

An  
Bord  
Pleanála

Board Order  
ABP-309969-21

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## Planning and Development Acts 2000 to 2020

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD21A/0009**

**Appeal** by Laura Durkin care of Farry Town Planning Limited of Suite 180, 28 South Frederick Street, Dublin against the decision made on the 22<sup>nd</sup> day of March, 2021 by South Dublin County Council to refuse permission for the proposed development.

**Proposed Development:** A horse isolation unit consisting of five enclosed stable cubicles, tack room, toilet, canteen, with loft feedstore on first floor and a dwelling unit containing two bedrooms, sitting room, kitchen/dining area, bathroom, boot room and farm office, installation of Oakstown BAF wastewater treatment system and percolation area, an American barn structure with 14 stables, feed store, tack room and kitchen and toilet, construction of recessed vehicular entrance, closure of existing agricultural access, and all associated site works at Farmersvale, Kill, County Dublin.

## **Decision**

**GRANT for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the nature, scale and form of the proposed development and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would not endanger public safety by reason of traffic hazard, would constitute an appropriate use in this rural location, and by reason of the intrinsic relationship between the rural activity proposed and the specific residential unit on site would not be inconsistent with rural housing policy at national or statutory development plan level. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted and shared the views of the Inspector that no issue of public safety by reason of traffic hazard would arise. Furthermore, the Board noted and agreed with the commentary of the Inspector, that the proposed sport horse business is a rural based activity which would contribute to and enhance the rural community and is an activity compatible with the local needs criteria for rural areas and that to oversee the full-time operation of a sport horse business, the provision of a house would be a reasonable element of the development. Furthermore, the Board noted the specific design form of the proposed development, wherein the proposed residential unit is physically attached to the horse isolation unit and incorporates a farm office with direct internal link to the isolation unit, as part of the same overall structure. In this regard the Board determined that the granting of permission for the specific residential unit as part of the overall scheme would be appropriate in this instance and subject to condition on the nature of occupation of the said dwelling, would 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 details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.



2. The proposed dwelling shall be occupied solely by the applicant or a confirmed employee of the overall equine sports horse operation on site and shall not be sold, let or otherwise transferred or conveyed, save as part of the overall equine sports horse operation. Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the occupant of the dwelling in accordance with the terms of this condition and the date of such occupation.

**Reason:** To ensure that the proposed residential unit is used to meet the specific housing needs of the overall development, and is restricted to meet this specific need, in accordance with the proper planning and sustainable development of the area.

3. Details of the finishes of the buildings on site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. Details of the entrance gates and the proposed recessed entrance area shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety.

5. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-
- (a) All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.
  - (b) All soiled waters shall be directed to a storage tank.

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

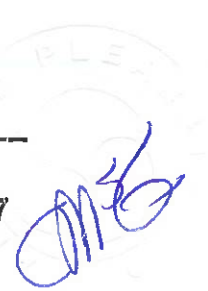
**Reason:** In the interest of environmental protection and public health.

6. Prior to commencement of development, the developer shall enter into a water connection agreement with Irish Water.

**Reason:** In the interest of public health.

7. Any external lighting shall be properly cowled and directed away from the public roadway and from adjoining property. It shall also not be visible from any point more than 100 metres away from the light.

**Reason:** In the interest of traffic safety and to control light pollution in the rural environment.

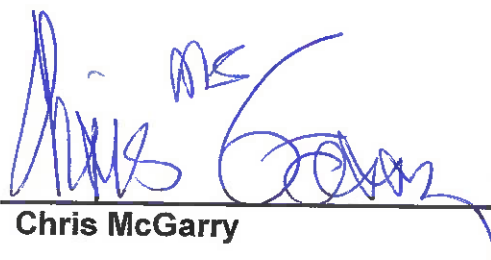


8. (a) A scheme indicating landscape and boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The boundary treatment scheme shall provide a screen consisting predominantly of trees, shrubs and hedging of indigenous species. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.
- (b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development 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 interest of visual amenity.

9. The developer shall pay to the planning authority a financial contribution 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, as amended. The contribution shall be paid prior to commencement of development 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, 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.



**Chris McGarry**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**



Dated this 11<sup>th</sup> day of October 2021.

