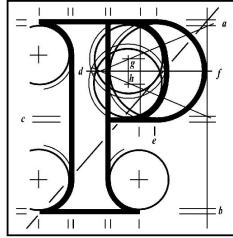


An Bord Pleanála



Inspector's Report

- Development:**
- (1) The construction of an enclosed horse washing bay on the south side of the existing stable block, and
 - (2) The retention of the existing site layout and the amendment of opening hours previously approved under planning application reg. no. SA/801356 and An Bord Pleanála ref. PL17.230634, at Corballis, Julianstown, Co. Meath.

Application

Planning authority: Meath County Council

Planning application reg. no. SA/110413

Applicant: Anne Stanley

Type of application: Permission and retention permission

Planning authority decision: Grant, subject to 7 conditions

Appeal

Appellant: Susan Byrne

Type of appeal: Third party -v- Condition 5

Observers: None

Date of site inspection: 4th October 2011

Inspector: Hugh D. Morrison

Site

The appeal site is located 2.25km east of Julianstown and 1km to the northwest of Mosney in the townland of Corballis. This site lies within an area of open countryside and it is accessed off a single lane local road, which is punctuated by one off dwellings, especially to the south. The site encompasses the yard to The Barn equestrian centre and it adjoins the yard to the Castle Hill equestrian centre to the north. This yard comprises two stable blocks, a manure pit, a lunging ring and a floodlit outdoor arena. To the west lie a series of fields, which provide grazing for horses stabled in the yard.

The appeal site is of regular shape and it extends over an area of 0.9563 hectares. Its northern boundary abuts the aforementioned neighbouring equestrian centre and its western and eastern boundaries abut the local road and the applicant's fields. The southern boundary is aligned diagonally on a southwest/northeast axis. It is marked by a line of mature deciduous trees. This boundary abuts the curtilage to the appellant's bungalow.

Proposal

The proposal comprises the following three elements:

- The construction of a 48.92 sqm extension to the southern end of the existing eastern stable block. This extension would utilise an existing concrete base and it would be used as a horse washing bay,
- The retention of the existing site layout, which varies from that permitted under application reg. no. SA/801356 (appeal ref. PL17.230634) insofar as the siting of the manure pit and lunging ring have been handed, i.e. as permitted the pit would have been to the south, while the ring would have been to the north, whereas as constructed they are the other way around, and
- The amendment of the hours of opening as proposed under the aforementioned application from:
 - Sundays and Mondays: closed,
 - Tuesdays: 0900 – 2000,
 - Wednesdays, Thursdays and Fridays: 0900 – 1800, and
 - Saturdays: 0930 – 1230

to:

- Monday to Friday: 0800 – 2200
- Saturday: 0800 – 1900, and
- Sunday: 0800 – 1700

Planning authority's decision

Permission was granted subject to 7 conditions, including condition 5, which restricts the equestrian school's hours of operation to the following:

- Mondays to Fridays: 0800 – 2000,
- Saturdays 0800 – 1900, and
- Sundays 0800 – 1700,

in the interest of surrounding residential amenity.

Technical reports

None

Grounds of appeal

The appellant begins by drawing attention to the proximity of her residential property to the floodlit equestrian arena, i.e. her house is 35m away and the common boundary is 14m away. She objects to the extension of the opening hours for the equestrian centre on the following grounds:

With respect to section 3.1.9 of the CDP:

- The area is not appropriately zoned for a development with the proposed opening hours,
- The equestrian centre does not serve the local rural community, insofar as it is a private facility, as distinct from one that is open to the public,
- This centre is unsympathetic to the locality in terms of noise generation and light pollution, and
- It is particularly unsympathetic to the appellant's adjacent residential property.

With respect to policy ED POL 19, the equestrian centre is of inappropriate scale and it impacts negatively on the character and amenity of the area.

The appellant elaborates upon her concern over the proposed opening hours as follows:

- The riding activities at the equestrian centre can be seen and heard by the appellant from within her kitchen. This is especially disruptive at the weekends, when peace and privacy can reasonably be expected,
- With respect to the applicant's previous application, on the basis of the then proposed hours of opening and the development's description as a "downsizing" project, the appellant's concerns were limited to comments on lighting and screening,
- From the outset, the equestrian centre has operated in contravention of the originally proposed hours of opening. These hours were the subject of a clarification exercise by the Board and their alleged contravention is the subject of 2 warning notices. (Copies of correspondence between the applicant, the planning authority and the Board are attached to the appellant's grounds of appeal), and
- Some trees have been planted. However, they are of deciduous species and so their screening properties are limited, especially outside of the summer months.

Responses

The applicant has responded to the above cited grounds as follows:

- Attention is drawn to the planning history of the appeal site and adjoining lands to the north, which were formerly jointly used as Castle Hill Riding School, operated by the applicant from 1994 – 2007 and catered for 250 students a week. In 2006 the appellant purchased her present house next to this School. In 2007, the applicant established The Barn Riding School on the appeal site. This School caters for 45 – 50 students a week and employs 4 part time local staff,
- While the applicant accepts condition 5 imposed on the draft permission, any further tightening of the opening hours would have a major effect upon her livelihood,
- The applicant has sought to address the appellant's amenity concerns by planting on the mound around the outdoor arena in accordance with a landscaping scheme approved by the planning authority. Due to the severity of last winter, some planting has failed and this will be replaced this autumn. If needs be, it can be augmented by planting along the common boundary,

- In planning terms, the appeal site is an appropriate location for an equestrian centre,
- The equestrian centre is open to the public,
- Hoods/shades have been recently fitted to the lighting standards to mitigate light spillage, and
- The previously proposed hours of opening reflected the applicant's limited availability, due to caring responsibilities for a dependent relative. She is now in a position to give more time to the Riding School, hence the longer hours now proposed.

This response is accompanied by supporting documentation, which includes a petition of support signed by all the applicant's neighbours, apart from the appellant.

The planning authority has responded to the above cited grounds as follows:

- Attention is drawn to the curtailment of the hours of opening on weekday evenings from the applicant's proposed closing time of 2200 to 2000 hours, and
- Attention is also drawn to the equestrian centre's locational requirement to be in a rural area, as distinct from an urban setting.

Planning history

- 89/001101 for the construction of a stable block and new entrance for commercial use was granted permission,
- 91/000964 for an indoor equestrian arena, stables, viewing area, canteen, toilets, septic tank and percolation area, and
- SA/801356 for (1) the construction of a 50m x 25m outdoor all weather equestrian sand arena together with the provision of 6 x 8m high floodlights, (2) the construction of 15m diameter lunging ring, (3) the construction of a manure pit, (4) the conversion and extension of an agricultural shed for use as stables with lean-to roof to rear, and (5) the construction of a new proprietary wastewater treatment system and percolation area together with all associated site works, was granted permission at appeal ref. PL17.230634.

Development Plan

The Meath County Development Plan 2007 – 2013 (CDP) shows the appeal site as lying within a rural area under strong urban influence and in the landscape character area "Coastal Plains". Under section 3.1.9 of this Plan, it addresses rural enterprise. In this respect policy ED POL 19 states the following:

To normally permit development proposals for the expansion of existing industrial or business enterprises in the countryside where the resultant development is of a size and scale which remains appropriate and which does not negatively impact on the character and amenity of the surrounding area, and the proposal demonstrates that it has taken into account traffic, public health, environmental and amenity considerations and is in accordance with the policies, requirements and guidance contained in this plan.

The CDP also addresses the more specific subject of agriculture under its chapter on development management guidelines and standards.

National planning guidelines

None

Assessment

I have reviewed the proposal in the light of the CDP, the planning history of the site and the submissions of the appellant, the applicant and the planning authority. Accordingly, I consider that this appeal should be assessed under the following headings:

- (i) Hours of opening and amenity, and
- (ii) Miscellaneous

(i) Hours of opening and amenity

1.1 The applicant has outlined the history of the two adjoining riding schools at Corballis. The applicant's site layout plan indicates the presence of a stable block and an outdoor arena, which serve the Castle Hill Riding School. During my site visit, I noted that this arena is floodlit. The sub-division of lands comprised in this Riding School to allow the formation of the applicant's riding school, The Barn, as a separate entity, appears to have provided the impetus for the outdoor arena, which was the subject of planning application reg. no. SA/801356 (appeal ref. PL17.230634). This arena is 50m x 25m, i.e. 1250 sqm, and it is lit by pairs of floodlights mounted on six 8m high poles. During lessons, it can be used by up to 5 horses with their riders at the same time. As a defined space within The Barn Riding School, it is thus capable of being used in a relatively intensive manner.

1.2 The appellant's residential property lies to the south of the floodlit outdoor arena. The common boundary between the appeal site and this property follows a diagonal alignment. Consequently the separation distance between it and the southern mounded and planted side of the arena ranges between 14.228m in the east to 46.037m in the west. The boundary itself is accompanied by a timber post and rail fence and a line of mature deciduous trees. On the appellant's side of this boundary, her bungalow is sited in a position whereby its front and rear

elevations are orientated roughly east/west, i.e. the former is tilted in a slightly northerly direction and the latter in a slightly southerly one. The northern gabled side elevation is between 28.5 and 30m from this boundary. The curtilage to the appellant's bungalow is laid out to provide a series of small paddocks to the front, side and rear, with a garden to the rear also.

- 1.3 The respective sitings of the arena and the bungalow are such that the former relates to the northern side and western rear elevations of the latter and, by extension, to its rear garden. The northern elevation contains a window within its gable, which serves the roofspace. A corresponding window lies in the southern elevation and the double pitched roof contains a series of rooflights in both the front and rear roof planes. Thus, the roofspace to this bungalow would appear to be in use. The remainder of the rear elevation contains a number of windows and glazed doors. The appellant highlights her kitchen window within this elevation. If the building line of the rear elevation is projected northwards, then the top of the mound around the southern side of the arena is c. 48m away. The distance between the north western corner of the bungalow and the south western corner is c. 64m on a 30 degree line.
- 1.4 The appellant expresses a number of concerns to do with the flood lit outdoor arena that pertain to its appropriateness in zoning, land use and communal terms. As this arena is an authorised use for planning purposes, these concerns are not ones that can reasonably be considered under the current application, which as far as this use is concerned relates to the hours of opening of the riding school only.
- 1.5 The appellant also expresses concern over the effect of the use of the arena upon the amenities of her residential property, in terms of noise, privacy and screening. This concern and the question of hours of opening are interconnected and so I will assess the same.
- 1.6 An inspection of the file for application reg. no. SA/801356 (appeal ref. PL17.230634) indicates that the hours of opening proposed then by the applicant pertained to the riding school, i.e. when it would be open to clients. These hours were not the subject of a specific condition, but in post-decision correspondence with the Board, it was clarified that they did pertain to the development. I recognise that the appeal site formed part of the Castle Hill Riding School subsequent to the establishment of The Barn Riding School. It therefore has an established use as an equestrian centre without restriction in its hours of opening. Nevertheless, I consider that some restriction in the hours of opening can be justified on the basis that the floodlit outdoor arena represents a defined space wherein an intensification in use is occurring. Such intensification arises from the numbers of users who can utilise the space at any

one time and the capacity of the use to be used in the evening, due to the presence of floodlights.

1.7 An inspection of the aforementioned file also allows for the photographs taken by the previous inspector to be viewed. They depict the pre-development relationship between the appeal site and the appellant's residential property. They were taken during the winter and so the deciduous trees along the common boundary were bare. A comparison of these photographs with conditions on the ground now, indicates that the mound and planting along the southern boundary have begun to screen the arena. The applicant has indicated that failed planting will be replaced this winter. During my site visit I viewed the existing planting on this mound. I consider that it needs to be augmented to ensure that, in time, its screening potential is fully realised. In this respect, if the Board is minded to permit the current application, then a condition should be imposed requiring that all existing planting on the southern mound be identified and assessed as to its condition and appropriate replacement and additional planting be introduced during the coming winter's planting season.

1.8 Given the combination of the existing trees along the common boundary and the fully planted and maturing landscaping on the southern mound, I envisage that a satisfactory visual screen between users of the arena and the appellant's property would emerge within a reasonably short period of time. Thus, the appellant's privacy would be respected thereby.

1.9 Turning to noise and artificial lighting, I consider that the former would be likely to be more of an issue in the early morning and the latter in the mid to late evening. While I recognise that the applicant's installation of hoods to the floodlights reduces light spillage, I consider that the presence of a well-lit space close to the appellant's bungalow in the countryside does have a bearing upon the amenity of the same and so artificial lighting remains an issue. I also consider that a distinction should be made between weekday hours of opening and weekend ones. Such a distinction is both conventional, where residential amenity is concerned, and is suggested by the hours of opening originally proposed by the applicant.

1.10 Given all of the foregoing considerations, I conclude that the hours of opening of the floodlit outdoor arena should be conditioned as follows:

- Mondays – Fridays: 0900 – 2000, and
- Saturdays and Sundays: 0900 – 1700.

(ii) Miscellaneous

2.1 The current application also pertains to the retention of two previously permitted structures, i.e. a manure pit and a lunging ring, in rearranged positions and the proposed modest southerly extension of the eastern stable block to provide a horse washing bay. The rearrangement in question and the proposed extension do not pose any land use or amenity issues and so I raise no objection to either of them.

Recommendation

In view of my assessment, I recommend that the construction of an enclosed horse washing bay on the south side of the existing stable block, and the retention of the existing site layout and the amendment of opening hours previously approved under planning application reg. no. SA/801356 and An Bord Pleanála ref. PL17.230634, at Corballis, Julianstown, Co. Meath, be granted permission.

Reasons and considerations

It is considered that the retention and new build elements of the proposal would be appropriate to the rural land use of the application site and compatible with the amenities of the area. It is also considered that the proposed amended hours of opening would, subject to conditions, be compatible with the visual and residential amenities of the area and in particular those amenities of the nearest residential property to the south of the floodlit outdoor arena. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. Within 12 weeks of the date of this decision, the applicant shall submit to the planning authority a landscaping scheme for the southern mound to the floodlit outdoor arena. This scheme shall include the following:

(a) A survey of the existing shrub and tree planting: each species shall be identified and plotted on a plan of the mound to a scale of not less than 1: 500. Any shrubs and trees that have died or become seriously damaged or diseased shall be identified, too, and

(b) A landscaping plan of the mound to a scale of not less than 1: 500 showing all the existing shrubs and trees to be retained, along with any proposed replacement planting and substantial additional planting. The species of all new shrubs and trees and the siting of the same shall be identified.

The submitted scheme shall be agreed in writing by the planning authority and all replacement and additional planting shall be undertaken in the 2011/12 planting season.

Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the date of this decision, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

4. The floodlit outdoor arena shall only be used between 0900 hours and 2000 hours on Mondays to Fridays and 0900 hours and 1700 hours on Saturdays and Sundays.

Reason: In the interests of residential and visual amenity.

5. The floodlights that service the outdoor arena shall not be switched on when the arena is not in use.

Reason: For the avoidance of doubt and in the interests of residential and visual amenity.

6. The developer shall pay to the planning authority a financial contribution of €455.21 (four hundred and fifty-five euro and twenty-one cents euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000 - 2011. The contribution shall be paid prior to the commencement of development of the proposed extension or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000 - 2011 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Hugh D. Morrison

Inspector

6th October 2011