



An
Bord
Pleanála

Inspector's Report PL05E.249175.

Development	Retention of stable for housing of horses, ponies, poultry and storage.
Location	Cullion, Lettermacaward, Co. Donegal.
Planning Authority	Donegal County Council.
Planning Authority Reg. Ref.	17/50996.
Applicant(s)	Anna Burkard Adam
Type of Application	Retention
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Tony Smyth
Observer(s)	None
Date of Site Inspection	02 nd of November 2017
Inspector	Karen Hamilton

1.0 Site Location and Description

1.1. The site is located along the western coastline of rural County Donegal within the townland of Longfield, Lettermacaward, north of The Glenties. The subject site is located close to the coastline, elevated from the local road, which runs along the front of the site, and the existing pattern of development in the vicinity is for one-off rural dwellings. The site contains a dormer dwelling, set into the landscape, with two outbuildings, one of modest size and one large along the back of the site. The stables are located along the east of the site and have access from the rear into an adjoining field to the east.

2.0 Proposed Development

2.1. The proposed development is for the retention of a wooden framed stable (24.7m²) used to house horse and poultry and use of a track room/ storage area.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission and refers to the following:

- The third party submission and the location of their dwelling,
- The use of the stables,
- The location of the wastewater treatment and percolation area,
- The visibility splays into the site.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

One third party submission was received by the appellant and the issues raised are summarised in the grounds of appeal.

4.0 Planning History

14/50149

Permission granted for the construction of a new building consisting of a garage/workshop, utility/ boiler, craft room with upstairs storage, all for private use and the installation of a new treatment system and soil polishing filter replacing the existing septic tank system. Conditions included the restriction of the use of the workshop as ancillary to the private residence, installation of a cattle grid/ acco drain and installation of wastewater treatment system and soil polishing filter.

08/30168

Permission granted for the retention of dwelling with an increase in the finished floor to 32.8m. The wastewater treatment system was located in the front garden and the percolation area was on the opposite side of the road.

06/30267

Permission granted for the erection of a dwelling and septic tank on foot of outline permission 01/2842.

05/30886

Permission refused for the erection of a dwelling house and septic tank as the site is located along a designated scenic road in the county development plan and taken in conjunction with the existing and permitted, the proposed development would create ribbon development and result in a build-up of development which is scenic in nature.

01/2842

Permission granted for outline permission for a rural dwelling.

5.0 Policy Context

5.1. County Donegal Development Plan 2012-2018

The site is located within a Structurally Weak Rural Area and Rural Housing Need is subject to compliance with Policy RH-P-4.

RH-P-2

It is a policy of the Council to permit a new rural dwelling which meets a demonstrated rural need (see Policies RH-P-3–RH-P-6) and meets the criteria for successful integration into the countryside.

5.2. Natural Heritage Designations

The site is located c. 100m from the edge of the West Maas Ardara Road Special Area of Conservation (site code 00197).

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from the resident of a neighbouring property and may be summarised as follows:

- The site is very sensitive with permission being refused in 2005 for the preservation of the rural environment. The planning authority have ignored policy and allowed excavation of the site which is a contravention of the plan.
- There is a history of non-compliance on the site with a previous structure requiring a retention permission (14/50149) and it was suggested to the council that consideration to Section 35 of the Act should be given.
- The development is contrary to policy RH P1, RH P2 and RH P5 of the development plan as it represents an expansion of suburban development in

a rural area which is detrimental to the amenity of other dwellers, is prominent in the landscape and does not blend into the environment.

- The management of effluent has not been addressed (Appendix 2.2 and RH P1 5) as the previous permission (14/50149) required the installation of a septic tank and the stables reduces the location of the new treatment plant area and percolation area, which discharges to the wildlife area.
- The development is too close to a dwelling (35m), is not screened and causes nuisance such as odour, noise and traffic hazard.
- Due to the topography of the site in relation to the neighbouring dwelling, which is downhill from the site, there are odours and flow of water towards the property.
- The site is unsuitable for the proposed development and any grant would set a precedent for further undesirable development. The applicant does not own or have a legal agreement to use any other lands for grazing and the adjoining site is for sale.
- The site already operates as a bed and breakfast and the outbuildings are used for accommodation, therefore the proposed development would constitute disorderly and haphazard development.
- There is no clarification as to the scale of poultry or ponies on site.
- There are insufficient visibility splays on a local road and the proposed development cause a traffic hazard. There is no cattle grid on site as required in 14/50149.
- The wooden structure is visible from the road.
- A summary of the planning history, of all non-compliance with condition of planning (in particular 14/501489) and the history of unauthorised development on the site, is provided.
- A copy of correspondence with the planning authority including submission to the planning application and unauthorised development.

6.2. Applicant Response

An agent on behalf of the applicant has made a submission which may be summarised as follows:

- No excessive excavations were carried out on the site to accommodate the stable structure.
- The field between the applicant and appellants site is in its original state.
- The proposal is not an expansion of suburban type development and is a rural use in a predominantly agricultural area.
- The appellant references the prominent location of the dwelling in the landscape, the proposal is for a stables.
- The structure (24.7m² and 2.86m in height) is in line with the appellant's house and 35m away and is not visible from the appellant's house.
- The right of way across the applicant's land is private and not for public use.
- The planner's recommendations from the planner's report are quoted which notes the principle of development on the site is acceptable.
- The stable is located in a rural area, has a small footprint and blends into the surrounding area.

6.3. Planning Authority Response

The response of the planning authority refers to the initial planners report and considers the scale, use, design and impact of the stables in a rural area is appropriate.

6.4. Observations

None received.

7.0 Assessment

7.1. The main issues of the appeal can be dealt with under the following headings:

- Principle of development
- Development Plan Compliance and Impact on the Rural Character.
- Impact on Residential and Visual Amenity
- Appropriate Assessment

Principle of development

7.2. The proposed development is for the retention of a stables (c. 24m²) for the purpose of housing poultry and chickens and a storage area for feed and tacking. The grounds of appeal argue that the development is not acceptable at this location is contrary to the policies of the development plan and is in breach of conditions on previous planning permissions and therefore should be refused under Section 35 of the Act for reason of failure to comply with previous planning permissions. I will address the issue of planning history in the first instance.

7.3. Planning History: Planning permission was granted on the site for the existing dwelling (Reg. Ref. 06/30267) and the large outbuildings/ garage to the rear (Reg. Ref 14/51049). The grounds of appeal state that there is non-compliance with conditions of previous permissions, therefore the proposal cannot be accommodated on the site. The planners report refers to the previous developments on the site, in particular the scale of the proposal, the impact on the surrounding area and the impact on the permitted waste water treatment. Condition no 4 of permission 14/51049 required the installation of a cattle grid/ acco drain, although this was absent on site. No details of the waste water treatment system, or treatment of surface water, were submitted with the proposed development although I note the details for 14/51049 and the location of the septic tank in the front garden and storm drains throughout. I consider it reasonable to link any grant of permission for the stables with those terms and conditions of the previous permission, in particular the control of surface water and waste water within the site and therefore, I do not consider the application should be dealt with under Section 35 of the Planning and Development Act (as amended).

7.4. Therefore, based on the use of the building, the location within a rural area and the planning history on the site for the dwelling, outbuildings and upgrade of the wastewater treatment system and subject to complying with other policies and

objectives of the development plan, detailed below, I consider the principle of development at this location acceptable.

Development Plan Compliance and Impact on the Rural Character.

- 7.5. The subject site is located in a rural area, identified as a “*Structurally Weak Rural Area*” in the development plan, along the coastline of west County Donegal and contains a dwelling, also in use as a bed and breakfast, a garage and large outbuildings and storage building. The stables currently house one horse and c. 8 hens, and the additional space contained feed and tacking for the horse.
- 7.6. Policy RH-P-2 of the development plan provides guidance for new rural dwellings, which the grounds of appeal argue cannot be complied with as the stables building adds to ribbon development. The ribbon development policy refers to the creation of an additional dwelling, I consider the proposed use of the stable is ancillary to the main residential use on the site and therefore I do not consider ribbon development applicable. Guidance in the development plan also requires an assessment of the cumulative impact of buildings and the vulnerability of the landscape and its capacity to absorb further development. I note the site was excavated for both the dwelling and outbuildings and further excavation was not required for the stables and as the overall scale and design of the stables is rural in character I do not consider the cumulative impact of the stables and the remaining outbuildings results in suburban type development or is its position prominent in the landscape.
- 7.7. Having regard to the location of the stables within the site of a dwelling and the size and scale of the building to be retained, I consider the proposed development is ancillary to the main residential use on the site and would not have a negative impact on the character of the surrounding rural environment. Therefore, I consider the development complies with the policies of the development plan.

Impact on Residential and Visual Amenity

- 7.8. The existing stables are located 35m to the west of the appellant’s house and within the curtilage of an existing house, there is large agricultural field between the subject site and the appellant to the east. The grounds of appeal argue the location of the stables will have a negative impact on their residential amenity by way of discharge from uncontrolled effluent, odours and the lack of screening around the site has a negative impact on the visual amenity.

- 7.9. The size and scale of the stables (24.7m² and 2.86m in height) restricts the use for the enjoyment of the main residence on site and whilst the appellant argues there have been no details regarding the numbers of poultry and horse, I consider the size of the building precludes any additional use other than one horse and c. 10 hens. I consider the overall design and height of the stables integrates into the site and based on the separation distance of 35m west of the closest dwelling and the location of agricultural lands surrounding the site, I do not consider the stables would have an overbearing impact on any of the surrounding dwellings or a negative impact on the visual amenity of the surrounding area.
- 7.10. In terms of the wastewater system, I note the planners report stated that the stables would not impact on the location of same and as stated above, as stated above a condition linking the proposed development to the conditions of 14/50149 will ensure the sufficient treatment of surface water and waste water within the site.
- 7.11. Therefore, based on the distance of the building from any adjoining dwelling and the overall scale and rural design of the stable and the terms and conditions of the previous permission 14/50149, I do not consider the proposed development would have a negative impact on the amenities of the adjoining residential properties or a negative impact on the visual amenity of the surrounding area.

Appropriate Assessment

- 7.12. The subject site is located approx. 100m from the edge of the West Maas Ardara Road Special Area of Conservation (site code 00197). The site synopsis for the site refers to the estuaries of the Gweebarra.....an other, Rivers which form the most extensive habitats in the site and states "*These have large expanses of intertidal sandflats which support a typical diversity of macro-invertebrate and algae species. The sandflats are fringed in places by saltmarsh vegetation.*"¹
- 7.13. A previous grant of permission for the outbuildings (Reg. Ref. 14/50149) included an upgrade of the waste water treatment system. The details have not been submitted with this application although I note the planners report and condition No 6 of this permission which requires a wastewater treatment system and soil polishing filter and restricts any part of the percolation area to be within 50m of the foreshore. As

¹ <https://www.npws.ie/sites/default/files/protected-sites/synopsis/SY000197.pdf> Site Synopsis for West of Ardara/Maas Road SAC.

previously stated a condition linking the proposed development to this previous permission is reasonable and based on the distance to the designated the applicant should submit evidence and confirmation, to the planning authority, on compliance with this condition.

- 7.14. Therefore, having regard to the nature and scale of the proposed development and the inclusion of an upgraded waste water treatment system (Reg. Ref 14/50149), 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 West Maas Ardara Road Special Area of Conservation or any other European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted for the reasons and considerations as set out below.

9.0 Reasons and Considerations

Having regard to the location of the site within the rural area of County Donegal, the scale and design of the stables building and the location from that dwelling to the east of the site, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual amenities of the area or residential amenity of the adjoining dwellings or have a serious negative impact on rural character of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development to be retained shall be 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 28th of March 2014 under planning register reference number 14/50149, and any agreements entered into thereunder.

Within 3 months of this grant of permission, the applicant shall submit evidence of compliance with 14/50149, for the written agreement of the planning authority.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permissions.

3. The use of the stables shall be ancillary to the main residential unit and shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

Reason: To restrict the use of the extension in the interest of residential amenity.

Karen Hamilton
Planning Inspector

01st of December 2017