



An
Bord
Pleanála

Inspector's Report

ABP-304835-19

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| Development | Construction of an indoor riding arena and 4 cabins, associated site development works |
| Location | Brownstown, Kilcloon, Co Meath |
| Planning Authority | Meath County Council |
| Planning Authority Reg. Ref. | RA181471 |
| Applicant(s) | Jacinta Sheerin. |
| Type of Application | Permission. |
| Planning Authority Decision | Grant with conditions |
| Type of Appeal | Third Party |
| Appellant(s) | Michael and Miriam Murray. |
| Observer(s) | None. |
| Date of Site Inspection | 23 rd October 2019. |
| Inspector | Deirdre MacGabhann |

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1.0 Site Location and Description

- 1.1. The 1.76ha appeal is situated in the townland of Brownstown, c.3.5km north of Maynooth and c.5km west of Dunboyne, Co. Meath. The site is L-shaped and lies to the rear of an existing residential property and comprises:
- Four, single storey holiday cottages, set around a small courtyard and to the rear, north of these, is a large parking/turning area.
 - To the north of the parking/turning area, a paddock and beyond this, also to the north, a fenced outdoor arena.
 - To the north west of outdoor arena is a stable block and to the north, east and west of it are paddocks.
- 1.2. Access to the site is from the county road (L-6620), via the existing entrance serving the residential property to the south of the appeal site. The appellant's property lies to the east of the appeal site. It comprises a detached residential property and lands to the rear of the property.

2.0 Proposed Development

- 2.1. The proposed development, as revised by way of further information submitted on the 24th April 2019 and re- advertised in May 2019, comprises four holiday cabins to the rear of the existing cottages and an indoor riding arena to the rear of the site and existing stables.
- 2.2. Each cabin is square in shape (9.1m x 8.3m) with shallow pitched roof (maximum ridge is 3.27m). A decked area (with roof) is proposed to the front of each. Externally the cabins are finished in sand cement render with green copper external surrounds to windows. The indoor arena is 35mx25m and has a ridge height of 5.875m. Externally it will be finished in green Kingspan sheeting.
- 2.3. Four no. parking spaces, for a car and trailer, are shown to the rear of the proposed holiday cottages. Access to the development is from the entrance serving the existing development. Entrance gates are set back 10m from the edge of the road.
- 2.4. All surface water falling on the cottages, riding arena and hard surfaces will be stored in rainwater harvesting tanks and used on site for toilets, for washing the

stable yard and to keep the sand arena moist. All proposed paving and parking areas are permeable. Water supply will be from the Kilcloon group water scheme, which is stated to have been taken over by Irish Water and will top up water supply requirements on site. Foul water will be disposed of into the public sewer.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 11th June 2019 the planning authority decided to grant permission for the development subject to 13 conditions. These include:

- No. 2 – Detailed design of water supply, waste water disposal and arrangements for surface water discharge to be submitted to the planning authority for agreement.
- No. 3 – Development to comply with all relevant conditions attached to DA120463.
- No. 4 – External finishes to comply with documentation submitted.
- No. 5 – Entrance gate to be set back 10m from the edge of the public road.
- No. 6 – Restricts permission for the four holiday cabins to a temporary period of 5 years. On expiry structures to be removed from site.
- No. 7 – Holiday cabins to be used for short term stay accommodation associated with the equine activities on site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 6th February 2019 – Refers to the planning history of the site, the policy context for the development, submissions and observations made. It considers that the indoor riding arena is acceptable in principle and that the use of the site for holiday accommodation has been established. The report recommends further information in respect of design (design to have regard to the Meath Rural House Design Guide), matters raised in technical reports (below) and third-party submissions.

- 11th June 2019 – Matters raised have been adequately addressed.
Recommends granting permission for the development subject to conditions.

3.2.2. Other Technical Reports

- Water Services (11th January 2019) – Recommends further information on attenuation and infiltration capacity of soils and water supply (consent to connect to Group Water Scheme).
- Transportation (5th February 2019) – Recommends further information to show adequate parking for proposed holiday cottages and setback of entrance, to at least 10m, to allow a vehicle and horse trailer to fully pull in off the road (prior to opening the gated entrance).

3.3. Prescribed Bodies

- Irish Water (17th January 2019) – Recommend further information on detailed design for water supply and waste water disposal.

3.4. Third Party Observations

- Miriam and Michael Murray (9th January 2019; 23rd May 2019) – Owners of land to the east of the appeal site. Appropriateness of large scale commercial backland development in a rural residential area. Impact on residential amenity, quiet enjoyment of property and rear garden (autistic child) and value of property. Use of existing cottages for longer term lets. Advertising does not refer to any equestrian use of the site. No use of site, or cottages, for equestrian activities. Stables only recently constructed, May 2018 and after DA120663 had expired. Existing development fails to comply with condition no. 20 of that permission (holiday cottages to be used for short stay accommodation associated with equine activities only). Ability of planning authority to monitor implementation of condition. No turning circle within the facility for horse boxes or horse lorries. Development is a disguise for the development of rental style properties. Question the need for indoor and outdoor facility on the site. Development leaves only three small paddocks for horses to graze. Disposal of waste from stables. No storage facility for hay or

machinery. Scale of arena is excessive and overly high. In the long term it could be rented out for warehouse style uses. Need for facility (3 or 4 well established equine facilities in the area). Ability of road to accommodate traffic from the development (equestrian vehicles), including adequate pull in area at entrance to the site and access via a residential entrance. Entrance gates are not set back by 10m from the road edge but by 8m. Noise arising from traffic on site (construction and operation) and impact on son (autistic).

4.0 Planning History

- DA120463 – Planning permission granted for an equestrian holiday centre comprising 2 no. buildings to accommodate 6 no. stables each with ancillary facilities including manure and effluent storage facilities, an exercise ring (not built at time of site inspection) and four detached single storey holiday cottages for short term letting.
- DA900489 – Planning permission granted for a two-storey house and detached domestic garage (residential property now built to the south of the appeal site).
- DA801673 – Planning permission refused for a two-storey house and detached domestic garage.
- DA800669 – Planning permission refused for a two-storey house and detached domestic garage.

5.0 Policy Context

5.1. Meath County Development Plan 2013 to 2019

5.1.1. The appeal site is located in an area under strong urban influence. Relevant policies set out in the current County Development Plan include:

- Section 4 - Economic Development.
 - Policy ED POL 31 – To encourage new and high-quality investment in the tourism industry in Meath with specific reference to leisure activities

including equestrian, and accommodation in terms of choice, location and quality of product.

- Policy ED POL 40 – To encourage new holiday home developments to locate within either established villages or small towns or in distinct clusters in rural areas capable of absorbing such development.
- Policy ED POL 42 – To accommodate appropriately sited holiday home development, subject to normal planning considerations.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is removed from any site of nature conservation interest. The nearest European sites lie c.3km to the south and comprises the Rye Water Valley/Carton Special Area of Conservation and proposed Natural Heritage Area (shared site code 001398).

5.3. EIA Screening

- 5.3.1. The proposed development is of a type that constitutes an EIA project (involving construction works and demolition) and falls within a class of development set out in Schedule 5, P&D Regulations, 2001 (as amended), Infrastructure projects (construction of dwellings). However, the development is very modest in scale, well below the threshold for EIA and is a type of development which is not likely to use significant natural resources or the production of wastes, pollution or environmental nuisance. The site is not environmentally sensitive and comprises agricultural land which is abundant in the area. There is, therefore, no real likelihood of significant effects on the environment or need, therefore, for EIA.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The third-party appellant reiterates matters raised in observations (set out above). Additional matters raised are:

- Development is contrary to policies ED Pol 17 and ED POL 18 of the County Development Plan.
- Risk of further intensification of residential use on the site in the future unrelated to equine industry e.g. conversion of stables.
- Capacity of planning authority to control the use of the properties, including removal of structures after 5 years.

6.2. Applicant Response

- 6.2.1. The applicant responds to the appeal and I refer to the matters raised in my assessment below.

6.3. Planning Authority Response

- 6.3.1. The planning authority refer the Board to the Planning Officer's report in respect of the proposed development and raises no new issues.

6.4. Observations/Further Responses

- None.

7.0 Assessment

- 7.1. Having regard to the information on file and my inspection of the appeal site, I consider that the key matters for this appeal relate to the following:

- Principle.
- Scale of development and impact on character of the area.
- Impact on residential amenity and property values.
- Traffic.
- Enforcement of conditions.

- 7.2. The appellant also raises concerns regarding compliance with condition no. 20 of the grant of permission under PA ref. DA120463 and the risk of further intensification of development on the site. Both matters lie largely outside of the appeal, comprising

either matters for enforcement and/or a future application for permission. I do however touch on the matter of enforceability of conditions later in this report.

- 7.3. The appellant also refers to means to dispose of waste from the stable block. However, I would note that there is no proposal to increase the number of stables on site. Therefore, no additional waste should arise as a consequence of the development.

7.4. Principle

- 7.4.1. Under PA ref. DA120463 planning permission was granted for an equestrian holiday centre on the appeal site. The principle of the use of the site for holiday accommodation, in association with equestrian uses, has therefore been established. Furthermore, policies of the current County Development Plan support the development of high-quality investment in the tourism industry, specifically including equestrian activities, and accommodation (Policy ED POL 31), and to accommodate appropriately sited holiday home development, subject to normal planning considerations (Policy ED POL 42). The proposed development is also therefore, in principle, consistent with the current policy context for tourism development.

- 7.4.2. The appellant refers to policies ED POL 17 and 18 of the County Development Plan. These refer to policies in respect of energy development and are not relevant to the appeal. Notwithstanding this, as stated I am satisfied that the proposed development is consistent, in principle, with the policies contained within the County Development Plan for tourism development.

7.5. Scale of Development and Impact on Character of the Area.

- 7.5.1. The appeal site is situated a rural area, in the townland of Brownstown. In the immediate area of the site, this is characterised by low density residential development and one-off houses along its length. The site itself lies to the rear of an existing residential property. The perimeter of the site is bound by mature vegetation and from the adjoining public road network and appeal site to the east of it, views into the site and its existing development of holiday cottages, arena and stable block, are largely precluded.

- 7.5.2. Like the existing cottages, the proposed holiday cottages are single storey, have a small footprint and are constructed around a small courtyard and are proposed to the rear (north) of the existing accommodation. The proposed arena is 25mx35m, with a ridge height of c.6m. It is typical of an indoor riding arena with its large open, clear span structure with no beams or posts within it and high wide doorways to cater for mounted riders. The proposed arena, whilst large, is not excessive in scale for an indoor arena, which can extend up to 100mx50m. Furthermore, similar to other agricultural structures in the area, it will be finished in green Kingspan sheeting. The proposed development is therefore not excessive in scale or unusual in its wider.
- 7.5.3. Whilst the proposed development is in proximity to other residential property. It lies in a rural area and occupies a large site that is removed from the public road. Existing structures are not readily visible from the public road network or adjoining property and the scale of development (cottages and arena) can be contained by the strong hedgerow boundary. Having regard to the above, I do not consider that the physical scale of the proposed development is excessive or that it would adversely impact on the character of the area.
- 7.5.4. The appellant refers to the limited area of remaining lands on which to graze stock. However, this is a matter for the applicants and may or may not arise, for example, existing grazing could cater for stock kept on site, or if a shortfall, could be managed by greater use of stabling or off-site lands.

7.6. **Impact on Residential Amenity and Property Value**

- 7.6.1. As stated above, the appeal site lies to the rear of an existing residential property and the proposed structures are removed from the appellant's residential dwelling to the east of the site and separated from it by a substantial mature hedgerow. I am mindful that the appellant's family have a child with special needs. However, the nature of the proposed development (equine and holiday accommodation) is one which will inevitably limit noise arising from the site, due to the presence of stock on it. Having regard to this and the distance between the proposed uses and the appellant's property, I do not consider that any reasonable activity on site, associated with the proposed use, could have an adverse effect on the residential amenity of the neighbouring property.

7.6.2. The appellant's landholding extends to the north of their residential dwelling and includes the field to the east of the appeal site. For the reasons stated above, including the nature of the proposed land uses, the scale and form of the holiday cottages and the agricultural nature of the indoor arena, visual separation between the sites provided by the mature hedgerow/belt of trees, I do not consider that the proposed development would have an adverse effect on the appellant's wider landholding or its value.

7.7. Traffic

7.7.1. The proposed development is likely to give rise to greater vehicle movements, arriving and departing from the site. These are likely to add to vehicle movements on the public road but given the small number of properties proposed are unlikely to be excessive. Use of the arena could result in a short-term increase in vehicle numbers, in particular trailers and horse lorries, but with the relatively limited size of the arena, this again is unlikely to be substantial.

7.7.2. It is proposed to use the existing entrance to the facility. This is not unreasonable, in principle, and adequate sightlines exist at the junction of the site access and the public road. Traffic speed and traffic volume on the public road were both low at the time of site inspection.

7.7.3. Condition no. 5 requires the entrance gates to be recessed 10m from the edge of the public road. I estimate that the gates are currently c.8m from the edge of the public road and this additional 2m would allow horse box and lorries to pull into the site, off the public road.

7.8. Enforcement of Conditions

7.8.1. The appellant raises concerns regarding the bone fide use of the proposed holiday cottages for equine related activities and to the use of the facility as a whole for equine related uses.

7.8.2. As set out in the government's Development Management guidelines, planning conditions should be necessary, relevant to planning and the development being permitted, enforceable, precise and reasonable.

- 7.8.3. In this regard, the applicant has applied for permission for an indoor arena and four holiday cabins. Condition no. 3 of the permission requires that the applicant adhere to all conditions under PA ref. DA/120463 (application for equestrian holiday centre). Condition no. 20 of this permission requires that the holiday cottages be used for short stay accommodation associated with the equine industry. Condition no. 6 restricts the development of holiday accommodation to a period of 5 years.
- 7.8.4. The original planning application for the facility on site relates to an equestrian holiday centre. The parent permission has been adjudicated upon and determined on this basis and it provides the context for the current development. The proposed conditions which restrict the use of the holiday cabins to uses associated with the equine use on site, therefore, seem necessary, relevant to planning and the development being permitted, precise and reasonable.
- 7.8.5. I would accept the appellant's argument that the occupancy requirement may be difficult to enforce. However, this is a matter which can be determined by the planning authority as part of its enforcement role (i.e. through an agreed mechanism to demonstrate compliance).
- 7.8.6. Conditions could address the matter of phasing of the development and the provision of the proposed indoor arena to ensure that the development as a whole is implemented.

8.0 Appropriate Assessment

- 8.1.1. The appeal site is c.3km from the nearest European site. The proposed development is quite modest in scale and potential pollutants arising from the site are limited to the discharge of surface water (foul water will discharge into the public sewer). In the absence of mitigation measures, any contaminants are nonetheless likely over this distance to settle out or be so diluted as to have no significant effect on any European site. Having regard to the above, 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

- 9.1. I recommend that planning permission for the proposed development is granted subject to condition.

10.0 Reasons and Considerations

Having regard to the nature, scale and form of the proposed development, its location in a rural area and within a mature site, and distance from adjoining property, 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 or property in the vicinity of the site and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

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| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 24th day of April 2019 and the 16th May 2019 , 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.</p> <p>Reason: In the interest of clarity.</p> |
| 2. | <p>All relevant conditions attached to planning register reference DA/120463 shall be complied with to the satisfaction of the planning authority.</p> <p>Reason: In order to clarify the scope of the development.</p> |
| 3. | <p>Prior to the commencement of the development arrangements details of water supply and drainage arrangements, including the disposal of surface water, shall be submitted to the planning authority for written agreement</p> |

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| | <p>and shall comply with the requirements of the planning authority for such works.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p> |
| 4. | <p>The four holiday cabins hereby permitted shall:</p> <ul style="list-style-type: none"> i. Be for a temporary period of 5 years only from the date of this order. On expiry of this period the structures shall be removed from the site and the site reinstated to its former condition, unless its continued use is permitted under a separate and future planning permission, ii. Shall be used for short stay accommodation associated with the equine activities on site only and shall in perpetuity remain attached to the equine business on site and shall not be sold, leased or otherwise transferred without a prior grant of permission, and iii. Shall not be occupied until the indoor arena has been constructed to the satisfaction of the planning authority. <p>Reason: In the interest of clarity, orderly development and the proper planning and sustainable development of the area.</p> |
| 5. | <p>Prior to occupation of the holiday accommodation or use of the arena, the entrance gate shall be recessed 10m from the near edge of the public road to the satisfaction of the planning authority.</p> <p>Reason: In the interest of traffic safety.</p> |
| 6. | <p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, means to control dust and dirt on the public road, arrangements for off carriageway parking for all construction traffic and off-</p> |

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| | site disposal of construction/demolition waste. |
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| | Reason: In the interests of public safety and residential amenity. |
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Deirdre MacGabhann

7th November 2019