



An  
Bord  
Pleanála

## Inspector's Report ABP-305214-19

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<b>Development</b>	Retention for a detached building comprising reception area, riding centre office, hats and boots store, riding centre shop and shop store and an infill single storey staff area
<b>Location</b>	The Paddocks Riding Centre, Ballyedmonduff Road, Sandyford, Dublin 18
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D19A/0373
<b>Applicant(s)</b>	Teresa Cribbin
<b>Type of Application</b>	Permission for retention
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Teresa Cribbin
<b>Observer(s)</b>	None

**Date of Site Inspection**

17<sup>th</sup> October 2019

**Inspector**

Emer Doyle

## 1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 5.67 hectares is located on a narrow cul de sac off the Ballyedmonduff Road close to the villages of Sandyford and Stepside, Co. Dublin. The site is located in the foothills of Three Rock Mountain c. 1km to the south of the village of Stepside.
- 1.2. An established riding centre known as 'The Paddocks' has been operating at this location for c. 30 years. The Riding Centre is a family run business currently operated by the applicant and her daughter and has a total of 45 stables. It offers a considerable range of activities including riding lessons for children and adults, camps for children during holidays, treks through the Dublin Mountains and on beaches, birthday parties for children or adults, work events and hen parties.
- 1.3. The Paddocks Riding School consists of a number of stable blocks, barn, reception area/office/shop, staff facilities, paddocks, car park etc. The applicant's dwelling is also on the site.

## 2.0 Proposed Development

Permission is sought for retention of the following:

- Detached single storey building (c. 95m<sup>2</sup>) comprising reception area, riding centre office, hats and boots store, riding centre shop and shop store and infill single storey staff area (c. 40.5m<sup>2</sup>).

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission refused for two reasons as follows:

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 D00A/0757/PL.06D.121976 and D18A/0888/ ABP-303160-18 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**

#### **3.2.1. Planning Reports**

The planner's report noted that the riding centre had been developed without the benefit of planning permission and previous applications to the Planning Authority and the Board were refused. It noted the improvements proposed to the sightline at the junction of the laneway with Ballyedmonduff Road since the previous planning application but considered that the previous reasons for refusal still applied.

#### **3.2.2. Other Technical Reports**

**Transportation Report** (15/07/19) recommends refusal on traffic safety grounds and notes the following:

*'The submitted drawings, pictures and a site visit showed the improved sightlines to the right of the laneway onto Ballyedmonduff Road achieved with the removal of vegetation. Despite partly addressing sightline concerns raised on the previous planning application, the sightlines to the left are still substandard due to the higher ground levels and therefore, there's still a valid safety concern and a traffic hazard.'*

**Drainage Planning Section** (9/06/19) recommends Further Information.

**EHO** (20/06/19) - No objection.

### 3.3. **Prescribed Bodies**

- No reports.

### 3.4. **Third Party Observations**

- None.

## 4.0 **Planning History**

**RL2023/ ABP 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.

**PA D00A/0757/ABP 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.

**PA D96A/0310/ABP 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.

**PA D18A/0888/ABP 303160-18** refers to a 2019 decision to refuse permission for the retention of a detached single storey building comprising of a reception area, riding centre office, hats and boots store, riding centre shop and shop store and infill single storey staff area for two reasons relating to development plan policy and traffic safety.

**Planning Enforcement:**

**ENF 59/18** refers to the current application before the Board. Warning letter issued.

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

## **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.**

## **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**

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

The grounds of appeal can be summarised as follows:

- The Board has already accepted that the first reason for refusal should be omitted in its previous decision on appeal No. ABP-303160-18.
- Revised sightlines have been attached to the appeal for the junction with Ballyedmonduff Road on which an additional 40m sightline has been added to the northwest. A letter from the adjoining landowner has been attached in this regard.
- The Board were previously wrong to conclude in the previous appeal that the shop would result in additional traffic movements.
- Without prejudice to our position that the shop does not increase custom or traffic and the Transportation Departments position of D14A/0574 which utilises the same public laneway and junction with Ballyedmonduff Road, in the event the Board retains its previous view, our client would accept the omission of the shop by way of condition.

### 6.2. Planning Authority Response

The planner's response is as follows:

- 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 proposed development.

### 6.3. Observations

- None.

## 7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal. The issues can be dealt with under the following headings:

- Principle of Development
- Traffic Safety
- Other
- Appropriate Assessment

### 7.2. Principle of Development

7.2.1. In the recent planning history refused by both the Planning Authority and the Board on appeal, permission was refused for two reasons by the Planning Authority and for one reason by the Board. I note that the Board refused permission on the grounds of traffic safety only.

7.2.2. I note that the Inspector's report in the previous appeal considered that the development to be retained including office, riding centre shop, and staff area were ancillary to the main use of a riding centre on the site which is open for consideration under land use zoning objective G. It was considered that the two structures and their uses were intrinsically linked and could not be regarded in isolation.

7.2.3. I note that in the current case, the Planning Authority has attached the first reason for refusal in relation to the zoning and policy. I share the views of the Board and the previous Planning Inspector and consider that the uses proposed to be retained under this application are ancillary to the main use of the riding centre.

### 7.3. Traffic Safety

7.3.1. I consider that traffic safety is the primary issue in this case. The Board refused the previous appeal on the site for one reason only as follows:

*'It is considered that the development proposed 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 proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.'*

- 7.3.2. A letter submitted with the planning application states that *'since the Board's decision, our client has undertaken a topographical survey of the junction with Ballyedmonduff Road in order to establish the existing sightlines at the junction and to determine how they could be improved. Of particular concern was the virtually zero sightline to approaching traffic from the right. As shown on the attached A3 extract from the topographical survey, the sightline to approaching traffic from the right of 40 metres from a point 2 metres setback from the junction with Ballyedmonduff Road has been achieved primarily through the removal of some scrub planting and lowering the ground level by a few hundred millimetres. The concrete plinth close to the edge of the road restricts the sightline to 40 metres (to the centre of the road). The sightline to the right is also aided by visibility mirror at 'Monduff' on the opposite side of Ballyedmonduff Road, which effectively provides a view 'around the corner' to on-coming traffic. The sightline to the left has been left unchanged as there are no permanent impediments to viewing approaching traffic to the left. It is submitted to the Council that sightlines at the public road junction with Ballyedmonduff Road have been materially improved to address the previously inadequate sightlines.'*
- 7.3.3. In a report from the Transportation Section dated 15<sup>th</sup> of July 2019, the council engineer noted the improvements but considered that the sightlines to the left were still substandard due to the higher ground levels and recommended refusal.
- 7.3.4. In the appeal to the Board, a revised drawing has been submitted of revised sightlines to the north-west of the junction of the cul de sac with Ballyedmonduff Road. Works proposed at this junction provide for *'some minor reduction in height (less than 1 metre) of about 18 metres length of earth bank.'* A letter from the adjoining landowner has been submitted allowing permission to carry out these works.
- 7.3.5. The appeal refers to a permission granted by the Council under D14A/0574 for an extension to an unauthorised cottage on this cul de sac and the inconsistencies of the Council in granting this permission but not granting permission for the retention

of an additional 135m<sup>2</sup> which represents only a small increase in the overall floor area of the business.

7.3.6. With regard to additional traffic movements, the appeal notes that *‘the Board was incorrect to previously conclude that the development and in particular the shop would result in additional traffic movements.’* The appeal states the following:  
*‘Without prejudice to our position that the shop does not increase custom or traffic.... In the event that the Board retains its previous view, our client would accept the omission of the shop by way of condition.’*

7.3.7. This is a very large commercial business which has a long planning and enforcement history and has been operating without planning permission for c.30 years. I note from information on the applicant’s website together with signage viewed on the site inspection that there are 45 stables at this location together with a wide range of activities on offer. Such activities include horse riding lessons for adults and children, birthday parties, riding camps, treks through the Dublin Mountains, hen parties etc. I note the information provided on the shop in the application and appeal that the shop is only open when the riding centre is open and not open for general sales to the public. However, the purpose of the shop, office, staff area and reception is to improve the quality of the facilities within the riding centre, to bring the facilities up to the recommendations of AIRE (Association of Irish Riding Establishments), and to provide a dedicated staff area for rest and recuperation.

7.3.8. I consider that the comparison the appeal makes between an extension to an unauthorised house and an extension to a very large and successful commercial operation are very different and would have very different requirements in terms of traffic safety and impacts.

7.3.9. Whilst I do not consider that the shop by itself would greatly intensify traffic to the site, the combination of the improvements to the quality of the offering including the office space and large reception area with comfortable couches and tea and coffee making facilities for clients, the large organised area for boots and riding equipment for clients and the overall improvement and enhancement of the facilities would attract more customers to the business in the longer term.

- 7.3.10. The area is on the edge of the Dublin mountains and on the day of inspection, there were c. 6 hill walkers using the cul de sac serving The Paddocks. There is a Dublin Bus service in the area which serves both locals and tourists.
- 7.3.11. The improvements to the both sides of the junction to Ballyedmonduff Road are noted, however the laneway to the site is narrow and poorly surfaced in places. Furthermore Ballyedmonduff Road itself is narrow with numerous bends, and the sightlines at both sides of the junction remain seriously substandard.
- 7.3.12. I consider that there would be an intensification of an unauthorised business at this location. The improvements proposed provide for sightlines of c. 40m in both directions which would be seriously substandard in my view and would endanger public safety by reason of traffic hazard, because of the additional traffic turning movements the development generates on a road where sightlines are currently restricted.

#### **7.4. Other**

7.4.1. I note a report from 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.

#### **7.5. Appropriate Assessment**

7.5.1. 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 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**

8.1. I recommend that permission be refused for one reason as follows:

## **9.0 Reasons and Considerations**

It is considered that the development proposed 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 Ballyedmonduff Road where sightlines are restricted. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

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Emer Doyle  
Planning Inspector

31<sup>st</sup> October 2019