



An  
Bord  
Pleanála

## Inspector's Report ABP-210215-21

---

<b>Development</b>	Stables and site entrance
<b>Location</b>	Seaview Cottage, Garrettstown, Kinsale, County Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	20/5672
<b>Applicant(s)</b>	David Healy
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Residents of Kilmore and Garrettstown
<b>Date of Site Inspection</b>	16 <sup>th</sup> June, 2021
<b>Inspector</b>	Kevin Moore

## **1.0 Site Location and Description**

1.1. The 0.44 hectare site is located in a rural area approximately 2km north-west of Garrettstown in County Cork. It comprises part of a field in use by horses at present. It is accessed via a lane separating the applicant's house to the south and another residence to the north. The lane leads to an outbuilding and a small stable building to the rear of the house. There is a number of one-off houses in the vicinity of the site, notably to the north.

## **2.0 Proposed Development**

2.1. The proposed development would comprise the construction of stables for the rearing of bloodstock, with feed storage overhead, associated services and a site entrance. The gross floor area of the stables is stated to be 223.3 square metres and it would accommodate 5 stables and ancillary accommodation at ground floor level and a loft and ancillary accommodation at first floor level.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 16<sup>th</sup> April, 2021, Cork County Council decided to grant permission for the proposed development subject to 9 conditions.

### **3.2. Planning Authority Reports**

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

The Planner noted the site's context and reports received. It was considered that further details were required in terms of the layout of adjacent development, waste generated by the canteen/welfare facilities, the nature of the holding tank shown on the site plan, and the use of existing buildings adjoining the site. It was further considered that the building looked over-scaled for its purpose. It was submitted that the building would be visually prominent but was of a higher than normal standard. Further details on finished floor levels, groundworks, and the extent of the yard was considered to be required. A request for further information was recommended.

### 3.2.2. Other Technical Reports

The Area Engineer considered the site suitable for the proposed development. A condition relating to surface water drainage was attached to the report.

The Environment Section requested further details on storage of manure, the storage tank for liquid effluent, the disposal of wastewater from the canteen and welfare facilities, and clarity on the use of the boxes marked "Parking".

3.3. On 25<sup>th</sup> September, 2020, a request for further information was issued. A response to this request was received on 22<sup>nd</sup> December, 2020. This included a proposal to install a wastewater treatment unit to serve the canteen/welfare facilities.

3.4. After the receipt of this information the following reports were received:

Irish Water had no objection to the proposal.

The Environment Section had no objection to the proposal subject to a schedule of conditions.

The Area Engineer requested clarity on the proposed effluent treatment system.

The Planner recommended that clarification be sought in accordance with the Area Engineer's requirements.

3.5. A request for clarification was sought on 26<sup>th</sup> January, 2021 and a response was received on 5<sup>th</sup> February, 2021. New public notices were received on 26<sup>th</sup> March, 2021.

3.6. After the receipt of this information a third party submission was received from residents of Kilmore and Garrettstown. The grounds of the appeal reflect the principal planning concerns raised.

3.7. The following reports were received by the planning authority:

The Area Engineer had no objection to the proposal subject to the attachment of a schedule of conditions.

The Planner considered the proposal to be acceptable and recommended a grant of permission subject to a schedule of conditions.

## 4.0 Planning History

I have no record of any planning application or appeal relating to this site.

## 5.0 Policy Context

### 5.1. Cork County Development Plan

#### Landscape

The site is located in an area designated a 'High Value Landscape'.

The Plan states that there are landscape character types which have a very high or high landscape value and high or very high landscape sensitivity and are of county or national importance considered to be the most valuable landscapes.

It is further stated:

*Within these High Value Landscapes considerable care will be needed to successfully locate large scale developments without them becoming unduly obtrusive. Therefore, the location, siting and design of large scale developments within these areas will need careful consideration and any such developments should generally be supported by an assessment including a visual impact assessment which would involve an evaluation of visibility and prominence of the proposed development in its immediate environs and in the wider landscape.*

Objectives include:

#### **GI 6-1: Landscape**

- a)** Protect the visual and scenic amenities of County Cork's built and natural environment.
- b)** Landscape issues will be an important factor in all land use proposals, ensuring that a proactive view of development is undertaken while maintaining respect for the environment and heritage generally in line with the principle of sustainability.
- c)** Ensure that new development meets high standards of siting and design.
- d)** Protect skylines and ridgelines from development.

- e) Discourage proposals necessitating the removal of extensive amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

## 5.2. EIA Screening

The proposed development does not fall within a class of development set out in Part 1 or Part 2, Schedule 5 of the Planning and Development Regulations

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of the appeal may be synthesised as follows:

- The proposal, by virtue of its scale and design, will have a detrimental visual impact in an area designated as having a high landscape value.
- The scale and design of the stables are incongruous with the established built form of the area.
- There is no demonstrable need for such a large structure, having regard to the existing prefabricated stables building.
- There are concerns regarding the future use of the site, having regard to the scale of the proposed development.
- There are serious environmental concerns relating to the submitted site suitability assessment, contaminated surface water, and the proximity to Garrettstown Marsh pNHA.
- There is unauthorised development on the landholding (use of part of the site for the sale of cars and the existing prefabricated stables building) which should be regularised as part of any proposals on the site.
- There are potential access impacts and impacts on the local road network.
- There are inaccuracies / deficiencies in the planning application drawings and documentation.

## 6.2. Applicant Response

The applicant's response to the appeal may be summarised as follows:

- The objection is of a vexatious nature and should be dismissed.
- The planning authority noted that visual impacts will be localised. The stables are set back from the road and screened by existing trees. A landscape design is attached and it is policy to replace any trees felled.
- Regarding the scale and design of the development, there are four horses on the holding and space is also required to store machinery and tools. The first floor is for welfare and a canteen providing for a toilet and will also service any workmen on site from time to time. The rest of the space would be used for fodder storage. The number of windows proposed is to allow more natural light into the building and there are open doors at either end of the building to load and unload fodder and bedding.
- The existing prefabricated wooden stables is exempted development, is not made of long-lasting material and is not a long-term solution.
- The number of vehicles will not increase as there is no intention to drastically increase the number of horses above current stock.
- The proposed septic tank and percolation area are designed to EPA standards and the conditions of the planning authority satisfy concerns.
- The applicant owns a collection of cars and motor bikes which he stores in an adjacent building. He also stores domestic items there also and the building was there when the property was purchased. An area of yard is used for the transfer of pre-ordered vehicles in advance of delivery to clients and no clients visit the premises.
- The entrance / exit does not require updating. There would be no intensification of the use of the entrance.
- All drawings submitted were in accordance with requirements and there were no issues with validation of the application.

A Land Suitability Report from an Agricultural Consultant is attached with the response and this indicates that the lands have the ability to provide forage for between 5 and 9 mature horses.

### **6.3. Planning Authority Response**

I have no record of any response to the appeal from the planning authority.

### **6.4. Further Responses**

The appellants' response to the first party response to the appeal reject the claim the appeal is vexatious and reiterate concerns relating to the form of the structure, visual impact, ventilation provisions and landscaping requirements.

## **7.0 Assessment**

- 7.1.1. The site of the proposed development is located in a rural area on a holding in which horses are kept. There is a house, an outbuilding and a small temporary stables immediately east of the location for the proposed stables. Being in a rural area on a holding used for horses there can be no reasonable objection to the principle of providing stables. Such a development would be compatible with the dominant land use, i.e. agriculture, and the nature and extent of buildings at this location.
- 7.1.2. The proposed structure is designed as a two-storey structure, not common as a design for modern stables. However, the provision of lofts and overhead storage over farm buildings are common. To this extent a two-storey farm structure is not inconsistent with the character of farm structures. I note that significant design detail has gone into the development of the proposed stables and it is proposed to be finished in a mix of compatible finishes with established structures. This building would be sited to the rear of the adjoining existing structures and together with the other buildings would clearly be understood as a complex of buildings when visible from the road network in the area. The views that could be gained from the public realm would be at a distance. I further note that the applicant proposes landscaping

to aid in the building's integration with its setting. The proposed agricultural development would have no significant adverse visual impact on this area. It would not have any notable impacts on views such as from Garrettstown beach given the separation distance, the building's limited height and siting adjoining existing structures, existing vegetation, and proposed screening. Accepting the site is located in a High Value Landscape as designated in the Cork County Development Plan, it can reasonably be determined that the use is compatible with the use of the land for keeping horses, the building would form part of an established building complex, and there are very limited views of the site, which is located to the rear of the established buildings. This proposal could not be seen to have any significant adverse effects on the landscape.

- 7.1.3. I note that the applicant, as a result of the further information request by the planning authority for the provision of a wastewater proposal, sought to provide a wastewater treatment system to serve the building. The Board will note that the stables itself would not require any significant holding tank to accommodate the small number of horses intended to be housed and that bedding and waste generated would be very limited and managed on the holding. In my opinion, the proposal to provide a second wastewater treatment plant on this holding is ill-conceived and should not be necessary for a development of this nature. The proposal intends to accommodate a small welfare room and canteen at first floor level. I note from the site layout plan that there is an existing wastewater treatment plant within the established yard serving the house. Any domestic effluent generated by the one toilet and canteen should discharge to that established treatment plant in my opinion. It is noted that this development is to be primarily used by the applicants who keep the horses and any additional load could not be viewed as significant. It is evident that the original submission did not provide for a wastewater treatment plant and I submit that there is no necessity for it. If the existing treatment plant requires any upgrading to accommodate any possible small additional load from the use of the toilet and canteen then such improvements could reasonably be carried out instead of doubling up on wastewater treatment units which would require ongoing maintenance.



- 7.1.4. With regard to concerns raised about unauthorised structures on the holding, I note the existing outbuilding and the small stables which is located immediately north of this outbuilding. The outbuilding appears to be an established structure for a number of years and its current use has been explained by the applicant in response to the appeal. Clearly the issue of unauthorised use and enforcement is a matter for the planning authority to consider. The building presents as a dry store. The keeping of private vehicles in the contained and screened yard is not a particular environmental concern. Any associated business use is a matter for the planning authority to make a determination on. It does not impact on the consideration of the proposed stables. Regarding the temporary stables, it is evident that the structure is within 100m of the neighbouring house to the north-east and there is no understanding that the owners of that house have given consent in writing to it being there. The stables may be authorised. This again is a matter that the planning authority could readily address in the immediate term. Consideration of the proposed development is not impacted by the existing small temporary stable block.
- 7.1.5. Regarding the issue of traffic impact, I submit to the Board that this is not an issue of any concern, having regard to the scale of the proposed development, which would house up to six horses on an established holding used for horses. There would be no substantial increase in traffic by the use of the farm building in this rural area.
- 7.1.6. The appellants also raise concerns about the deficiency in drawings and documentation. I acknowledge that the temporary stables immediately north of the existing outbuilding is not shown on the layout plan. While this should have been shown on the plans, it is evident that there is and has been knowledge of it and that the planning authority gave it due consideration in its assessment of the proposal. I also submit to the Board that it does not impact on its considerations on the proposed stables, having no significant planning or environmental impacts that would undermine consideration of the new stable block.
- 7.1.7. Finally regarding concerns raised relating to the submitted site suitability assessment, contaminated surface water, and the proximity to Garrettstown Marsh pNHA, the Board will note that I consider the need for a separate wastewater treatment plant to be superfluous in this instance. Clearly, the development would

generate clean surface water runoff from the building itself and there are no concerns about potent impacts on water quality beyond the site. Spent bedding and the waste generated by the use of the six stables can be handled within the holding. I note from the submitted Land Suitability Report that the applicants' landholding has the ability to provide forage for between 5 and 9 mature horses. The distant pNHA at Garrettstown would not be impacted by the development proposed.

### *Appropriate Assessment*

7.1.8. The site of the proposed development is located remote from any European site. The nearest Natura 2000 sites are Old Head of Kinsale SPA to the south-east and Courtmacsherry Bay SPA to the west, each of which are distant from the site. The inland site for the proposed development has no known connectivity with these very distant coastal European sites and it has no known habitat to support any of the Special Conservation Interests of these European sites.

7.1.9. Having regard to the nature, scale, and location of the proposed development, the nature of the receiving environment, and the separation distance to the nearest European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on any European site.

## **8.0 Recommendation**

8.1. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

## **9.0 Reasons and Considerations**

Having regard to the nature, extent, and location of the proposed development on existing farmland, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of its impact on

residential and visual amenity, its environmental and traffic impacts, and would otherwise be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. 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 22<sup>nd</sup> December 2020, 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 building shall be used solely for the housing of horses and ancillary uses. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, any change of use shall be the subject of a separate application for permission to the planning authority.

**Reason:** In the interest of orderly development.

3. The proposed wastewater treatment system shall be omitted. Any domestic foul waste generated by the canteen/welfare facilities shall be discharged to the existing wastewater treatment plant on the landholding. Details of the alternative provisions for the accommodation of domestic foul waste generated by the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of pollution prevention.

4. All stable manure and foul waters generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to storage facilities for subsequent landspreading and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

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

5. All uncontaminated roof water from the 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.

**Reason:** In order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.

---

Kevin Moore  
Senior Planning Inspector

15<sup>th</sup> July, 2021