



An
Bord
Pleanála

Inspector's Report ABP 303160-18

Development

Permission for retention of 1) detached single storey building (c.95sq.m) comprising reception area, riding centre office, hats & boots store, riding centre shop and shop store and 2) an infill single storey staff area (c. 40.5sq.m).

Location

The Paddocks Riding School, Ballyedmonduff Road, Sandyford, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D18A/0888.

Applicant

Teresa Cribbin.

Type of Application

Retention Permission.

Planning Authority Decision

Refuse.

Appellant

Teresa Cribbin.

Observers

None.

Date of Site Inspection

5th March 2019.

Inspector

Dáire McDevitt.

1.0

Site Location and Description

- 1.1.** The appeal site is located at the end of a cul-de-sac lane which provides access off the Ballyedmonduff Road to an existing Riding School, the applicant's house and a number of other houses and farm land. The site is approximately 0.7km southwest of Stepside village, located in the foothills of Three Rock Mountain and c.2.3km east of the M50. Ballyedmonduff Road is a narrow mountain road. The area is rural in nature with a number of dwellings in the general vicinity of the site directly accessed off the Ballyedmonduff Road. At the junction of the lane with the Ballyedmonduff Road sightlines are restricted due to the presence of high embankments on either side on lands that are not owned by the applicant. Mirrors are erected opposite the junction to assist users. A bus stop is located to the south of the junction along the Ballyedmonduff Road.
- 1.2.** The Paddocks Riding School consists of a number stable blocks, barn, reception area/office/shop, paddocks, car park, etc Located to the rear and surrounding the applicant's house, a single storey bungalow.

2.0 Proposed Development

Permission for retention of 1) detached single storey building (c.95sq.m) comprising reception area, riding centre office, hats & boots store, riding centre shop and shop store and 2) an infill single storey staff area (c. 40.5sq.m) on a site with a stated area of c. 5.67 hectares.

3.0 Planning Authority Decision

3.1 Decision

The Planning Authority issued a decision to **refuse** permission for the following reasons:

1. The two structures subject to the application are located in an area zoned 'objective G: to protect and improve high amenity areas' in the County Development Plan 2016-2022. They are considered to comprise a 'sports facility' as defined in section 8.3.12 (Definition of Use Classes) of the Plan. Table 8.3.11 of the Plan indicates that a sports facility is 'open for consideration' on 'Objective G' zoned land. It is considered that the uses are not compatible with the policies and objectives for the zone as previously expressed through the refusal of planning applications D96A/0310/PL.06D.099855 and D00A/0757/PL.06D.121976, would have the undesirable effects of intensifying and further enabling the use of an unauthorised development, would contravene materially the development objective for this area indicated in the County Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.
2. Planning applications D96A/0310/PL.06D.099855 and D00A/0757/PL.06D.121976 were refused, inter alia, because of the generation of additional vehicular movements onto a substandard laneway where there is a substandard junction with Woodside/Ballyedmonduff Road. To permit the application, which intensifies and further enables the use of an unauthorised development, would endanger public safety by reason of a traffic hazard or obstruction of road users or otherwise and would be contrary to the proper planning and sustainable development of the area.

3.2 Planning Authority Reports

The Planner's Report formed the basis for the Planning Authority decision. It includes:

- Detail of the planning history attached to the site.
- The use is considered to be akin to a 'sports facility' which while open for consideration under land use zoning objective 'G', the area planner

in this instance concluded that as the development to be retained would constitute a consolidation and intensification of an existing unauthorised riding centre and therefore would not be consistent with the provisions of section 8.3.4 of the County Development Plan.

- There is no record of a grant of planning permission for the entire development on the site. And while it is noted that a riding centre has been in operation at this location for over seven years, having regard to the unauthorised nature of the Riding Centre it is considered that the uses are not compatible with the policies and objectives for the zone.
- Serious concerns arising in relation to the means of access and the inadequate sightlines at the junction of the lane and the Woodside/ Ballyedmonduff Road. The Area Planner noted and had regard to the recommendation from the Council's Transportation Division as noted in section 2.3 of this report.

3.3 Other Technical Reports

Transportation Division (7th November 2018). It was noted that the permission for retention raised similar concerns from previous planning applications for the site, namely the access onto Woodside Road¹ with restricted sightlines and the use of narrow laneway/cul-de-sac.

Recommended that permission be **refused** on the following grounds:

Due to endangerment of public safety as a result of intensification of use of a narrow access laneway and junction onto Woodside Road would endanger public safety by reason of traffic hazard or obstruction of road users, as per

¹ Woodside Road refers to the section of road to the north, Ballyedmonduff Road refers to the section off which the lane is accessed.

Clause 4 of the fourth schedule (reasons for refusal which exclude compensation) of the Planning and Development Act 2000.

Drainage Planning (15th October 2018). Further Information recommended on issues relating to surface water and infiltration and toilet/sink facilities and the method of disposal of wastewater.

3.4 Third Party Observations

None.

4.0 Planning History

There are no recent planning applications associated with the site. Relevant historical files include:

RL2023 (An Bord Pleanála Reference No. PL.06D.RL2023) refers to a 2003 Section 5 Referral relating to *whether the arrangement of land into a number of Paddocks is or is not development*. The Board determined that it was development and was not exempted development.

Planning Authority Reference No. D00A/0757 (An Bord Pleanála Reference No. PL.06D.121976) refers to a 2001 decision to refuse permission for the retention of 10 stables and a hay shed for reasons relating to 1) the scale and intensity of the development would be contrary to the zoning objectives of the area, 2) substandard laneway and substandard junction with Woodside Road and 3) the site has no authorised use as a riding centre and development to be retained would facilitate the consolidation and intensification of an unauthorised use.

Planning Authority Reference No. D96A/0310 (An Bord Pleanála Reference No. PL.06D.099855) refers to a 1997 decision to refuse permission for a) the retention of stable building and use of lands as a riding centre, including parking and all-weather arena and 2) single storey feed store for

reasons relating to 1) the scale and intensity of the development would generate substantial extraneous traffic and would be contrary to the zoning objective of the area, 2) substandard laneway and a substandard junction with Woodside Road and 3) insufficient detail with regard to effluent disposal.

Planning Enforcement:

ENF/1598 refers to the current application before the Board. Warning Letter issued. The current application is an attempt to address this action

ENF07/02 in relation to the stables blocks. Planning Application D00A/0757 (PL.06D.121976) was an attempt to address this action.

Pre-Application Consultation:

PAC/327/18 refers to the retention of the riding centre as a whole in an attempt to regularise all the development on site and address enforcement issues. The applicant was advised what information would be required to be submitted.

5.0 Policy & Context

5.1 Dun Laoghaire Rathdown County Development Plan 2016-2022

Land Use Zoning Objective:

- The site straddles two land use zoning objectives:

Objective '**G**' *To protect and improve high amenity areas.*

Objective '**B**' *To protect and improve rural amenity and to provide for the development of agriculture.*

The two structures which are the subject of the current application before the Board are located on lands zoned under land use objective 'G.

- **Sports facilities** are 'open for consideration' under this zoning objective as set out in **table 8.3.11. Open space** is permitted in principle.

- **Section 8.3.5** notes that uses which are not indicated as ‘permitted in principle’ or ‘open for consideration’ **will not be permitted**.
- **Section 8.3.7** refers to other uses not specifically mentioned in the use tables and that these will be considered on a **case-by-case basis** in relation to the general policies of the Plan and the zoning objectives for the area in question.

Section 8.3.12. Definition of Use Classes:

Sports Facility *A building or part thereof or land used for organised and competitive activity that aims to promote physical activity and well being, eg sports hall, gym, squash centre, tennis club, golf club, swimming pool, sports pitch, athletic track, skate park, health studio, meeting or activity rooms with clubhouses, racecourse.*

Open Space *Open space is a parcel of land in a predominately open and undeveloped condition that is suitable for the following:*

- *Outdoor and indoor sports facilities and cultural use – owned publically or privately, and with natural or artificial surfaces, including tennis courts, bowling greens, sports pitches, golf courses, athletic tracks and playing fields.*

(other types are also set out in the definition).

Equestrian Centre/Riding centre is not defined.

Section 8.2.3.7 refers to rural non-residential development. Sets out that any application for non-residential development within the rural area will be dealt with on a case-by-case basis and will be assessed having regard to the following criteria: Compliance with land use zoning, the need for such a use in a rural area, the suitability of the site in accordance with section 8.2.3.6(i), the potential negative effects of the development on the rural amenity, access and potential impacts on the existing road network, compliance with EPA

Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (1999) and the requirements of the EHO.

Section 8.2.3.6(i) refers to the suitability of the site for rural development. The criteria for assessing the suitability of a site ranges from visual impact, no other adverse impact on the environment, adequacy of the infrastructure to serve the development, protection of residential amenities where appropriate, etc.

Appendix 7 Landscape Character Areas.

The site is located within **LCA 9. Barnacullia.**

The following policies and objectives have been highlighted in the grounds of appeal:

E14 sets out that it is Council policy to co-operate with the appropriate agencies in promoting sustainable tourism and securing the development of tourist and recreation orientated facilities in the county.

E17 sets out that it is policy to support the government commitment to the horse industry in Ireland and to promote and support and facilitate the development of equine industry in Dun Laoghaire Rathdown County in particular and to promote Dun Laoghaire Rathdown as a centre of excellence for the bloodstock industry.

OSR10 refers to the policy to promote the provision and management of high quality sporting and recreational infrastructure throughout the County and to ensure that the particular needs of different groups are incorporated into the planning and design of new facilities.

5.2 Guidelines

Project Ireland 2040. National Planning Framework (2018)

Section 5.3 refers to planning for the future growth and development of rural areas.

Section 5.4 refers to planning and investment to support rural job creation.

National Policy Objective 21 Enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the diversification of the rural economy into new sectors and services, including ICT-based industries and those addressing climate change and sustainability.

5.3 Natural Heritage Designations

There are no designated sites within the immediate vicinity. Wicklow Mountains SAC (Site Code 002122) is located approximately 3.5km south west of and uphill from the site.

5.4 Environmental Impact Assessment

5.4.1 Having regard to the nature and scale of the development to be retained which consists of two small structures within an existing riding school in a rural location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1 Grounds of Appeal

A first party appeal has been lodged which seeks to address the planning authorities reason for refusal.

The grounds of appeal can be summarised as follows:

Regarding Reason No. 1:

- The reason for refusal does not identify a single policy or objective that applies to the land use zoning objective that the development to be retained is not compatible with.
- The development complies with policies E14 (tourism and recreation), E17 (equine industry), OSR10 (sports and recreational facilities) and does not contravene any policies or objective in Section 4.1.2 (ii) The Coast and The Mountains.
- Reference to planning decisions from 18 and 22 years ago is not relevant to any assessment of the current proposal.
- The Council's tourism brochure 'Well Worth The Climb' clearly identifies The Paddocks Riding Centre on its map and as one of the locations to 'saddle up and ride out'. The riding centre is promoted by the Council's own tourism office.
- The appropriateness of the appeal site was previously acknowledged by Special Local Objective **SLO11 to encourage the expansion of the horse riding centre** under the Dun Laoghaire Rathdown County Development Plan 2004-2010.

Regarding Reason No. 2:

- The two structures which are the subject of the current application for retention do not intensify or further enable the use of the riding centre as stated in the second reason for refusal. The use (reception area, office, etc) was already present on the site. It was moved to the structure to be retained to make it more accessible to users of the riding centre.
- Therefore there is no intensification of use on the adjoining laneway (cul-de-sac) and Woodside/Ballyedmonduff Road, both of which are taken in charge by the Local Authority.

- The retention of the 'staff area' does not result in an increase of traffic movements.
- The premise for refusal appears to be on the basis of issues that arose in previous applications. The traffic movement will not increase from those currently experienced. The reference to historical applications is unjustified and irrelevant as they were materially different in nature and extent.
- It is acknowledged that sightlines at the junction of the cul-de-sac and Ballyedmonduff Road could be improved. Both roads are taken in charge by the Local Authority, so it is within their ability to improve sightlines at this junction. This means of access has been used by the applicant and her customers since the early 1990s with no reported road traffic incidents. The alignment of the Ballyedmonduff does not lend itself to speeding traffic.
- The two structures to be retained are ancillary facilities to the overall riding centre and do not themselves generate additional custom or traffic movements. The access has been in use for over 20 years without incident.

6.2 Planning Authority Response

The Planning Authority responded stating the Board is referred to the previous Planner's Report. It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the development.

6.3 Observations

None.

7.0 Assessment

The application before the Board, as per the public notices, pertains to the retention of a detached single storey building (c.95sq.m) comprising reception area, riding centre office, hats & boots store, riding centre shop and shop store and an infill single storey staff area (c. 40.5sq.m). It does not include the use of the site as a Riding Centre, associated structures and works which have been the subject to two previous applications before the Board, PL.06D.121976 (1997) and PL.06D.099855 (2001). The Board determined in 2003 (Section 5 Referral PL.06D.RL2023) that the arrangement of land into a number of Paddocks was development and was not exempted development.

The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of development
- Road Safety.
- Other.
- Appropriate Assessment.

7.1 Principle of development

7.1.1 The application relates to the retention of a detached single storey building (c.95sq.m) comprising reception area, riding centre office, hats & boots store, riding centre shop and shop store and an infill single storey staff area (c. 40.5sq.m). It does not include the Riding Centre, stable blocks, access, carpark, arena or paddocks which do not have the benefit of planning permission but date back to the early 1990s. The applicant has argued that the structures, while additional structures on the site accommodate uses that have been in place for a number of years, for example the original reception/office area was located within the larger stable block and was relocated to meet the business requirements of the wider Riding Centre.

- 7.1.2 The planning status and nature of previous uses of the site has been raised by the planning authority. Notwithstanding the status of the uses, the application before the Board must be assessed in the context of the policies and objectives for the site under the current Dun Laoghaire Rathdown County Development Plan 2016-2022.
- 7.1.3 Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 the site straddles two land use zoning objectives: Objective ‘G’ To protect and improve high amenity areas and Objective ‘B’ To protect and improve rural amenity and to provide for the development of agriculture. The two structures which are the subject of the current application before the Board are located on lands zoned under land use objective ‘G.’
- 7.1.4 The area planner concluded that a riding centre should be classed as a ‘sports facility’ which are listed in table 8.3.11 as uses ‘open for consideration’ under this zoning objective. I have examined the definitions of uses as set out in section 8.3.12 and I note the definition of ‘open space’ refers to a parcel of land in a predominantly open and undeveloped condition that is suitable for amongst other things, an outdoor sports facilities with natural and artificial surfaces, including sports pitches, golf course and playing fields. ‘Open space’ is permitted in principle under land use zoning objective ‘G’. Section 8.3.5 notes that uses which are not indicated as ‘permitted in principle’ or ‘open for consideration’ will not be permitted. I have examined the land use zoning objectives in the current County Development Plan and I note that Riding Centres/Equestrian Centres are not included under any of the land use zoning objectives. In the absence of any reference to the proposed use, I consider that Section 8.3.5 of the Development Plan which refers to the consideration of other uses, not included in the land use table, on a case by case basis as set out in section 5.1 of this report should apply.

7.1.5 The planning authority's first reason for refusal was on the premise that the uses to be retained are not compatible with the policies and objectives for the zone as previously expressed through the refusal of planning applications D96A/0310/PL.06D.099855 and D00A/0757/PL.06D.121976, would have the undesirable effects of intensifying and further enabling the use of an unauthorised development, would contravene materially the development objective for this area. The applicant in her appeal rebuts this and is of the view the uses to be retained are integral to the main use on site, the riding centre which complies with the land use objective 'G' attached to the site.

7.1.6 I am satisfied that the development to be retained consisting of a detached single storey building (c.95sq.m) comprising reception area, riding centre office, hats & boots store, riding centre shop and shop store and an infill single storey staff area (c. 40.5sq.m) are ancillary to the main use on site, a Riding Centre (sports facility), which is open for consideration under land use zoning objective 'G' attached to the site. The two structures and their uses are intrinsically linked and form an integral part of the riding centre on site and cannot be regarded in isolation. I consider, therefore, subject to compliance with the relevant development management standards and national guidance the principle of the development is considered acceptable.

7.2 Traffic

7.2.1. The planning authority's second reason for refusal was on the premise of traffic safety and reference was made to two previous decisions to refuse permission on traffic safety grounds under D96A/0310/PL.06D.099855 and D00A/0757/PL.06D.121976. I visited the site and can confirm to the Board that the laneway is very narrow with limited opportunities for vehicles to pass each other. I can also confirm to the Board that the Ballyedmonduff Road itself is narrow with numerous bends. Furthermore, the sightlines at the junction with Ballyedmonduff Road are inadequate. Notwithstanding, taking into account the length of time this access has been in use, I am of the opinion that the

fundamental issue in this case, is whether or structures to be retained would lead to an intensification of the established use of an existing access via a junction of two roads where sightlines are restricted. There is no new access proposed as part of this application.

7.2.2 A commercial Riding Centre has been operating from this site since the early 1990s. There is extensive planning and enforcement history associated with the site which is a matter for the Planning Authority to pursue. The current application for the board is for two detached structures that accommodate uses that are ancillary to the main use on site, the riding centre. The only entrance/exit to the riding centre is via the laneway/cul-de-sac off the adjoining Ballyedmonduff Road. It also serves the applicants house and a number of other individual houses. While, I acknowledge that the riding centre has used the existing means of access for in excess of 20 years, this has not had the benefit of planning permission.

7.2.3 The applicant has argued that the structures and associated uses to be retained do not result in an intensification of the existing use, Riding Centre, on the site. Therefore there is no increase in traffic movement along the lane from that currently experience on site. There was historically an office/reception area located within the larger stable block, this was relocated to the structure to be retained. Therefore it is the relocation of an existing use, rather than the introduction of a new one. I note that the applicant has stated that the shop, a more recent addition, would not be used by persons whom are not attending the riding centre. I have examined the documentation on file and there is no evidence on file relating to the history of these uses on site. Furthermore, while the riding centre is not the subject of the current application before the Board I am of the view that the structures to be retained and their uses are intrinsically linked to the operations of the riding centre which does not have the benefit of planning permission. I consider the development to be retained constitutes an incremental intensification and consolidation of the main use on site. I do not consider that the uses which are the subject of the current appeal can be

assessed in isolation of the main use of the site and the traffic considerations that arise.

7.2.4 The applicants in their response to the appeal are of the view that the lane has been used to access the riding centre for over 20 years and there has never been a traffic incident at the junction with the Ballyedmonduff Road as the patrons know the road layout and to take care when exiting at the junction. Furthermore, the applicant has put forward that as both the lane and Ballyedmonduff Road are taken in charge by the Local Authority it is within its control to upgrade the junction. I note the applicant's argument, however I would disagree that local knowledge address the serious traffic safety concerns arising from the means of access to the site.

7.2.5 The access lane is narrow, two vehicles would pass with difficulty due to the absence of laybys. I have examined the junction and I observed that the presence of embankments obscures sightlines in both directions resulting in cars having to edge onto the public road (notwithstanding the installation of mirrors opposite the junction), when exiting the lane, to have a clear view of the road in either direction and even then sightlines are restricted due to the alignment of the Ballyedmonduff Road at this point. I acknowledge that this means of access has been in use for over 20 years. Notwithstanding the fact that this is an existing lane off a public road, the existing sightlines are clearly short of the required sightline standards. I am not satisfied, therefore, that the intensification of use arising from the development to be retained of this access point would not give rise to a traffic hazard.

7.2.6 Furthermore, the applicants have not demonstrated that they have sufficient control of the necessary lands to remove obstructions to achieve adequate sightlines at the junction with the Ballyedmonduff Road or to enable safe access to the application site via the lane. I consider, therefore, that the development to be retained would endanger public safety, by reason of traffic hazard, because of the additional traffic turning movements the development generates on a road at a point where sightlines are currently restricted.

7.3 Other

7.3.1 The Council's Drainage Division has highlighted that there is a significant absence of information on file pertaining to surface water disposal, toilet/sink facilities and effluent storage and disposal. This matter should be addressed by the relevant authorities. I do not consider that this matter should be included as a reason for refusal for the development which is the subject of the current application.

7.4 Appropriate Assessment

7.4.1 Having regard to the nature and scale of the development to be retained and its location relative to European sites, I consider it is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the development to be retained, individually or in combination with other plans or projects would not be likely to have a significant effect on a European Site.

8.0 Recommendation

I recommend that permission be refused for the reasons and considerations as set out below

9.0 Reasons and Considerations

1. It is considered that the development to be retained would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate at the junction of the lane and

the Ballyedmonduff Road where sightlines are restricted. The development would, therefore, not be in accordance with the proper planning and sustainable development of the area.

Dáire McDevitt

Planning Inspector

15th March 2019.