would not be in accordance with the objectives of the County

Development Plan 2022-2028 relating to agriculture and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the inadequacy of sightlines and the road network serving the site in terms of width and structural condition, in the absence of details of how sightlines can be achieved, especially to the northeast, in accordance with current TII design standards, it is considered that the existing proposal is not suitable to cater for increased traffic movements generated by the proposed development and therefore to allow this development would endanger public safety by reason of a traffic hazard.
3. Having regard to the character of the site and proposed access, it is considered that the height and solidity of the proposed entrance treatment would detract from this sensitive rural context (i.e. the site is within the Mountain and Lakeshore AONB (North Eastern Valley), would contravene Objective CPO 17.36 of the County Development Plan 2022-2028, and would be contrary to the proper planning and sustainable development of the area.

### **3.1. Planning Authority Reports**

3.1.1. The Planner's report (dated 05.04.24), in summary makes the following points;

- Principle of development is accepted.
- F.I. request considered appropriate confirming whether access upgrade is linked to larger agricultural landholding.
- The design / scale of the proposed upgraded entrance deemed appropriate, if the applicant's intention is to serve the larger landholding to the north.
- No significant adverse impacts on residential amenities in terms of loss of privacy from the proposed development.
- Proposal is likely to improve the current sightlines.
- Further information sought for the following (a) provide details showing proposed development is in accordance with strategic objective for 'Agriculture', (b) submit a revised site plan showing how sightlines can be

achieved, and (c) address concerns in relation to impacts on the designated Mountain and Lakeshore AONB (North Eastern Valley).

- The subsequent planners report (dated 04.10.24) considered all the responses to additional information requests and recommended refusal as outlined in Section 3.0, of this report, above.

### 3.1.2. Other Technical Reports

- None

### 3.2. Prescribed Bodies

- None

### 3.3. Third Party Observations

- None

## 4.0 Planning History

### On-site – Larger Landholding

- PA Ref. 01/4999

Equestrian centre with stables and indoor arena on site of existing barn and 12 residential units. **Withdrawn** (subsequent to refusal recommendation).

### Relevant case to appeal

- Appeal Ref. 308287 (L.A. Ref. 20/675)

ABP granted permission for the construction of 2000mm high boundary wall. Wicklow County Council had refused planning permission as the proposal would *‘seriously detract from the visual amenities and character of this area and result in the formation of an incongruous feature within a protected prospect’*

## 5.0 Policy Context

### 5.1. Development Plan

Section 9.6 'Objectives for Wicklow's Rural Economy' of the Wicklow County Development Plan, 2022 – 2028, includes the following relevant sections.

In relation to Agriculture the strategic objective in the CDP is;

*'To encourage the continued operation of farming and its associated uses where it already exists, and to facilitate the diversification of the agricultural economy through the support of appropriate alternative farm enterprise sources'.*

The following objectives are relevant

- **CPO 9.37** (environmentally sustainable agricultural activities, protecting watercourses, wildlife habitats, areas of ecological importance are protected from the threat of pollution, and where development does not impinge on the visual amenity of the countryside).
- **CPO 9.38** (facilitate agricultural diversification).
- **CPO 9.39** (protect agricultural or agri-business uses from incompatible uses).
- **CPO 9.41** (permit the development of new, appropriately located and designed agricultural buildings, which are necessary for the efficient and environmentally sound use of the agricultural practice).

In accordance with Map 17.09A (Natural Heritage and Biodiversity) of the Development Plan the appeal site is designated as an area of Natural Outstanding Natural Beauty (AONB).

The following objective is relevant

- **CPO 17.36** (Any application for permission in the AONB which may have the potential to significantly adversely impact the landscape area shall be accompanied by a Landscape / Visual Impact Assessment.....)

Appendix 1: Development and Design Standards. Section 2.1 Roads & Transport.

## 5.2. Natural Heritage Designations

- Non relevant

## 5.3. 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- Precedent PA 20/675 was overturned by ABP (308287) on the same road 2km to the southeast of this site.

#### Refusal Reason 1

- Refusal reason does not consider the existing agricultural entrance and as such the 'necessary' element of the refusal should not apply.
- The existing entrance is industrial and unsightly in character and the proposal is sensitively designed to its rural location.

#### Refusal Reason 2

- Refusal reason fails to consider that the existing is an authorised agricultural entrance.
- The PA seeks to apply sightline standards of a new entrance to an existing entrance for which no additional traffic movement will arise.

#### Refusal Reason 3

- Entrance includes natural stone wall, similar to other entrances along the road, accordingly the refusal reason is not justified.

## **6.2. Planning Authority Response**

- None

## **6.3. Observations**

- None

## **7.0 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 Access
- Agriculture Use
- Vehicular Sightline Provision
- Impacts on Landscape
- Precedent

### **7.1. Principle of Access**

The proposed development is for the upgrade of an existing farm vehicular entrance, with new gated entrance to provide improved vehicular entrance to existing agricultural site. The lands the subject of the appeal, and the immediately adjoining lands, are within a rural area and agriculture is the predominant use locally.

In principle therefore, the upgrade of an existing farm entrance in a rural location where the predominate use is agriculture is acceptable, subject to compliance with



development plan strategic objectives, landscape designations and relevant development standards in relation to vehicular sightline provision.

## 7.2. Agricultural Use

The first reason for refusal relates to the agricultural use on the site with the Planning Authority outlining that further detail was required from the appellant which has not been provided.

In relation to Agriculture the strategic objective in the CDP<sup>1</sup> is;

*‘To encourage the continued operation of farming and its associated uses where it already exists, and to facilitate the diversification of the agricultural economy through the support of appropriate alternative farm enterprise sources’.*

The appeal site, which measures approximately 0.3 ha, would be extremely limited in respect of a farm for an agricultural landholding. I would note from the documentation on the file that the appeal site was once part of a larger landholding which would explain the relatively small size now of the site for the proposal for an agricultural landholding.

I would acknowledge that the applicant submits the proposed use will be for hobby farming in the form of an allotment, however no further details illustrating the scale of proposed use are demonstrated. This was a critical issue for the Planning Authority and the first reason for refusal.

I would consider, based on the information on the file, including the further information received, that the proposed development, having regard to the limited size of the site and the inadequate information provided regarding the proposed use of the lands, would be contrary to the strategic objectives of the development plan, in particular Section 9.6 of the Plan were it is an objective to *‘encourage the continued operation of farming’* in this rural area. The proposed development would set an

---

<sup>1</sup> Section 9.6 of Wicklow CDP, 2022 – 2028

undesirable precedent for other such development and therefore would be contrary to the proper planning and sustainable development of the area.

### 7.3. Vehicular Sightline Provision

I would acknowledge that the local authority refusal reason, in respect of sightline provisions, references non-compliance with current TII design standards especially to the northeast of the site.

Section 2.1 'Roads & Transport' of Appendix 1 (Development and Design Standards) of the Development Plan, and specifically Section 2.1.9 'Entrances & Sight Lines' refers to the following.

*'Clear sightlines will be required to be available or provided at new junctions and entrances. The sight distance required shall be calculated using the applicable road design manual having regard to the following criteria:*

- The designation of the road, its function in the road hierarchy and existing / projected volumes of traffic;*
- The typical speed (not the speed limit) of the road;*
- The vertical and horizontal alignment of the road;*
- And any other such factors that may be pertinent to the specific location or as may be set out in road design manuals'.*

In accordance with Table 9.3 'Design Speed Related Parameters' of the TII 'Rural Road Link Design'<sup>2</sup> the desirable minimum stopping sight distance for a road with a speed limit of 50km is 70 metres. Based on a visual observation of the area it would appear that the typical speed on this rural road is approximately 50 kph. I would also note that the TII guidelines advise that the minimum stopping sight distance is 50 metres for a road with the typical lower speed of 42 kph.

The submitted Site Layout Drawing (drawing no. RW 2402/02) illustrates that the proposed sightline provision towards the northeast is approximately 18 metres, which would be inadequate in respect of the TII guidelines that require a minimum

---

<sup>2</sup> April 2017

stopping distance of between 50m to 70m for a typical road speed to the adjoining public road.

I would consider that the onus is on the applicant to demonstrate sightline provision for the upgraded vehicular entrance that complies with the TII guidelines consistent with the development plan standards. Based on the documentation on the file, it is my view, that the applicant has not adequately demonstrated that the proposed vehicular entrance would provide for safe access in accordance with the TII guidelines.

I would therefore consider that the proposed development, by reason of inadequate of sightline provision, would not be suitable to cater for increased traffic movements generated by the proposed development and therefore to allow this development would endanger public safety by reason of a traffic hazard.

#### **7.4. Impacts on Landscape**

In accordance with Map 17.09A (Natural Heritage and Biodiversity) of the Development Plan the appeal site is designated as an Area of Outstanding Natural Beauty (AONB).

Policy Objective CPO 17.36 is relevant, and states as follows;

*'Any application for permission in the AONB which may have the potential to significantly adversely impact the landscape area shall be accompanied by a Landscape / Visual Impact Assessment, which shall include, inter alia, an evaluation of visibility and prominence of the proposed development in its immediate environs and in the wider landscape, a series of photos or photomontages of the site / development from clearly identified vantage points, an evaluation of impacts on any listed views / prospects and an assessment of vegetation / land cover type in the area (with particular regard to commercial forestry plantations which may be felled thus altering character / visibility). The Assessment shall demonstrate that landscape impacts have been anticipated and avoided to a level consistent with the sensitivity of the landscape and the nature of the designation'.*

Whilst the setting of the site is attractive and there are trees and hedgerows in the area and rolling upland countryside, I would acknowledge that the established

vehicular entrances in the vicinity are generally mixed in design terms with solid wing walls, timber and steel railing gates evident.

I would note that there are some existing vehicular entrances along the road, not dissimilar in design terms to the proposed entrance at the appeal site. The appellant argues that these existing entrances act as precedents in support of the proposed development. I note from my site inspection two contemporary vehicular entrances further to the northeast of the appeal site both comprising of stone wing walls and steel railings gates.

The wing wall proposed is of high-quality materials and there are already a few entrances finished with stone in close proximity to the site.

Having regard to the scale of the proposed development, the existing pattern of development, including the variety of vehicular entrances in the area, I consider that the proposed boundary and vehicular entrance would not unduly detract from the visual amenities of the area and the landscape designation, and I would not recommend that it is included as a reason for refusal, if the Board are minded to refuse permission.

#### **7.5. Precedent**

I would acknowledge that the appellant refers to the decision of the Board in respect of appeal ref 308287 which relates to a grant permission for the construction of 2000mm high boundary wall as a positive precedent for the proposed development.

I have examined the Inspector's Report and note that the subject site is located on the edge of the village of Kilmacanoge, Co. Wicklow, approximately 3.5 km from the appeal site. Further the Inspector's Report refers to the site as located within the urban boundary of Kilmacanoge. Therefore, having regard to the rural context of the current appeal site, I would not consider that the Board's decision in relation to appeal ref 308287 would represent a precedent for the current proposal before the Board.

#### **8.0 AA Screening**

Having regard to the nature and small scale of the proposed development 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.

## **9.0 Recommendation**

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

## **10.0 Reasons and Considerations**

1. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the inadequate sightline sightly provision available at the location of the proposed upgraded vehicular entrance in a north eastern direction. The proposed development would endanger public safety by reason of serious traffic hazard and therefore would be contrary to the proper planning and sustainable development of the area.
2. It is considered, having regard to the limited size of the landholding, and the inadequate information provided regarding the proposed use of the lands, it has not been demonstrated that the proposed development is necessary to support the use of the lands for agriculture or agri-business consistent with the strategic objective for 'Agriculture' in Section 9.2 of the Wicklow County Development Plan, 2022 – 2028. The proposed development would therefore not be in accordance with the objectives of the County Development Plan 2022-2028 relating to agriculture and would be contrary to the proper planning and sustainable development of the area.

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.

---

Kenneth Moloney  
Senior Planning Inspector

22<sup>nd</sup> January 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-321126-24		
<b>Proposed Development Summary</b>	Construction of upgraded farmyard entrance gate including natural stone-faced wing walls and pillars and improvements to sightlines along road boundary.		
<b>Development Address</b>	Ballinagee, Enniskerry, Co. Wicklow		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>			Proceed to Q3.
<b>No</b>	✓		No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			
<b>No</b>	✓		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	✓	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_