



An  
Bord  
Pleanála

## Inspector's Report ABP- 314414-22

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<b>Development</b>	Retention of stables.
<b>Location</b>	Coughlanstown, Ballymore Eustace, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council.
<b>Planning Authority Reg. Ref.</b>	21/1133.
<b>Applicant</b>	Matthew Buckley.
<b>Type of Application</b>	Retention Permission.
<b>Planning Authority Decision</b>	Refusal of Retention Permission.
<b>Type of Appeal</b>	First Party v Refusal of Retention Permission.
<b>Appellant</b>	Matthew Buckley.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	1 <sup>st</sup> May 2023
<b>Inspector</b>	Enda Duignan.

## **1.0 Site Location and Description**

- 1.1.1. The address of the appeal site is Coughlanstown, Ballymore Eustace, Co. Kildare. The site is located within the rural area of County Kildare, c. 1.5km to the west of the village of Ballymore Eustace. The site has a stated area of c. 1.9ha. and is located on the northern side of a local road (L6048). The site comprises an agricultural field under grass, which contains a moderate slope up from its roadside boundary. The site is served by an existing agricultural entrance located at the eastern end of the roadside boundary. The site is bound by mature hedgerows on its western and eastern sides which are interspersed with trees of varying maturities. There is an existing partially constructed barn located within the north eastern portion of the site (subject of retention permission), which is accessed from an existing gravel track.
- 1.2. In terms of the site surrounds, lands are predominantly in agricultural use with a similar topography to that of the appeal site. There are also number of one-off rural dwellings and farm buildings located to west of the appeal site, on either side of the local road.

## **2.0 Proposed Development**

- 2.1. The proposal seeks permission to retain a partially constructed stables building with external fencing and planning permission for the completion of the stables, external fencing and ancillary site works. These works are described as the completion of the external render, installation of external doors and windows, completion of an animal effluent catchment system, installation of a well and completion of the roof.
- 2.2. The design of stables building is described by the Planning Authority as having an American style and is predominantly constructed out of timber, with a central tower (c. 10.1m in height). A render finish for the principal elevations is identified on the submitted elevations. The stables have a total floor area of c. 244sq.m. and a height of c. 8.3m above natural ground level. The stables building includes a total of 5 no. horse boxes.

**2.3.** Following concerns raised by the Planning Authority at additional information stage, the Applicant modified the development proposal as follows:

- Reduction in the floor area of the stables to c. 190sq.m.
- Removal of the ridge line turret.
- Closing up of the existing agricultural entrance and the creation of a new entrance at the western end of the site frontage.
- Associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Kildare County Council refused planning permission for the development to be retained and the proposed development for the following 2 no. reasons.

1. The proposed entrance would be located at a wide, high banked grass verge and in close proximity to a bend. By taking access from the public road at a point where the 80kph speed limit applies, lines of sight at the proposed entrance would not be in accordance with the Design Manual for Roads and Bridges, and therefore the proposed development would endanger safety by reason of traffic hazard and the obstruction of roads users and, would be contrary to the proper planning and sustainable development of the area.
2. The proposed development is located in the Eastern Uplands Landscaped Character Area; such areas are deemed to be of high sensitivity and have a reduced capacity to accommodate uses without significant adverse effects on the appearance character of the landscape having regard to the prevalent sensitivity factors. Having regard to this and the scale, height and design of the proposed development, it is considered the proposed development would contravene section 17.9.8 of the Kildare County Development Plan, 2017-2023 which relates to agricultural development and would have a negative impact on the character of the Landscape Character Area (Eastern Uplands), contravening policies LU1 And LU4 of the Kildare County Development Plan, 2017-2023. The proposed development would therefore seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Report**

The Kildare County Council Planning Reports forms the basis for the decision. The First Planning Report provides a description of the appeal site and surrounds and a summary of the observation on file. The proposal also sets out the enforcement history that is relevant to the development proposal and provides an outline of the policy at local level that is relevant to the application.

With their assessment of the application, the Planning Authority deem the siting of the proposed stables to be generally acceptable. However, concerns are raised with respect to the scale and design of the 'American style agricultural building' as it is not considered to be in keeping with the local vernacular. In addition, the stables were considered to be excessive in scale. The Applicant was therefore afforded an opportunity to reconsider the scale and design of the building, to create a more rationalised building that is more in keeping with its surroundings. The applicant was also requested to submit a justification for the scale of the stables in relation to its use and the number of horses it would care for. In addition, the Applicant was request to:

- Indicate how it is proposed to achieve the required line of sight at the proposed entrance in accordance with Transport Infrastructure Ireland Document (DN-GEO-0360).
- Clarification regarding the location of the existing wastewater treatment systems/septic tanks on sites adjacent to the proposed site on a revised site layout plan.

The Planning Authority's Second Planning Report considers the Applicant's additional information response, and it is indicated the serious concerns are highlighted with respect to the height, scale and design of the proposed development. Reference is made within Second Planning Report to the location of the appeal site within the Eastern Uplands Landscaped Character Area and the proposal was considered to be contrary to Policies LU1 And LU4 of the County Development Plan. Concerns were also raised with respect to the relocated entrance which is deemed to constitute a road

safety hazard. A refusal of retention permission and permission is recommended for 2 no. reasons.

### 3.2.2. Other Technical Reports

Naas Municipal District Engineer: An initial report recommending additional information. A second report is on the planning file following the submission of additional information and recommending a refusal of permission as follows:

- The proposed entrance is located at a wide high banked grass verge and in close proximity to a bend. By taking access from the public road at a point where the 80kph speed limit applies, lines of sight at the proposed entrance are not in accordance with the Design Manual for Roads and Bridges, and as such would constitute a road safety hazard.

EHO: An initial report recommending additional information. A second report is on the planning file following the submission of additional information stating no objection subject to conditions.

Environment Section: Report received stating no objection subject to conditions.

### 3.2.3. Prescribed Bodies

None.

### 3.2.4. Third Party Observations

One (1) no. observation has been received from Alan Fahey with an address at Coughlanstown, Ballymore Eustace, Co. Kildare. A summary of the issues raised in the observation are included as follows:

- Concerns with respect to the scale and design of the stable building.
- Concerns with respect to the visual impact of the proposal which was not considered to be in keeping with the character of the surrounds.
- The need for a second level within the stables is questioned.
- It is suggested that any grant be conditional on the site remaining solely for agricultural use.

- Concerns are highlighted with respect to the applicant's development approach to date.
- The need for a second well on site is questioned.
- Concerns with respect to the lack of landscaping proposals.
- Concerns with respect to inaccuracies on the submitted documentation.

There is also a representation on file from Cllr. Evie Sammon which supports the observation on file submitted by Alan Fahey and concerns are raised with respect to the overall scale of the development.

## **4.0 Relevant Planning History**

### **4.1. Appeal Site**

**ABP-314443-22:** Section 5 referral under consideration by the Board with respect to the following:

- Whether the reduction of the floor space of an existing structure from circa 244 sq. metres to 190 square meters, the removal of the roof ridge line turret and the use of the resulting building for agricultural purposes, specifically as a stable block, is or is not development or is or is not exempted development under the Planning and Development Regulations 2001 (as amended), Schedule 2, Part 3, Class 6.

### **4.2. Enforcement History**

The Planning Report indicates that an enforcement notice was issued on the stables building under Ref. UD7565.

## **5.0 Policy and Context**

### **5.1.1. Kildare County Development Plan (CDP), 2023-2029.**

The site is located outside a designated settlement boundary within the rural area of the county Kildare. In terms of Agriculture, Section 4.19 of the current CDP includes the following relevant policies and objectives:

**RE P13** Support and facilitate sustainable agriculture, horticulture, forestry and other rural enterprises at suitable locations in the County where there will be no potential for likely significant effects on a European Site or on a site that shares a hydrological connection to a European Site.

**RE O89** Protect agriculture and traditional rural enterprises from haphazard and/or incompatible development.

**RE O90** Promote the 'Smart Farming' initiative, the 'Kildare Climate Change Adaptation Strategy (2019)' and the 'National Climate Action Plan 2021' to farmers across Kildare to inform them of environmental sustainability and resource management, so as to reduce CO2 production on farms in accordance with the National Climate Action Plan 2021.

It is policy, under Section 4.20 (Equine) of the CDP to:

**RE P14** Actively promote and support the equine industry as an economic driver for Kildare.

It is also an objective of the CDP under Section 9.5 (Equine) of the CDP to:

**RD O16** Ensure that equine based developments are located on suitable and viable landholdings and are subject to normal planning, siting and design considerations.

In terms of 'Rural Economy & Rural Enterprise', it is an objective under Section 9.3 of the CDP to:

**RD O5** Require new buildings and structures:

- To be sited as unobtrusively as possible.
- To be clustered to form a distinct and unified feature in the landscape.
- To utilise suitable materials and colours.
- To utilise native species in screen planting to integrate development into the landscape.

The appeal site is located within the Eastern Uplands Landscape Character Area. This area is identified as having a 'High Sensitivity' and defined as 'Areas with reduced capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to prevalent sensitivity factors.' Relevant policies and objective contained within Section 13.3 (Landscape Character Assessment) of the CDP include:

**LR P1** Protect and enhance the county's landscape, by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the existing local landscape.

**LR O1** Ensure that consideration of landscape sensitivity is an important factor in determining development uses. In areas of high landscape sensitivity, the design, type and the choice of location of the proposed development in the landscape will be critical considerations.

**LR O2** Require a Landscape/Visual Impact Assessment to accompany proposals that are likely to significantly affect:

- Landscape Sensitivity Factors;
- A Class 4 or 5 Sensitivity Landscape (i.e. within 500m of the boundary);
- A route or view identified in Map V1 - 13.3 (i.e. within 500m of the site boundary).
- All Wind Farm development applications irrespective of location, shall be required to be accompanied by a detailed Landscape/Visual Impact Assessment including a series of photomontages at locations to be agreed with the Planning Authority, including from scenic routes and views identified in Chapter 13.

**LR O4** Ensure that local landscape features, including historic features and buildings, hedgerows, shelter belts and stone walls, are retained, protected and enhanced where appropriate, so as to preserve the local landscape and character of an area.

**LR O5** Preserve, where appropriate, the open character of commonage.



Section 15.9.8 of the CDP provides specific policy with respect to 'Agricultural Developments' and notes that the traditional form of agricultural buildings is disappearing with the onset of advanced construction methods and a wider range of materials. Some new farm buildings have the appearance of industrial buildings and, due to their scale and mass can have serious visual impacts. The following policies apply to applications for agricultural buildings:

- In the construction and layout of agricultural buildings, the Council will require that buildings be sited as unobtrusively as possible, working with the contours of the land and that the finishes and colours used blend into the surroundings. The Council accepts the need for agricultural buildings and associated works (walls, fences, gates, entrances, yards etc.) to be functional, but they will be required to be sympathetic to their surroundings in scale, materials, and finishes.
- Appropriate roof colours are dark grey, dark reddish brown or a very dark green. Where cladding is used on the exterior of farm buildings, dark colours (preferably dark green, red, or grey) with matt finishes will normally be required.
- New agricultural buildings shall be located within or adjacent to existing farm buildings, unless it has been demonstrated, to the satisfaction of the Planning Authority, that the building must be located elsewhere for essential operational reasons. The grouping of agricultural buildings will be encouraged in order to reduce their overall impact in the interests of amenity;
- The removal of hedges to accommodate agricultural developments shall only be permitted with the written agreement of the Planning Authority and shall only be considered as a last resort. It is important that hedgerows are retained in order to maintain and enhance existing green infrastructure networks in the interests of biodiversity. When retaining boundary hedgerows, the council requires suitably sized infill planting where possible. A landscaping plan is required as part of an application for agricultural development and should include screening and shelterbelt planting, composed principally of native species as listed in section 15.2.4 Chapter 15, Development Management Standards.

- Other considerations which will arise in agricultural developments will be traffic safety, pollution control, and the satisfactory treatment of effluents, smells and noise. Proper provision for disposal of liquid and solid wastes must be made. In addition, the size and form of buildings and the extent to which they can be integrated into the landscape will be factors which will govern the acceptability or otherwise of such development.
- Agricultural developments shall also demonstrate that the proposal does not impact significantly upon Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Natural Heritage Areas (NHAs), Areas of High Amenity, Landscape Sensitivity Areas, Key Scenic Views and Prospects and Key Amenity Routes, sites of heritage or cultural value, or areas at risk of flooding.
- Proposals for preventing surface water run-off onto the public road shall be included with planning applications.

## **5.2. Natural Heritage Designations**

There are no European designated sites within the immediate vicinity of the site. The nearest designated site is the Poulaphouca SPA (Site Code: 004063), c. 3.9km to the south-east of the site. The Proposed Natural Heritage Area: Liffey Valley Meander Belt is located c. 50m to the south of the appeal site.

## **5.3. EIA Screening**

Having regard to the nature and scale the development which consists of the retention and completion of a stables building in an un-serviced 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 prepared and submitted on behalf of the Applicant and can be summarised as follows:

- The appeal submission provides a description of the site and its environs, an overview of the history of planning enforcement on the site and a summary of the current application. The submission explains that the proposal was modified at additional information stage to address the concerns of the Planning Authority. It is indicated that it was proposed to modify the design of the stable barn so that it would be in line with the various conditions and limitations as prescribed in Schedule 2, Part 3, Class 6 of the Planning and Development Regulations, 2001 (as amended). In addition, the proposal sought to close up the existing entrance and provide a new entrance at the western end of the site frontage. In addition, works were proposed to remove a portion of the existing grassed embankment in order to provide adequate sightlines.
- The appeal provides an overview of the local planning policy that is relevant to the development proposal. In addition, quotations are provided from both the Planning and Development Act, 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended) that are deemed of relevance.
- In terms of Refusal Reason 1 and the issue of site access, it is stated that the initial version of this proposal, envisaged that the stable block would be served by the existing entrance to the site. It is stated that the land can be used for any of the agricultural activities identified under Section 4 of the Planning and Development Act, 2000 (as amended). Reference is made to the Planning Authority's request for further information with respect to sightlines and a requirement to comply with Transport Infrastructure Ireland Document (DN-GEO-0360). As this access can continue to serve this land regardless of the outcome of this application and appeal, it is stated that it is impossible to appreciate the Planning Authority's logic for trying to impose standards, that would typically apply to busy routes, to this narrow rural road where traffic speeds are severely restricted by the carriageway characteristics.
- The Board is requested, when considering the adequacy of the existing access arrangement to acknowledge the direction of the High Court in *Wicklow County Council -v- Fortune (No. 2)*, which, although related to a dwelling rather than a stable, envisages a certain degree of practicality when considering issues of road safety and which cautioned against the trend of Planning Authorities

reaching unfounded opinions on safety, without actually scientifically identifying the basis for such concerns.

- It is submitted that the subject land would be used for equine purposes regardless of whether the subject stable is completed and as this building would simply allow for horses to be kept inside during cold weather, rather than being outdoors, the proposed development would not have any effect on the usage of this existing access. It is stated that a similar logic was applied by the High Court in *Cunningham -v- An Bord Pleanála*, specifically on whether a farmer's tractor would be stored in a garage or outside.
- It is stated that the Council's request for further information stems from the Naas Municipal District Engineer report which sought compliance with TII document DN-GEO-0360. Although the Planning Authority had regard to the commentary of the engineer, no part of this assessment actually considered whether it was appropriate for the Planning Authority to raise this issue, given the circumstances outlined above.
- In response to the Planning Authority's concerns, the proposal was modified at additional information stage, and included works to lower the embankment within the site frontage to provide adequate sightlines in each direction. The report of the Planning Officer, following the submission of additional further information, simply reproduced the observation which was set out in the Engineer's Technical Memorandum, without considering whether consent should actually be withheld. Neither the Engineer's Report nor the report of the Planning Officer noted that the two of the drawings which were lodged at further information stage expressly envisaged the removal of the embankment. To the degree that this first reason for refusal is predicated on the land levels outside the site remaining unchanged, the Planning Authority's approach is plainly at variance with the submitted material. There was no point in the Planning Authority's raising the issue of sightlines in the further information request, if the response to this query was going to be ignored, and this is exactly what happened in this instance.
- In terms of alternative approaches, the Board when considering the Planning Authority's concern, can either accept that the existing entrance to the site can

be used to serve the subject stable block, given that this access will continue to be used for agricultural purposes in any event. Alternatively, the site can be accessed by the alternative entrance, with sightlines to be provided in line with the appellant's further information submission to Kildare County Council. Given the availability of these two alternatives, it is respectfully submitted that it would be unreasonable for the Board to refuse permission for the retention and the completion of the proposed development.

- It is noted that the Board is not bound to dismiss the appellant's original submission to Kildare County Council as a result of the lodgement of revised drawings at a later stage in the application process and support for this assertion is drawn from the Board's Order in Ref. PL27.240699.
- In terms of Refusal Reason 2, and the issue of visual amenity, an objection based on Landscape Character Area seems to have developed without any real explanation, despite the changes proposed at further information stage. It is noted that this concern was not highlighted in the initial Planning Report on file and there are plainly grounds to question whether this comprises a bona fide objection in this instance. The Planning Report fails to observe how table 14.3 of the County Development Plan treats agricultural development as being highly compatible within the Eastern Uplands Area Landscape Character Area. Moreover, at no point does the Planning Officer consider whether site specific factors might support this proposal and at no stage does the Council's assessment consider the visual impact of this proposal from any identified vantage point, in accordance with the policy of the County Development Plan.
- It is stated that the County Development Plan actively encourages agricultural development in the open countryside as a matter of principle and a selection of policies to this effect were set out within the appeal submission. The key issue which arises comprises whether this proposal would cause such harm to road safety and to visual amenity that permission must be withheld.
- The following material was included as appendices to the appeal submission:
  - o Warning Letter.
  - o Correspondence from the Council.
  - o Enforcement notice.

- Legal summons.
- Referral submission to the council.
- Council acknowledgement of referral.
- Letter from Farry Town Planning Ltd dated 12<sup>th</sup> of April 2022.
- Council acknowledgement of further information reply.

## **6.2. Planning Authority Response**

A response has been received from the Planning Authority dated 9<sup>th</sup> August 2022 which requests the Board to examine in detail, all the internal reports on the file, including the Planner's Report.

## **6.3. Observations**

None.

## **6.4. Further Responses**

None sought.

## **7.0 Assessment**

The main issues are those raised in the grounds of appeal, the Planning Reports and the consequent reasons for refusal, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Siting, Design & Visual Impact
- Site Access
- Appropriate Assessment

### **7.1. Principle of Development**

- 7.1.1. The proposal seeks retention permission or the construction of a stables building on the appeal site and planning permission for its completion and associated site works. As noted earlier in this report, the appeal site is located within a rural area of Co. Kildare, outside the village of Ballymore Eustace and the site and surrounds can be

characterised by being predominantly in agricultural use, with some examples of rural one-off dwellings. The stables building, as modified at additional information stage will have a stated floor area of c. 190sq.m. and the submitted floor plan identifies a total of 3 no. horse boxes and a store room within the building. I note that the building has a first floor level window on each elevation. However, it is unclear whether a first floor level is proposed or whether a double height space is proposed to be provided. I note that no first-floor level plan accompanies the application or appeal. The Applicant was requested to submit a section diagram through the building at additional information stage, however, this does not appear to have been provided.

- 7.1.2. Section 4.19 (Agriculture) of the current CDP acknowledges that there is a need to recognise the economic value of agriculture and to protect productive agricultural land from inappropriate industrial, commercial or residential development. I also note that there is extensive policy support within the current CDP for the equine industry and RE P14 seeks to 'Actively promote and support the equine industry as an economic driver for Kildare'. RD O16 also seeks to 'Ensure that equine based developments are located on suitable and viable landholdings and are subject to normal planning, siting and design considerations. I note that the appeal submission has highlighted the overall importance of the equine industry to the economy of Co. Kildare. Whilst this is acknowledged and accepted, I note that there is a dearth of information within the application and appeal with respect to the intended use on site. I note that the Applicant has an address in the village of Ballymore Eustace and permission was sought to regularise the planning status of the building following enforcement proceedings brought by the Local Authority. Whilst it is obvious that the proposal is intended to provide shelter for horses, it is unclear whether it shall be utilised as commercial operation associated with the equine industry or if for example, it is intended to be used as a hobby farm for the Applicant. Within their assessment of the application, the Planning Authority requested the Applicant to provide a justification for the scale of the subject stable building relative to the use proposed. Whilst the footprint of the building was proposed to be reduced, no further clarification with respect to the use was provided. I am cognisant of the exempted development provisions afforded under Section 4(1)(a) of the Planning and Development Act, 2000 (as amended), that

being, 'development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used'. Nonetheless, given the lack of detail with respect to current equine based development, I am not satisfied that there is an adequate demonstration that appeal site is either a suitable or viable landholding for the proposal as required by Objective RD O16 of the current CDP.

## **7.2. Siting, Design & Visual Impact**

- 7.2.1. As noted earlier in this report, the design of the stables was proposed to be modified at additional information stage. It was stated that the modified building would align with the various conditions and limitations as set out under Schedule 2, Part 3, Class 6 of the Planning and Development Regulations, 2001 (as amended), with respect to a roofed agricultural structure. Primarily, it was proposed to reduce the overall floor area of the structure to 190sq.m. It was also indicated that the structure would be located in excess of 100m from neighbouring dwellings and the public road. In addition, it was confirmed that the ridge line turret was proposed to be omitted. Although the modified structure may comply with the applicable conditions and limitations of the Regulations for a roofed structure (i.e. Schedule 2, Part 3, Class 6), I am conscious of the various restrictions on exemptions, notably Article 9 (1)(a)(viii) of the Regulations, which states that development shall not be exempted development if the carrying out of such development would 'consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use'. Notwithstanding the proposed modifications, the Planning Authority had a continued concern with the scale and design of the development proposal and a refusal of permission was recommended. Although not highlighted in the initial Planning Report, concerns were raised with respect to the adverse impact of the proposal on the Landscape Character Area (Eastern Uplands) and the proposal was considered to contravene the pertinent policy of the County Development Plan.
- 7.2.2. The appeal site is located within the Eastern Uplands Landscape Character Area, an area which is identified as having a 'High Sensitivity' and defined as 'Areas with reduced capacity to accommodate uses without significant adverse effects on the



appearance or character of the landscape having regard to prevalent sensitivity factors.’ As per Table 13.3 of the current CDP, I note that agriculture is a use which is identified as being a ‘most’ compatible land use with this particular Landscape Character Area. It is policy under LR P1 of the current CDP to ‘Protect and enhance the county’s landscape, by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the existing local landscape. In addition, Policy LR O1 indicates that ‘in areas of high landscape sensitivity, the design, type and the choice of location of the proposed development in the landscape will be critical considerations.

7.2.3. In terms of the CDP policy for agricultural buildings, Section 15.9.8 indicates that the Council will require that buildings be sited as unobtrusively as possible, working with the contours of the land and that the finishes and colours used blend into the surroundings. The policy also highlights that the size and form of buildings and the extent to which they can be integrated into the landscape will be factors which will govern the acceptability or otherwise of such development. I note that the development to be retained, as modified by way of additional information, will have a maximum height of c. 8.3m above natural ground level. Whilst I acknowledge that an attempt has been made to locate the structure within the least sensitive area of the site, I share the concerns of the Planning Authority with respect to the overall scale, design and prominence of the structure which is visible from numerous vantage points within the surrounding local road network. Whilst the policy of the CDP accepts the general need for agricultural buildings and associated works across the county, I again note that there is a level of ambiguity with respect to the intended use in this instance and a robust rationale or justification has not been put forward for an equine based development of this scale, as set out in Section 7.2 of this report. I therefore consider the proposed development and the development to be retained to be contrary to Policies LR P1 and LR O1 Section 15.9.8 of the current CDP and I recommend that permission be refused for the development proposal. Should the Board come to different conclusion on the matter, I would recommend the inclusion of a condition requiring the Applicant to submit a detailed landscape plan for the written agreement of the Planning Authority, as required under Section 15.9.8 of the CDP.

### **7.3. Site Access**

- 7.3.1. As highlighted throughout this report, the site has an existing agricultural entrance at the eastern end of the site's roadside boundary. The existing stables building is accessed from this entrance via a track which runs adjacent to the eastern site boundary. Following concerns raised by the Planning Authority's municipal engineer with respect to inadequate sightlines at this entrance, the proposal was modified to close up the existing entrance and create a new entrance at the western end of the roadside boundary. A new internal access road would run along the southern boundary and connect in with the existing track to provide access to the stables. The proposals also sought to remove a portion of the existing wide embankment along the roadside boundary so that adequate sightlines in an easterly direction could be achieved from the relocated entrance. I note that there are a number of telephone/electricity poles within the embankment and it is likely that their relocation would be required as a consequence of the proposed works.
- 7.3.2. Section 15.9.8 of the CDP acknowledges that traffic safety is a consideration that will arise with agricultural developments. In support of the additional information response, the Applicant submitted a 'Traffic Report' which provides an outline of the character of the receiving road network. It is stated within the report that the 80kph default speed limit is not the appropriate factor to determine the suitability of sightlines and visibility along the receiving road network. Instead, vehicular speed surveys have been undertaken by the consultant engineer and are reproduced in Table 1.0 of the traffic report (85 percentile eastbound 63.7kph, 85 percentile southbound 69.6kph). The appeal submission contends that the subject land would be used for equine purposes regardless of whether the subject stable is completed and as this building would simply allow for horses to be kept inside during cold weather, rather than being outdoors, the proposed development would not have any effect on the usage of this existing access. Despite the changes proposed at additional information stage (i.e. relocated entrance), it was suggested within the appeal submission that a condition could be included which would require the Applicant to utilise the existing entrance, should permission be contemplated by the Board. I note that the works required to facilitate the relocated

boundary and sightlines are extensive and are likely to have a significant impact on the receiving landscape along this section of the local road, given the requirement to remove the existing embankment. Notwithstanding this, I again note the level of ambiguity that surrounds the proposal and the lack of a robust rationale or justification for an equine based development of this scale. In this regard, I am not satisfied that the proposal will not result in an intensification of the existing agricultural entrance and in the absence of this information the proposal has therefore the potential to result in a traffic hazard. In addition, I have concerns with respect to the relocated entrance and the extent of the works required to facilitate the associated sightlines in a Landscape Character Area that is identified as having a 'High Sensitivity'. For these reasons, I recommend that planning permission be refused for the development proposal.

#### **7.4. Appropriate Assessment**

- 7.4.1. The nearest designated site is the Poulaphouca SPA (Site Code: 004063), c. 3.9km to the south-east of the site. Taking into consideration the modest, extent and scope of the development to be retained and the proposed development and to the nature of the receiving environment, with no direct hydrological or ecological pathway to any European site, no appropriate assessment issues arise and it is not considered that the development to be retained and the proposed development would be likely to have a significant effect individually or in combination with other plans or projects, on any Natura 2000 site.

#### **8.0 Recommendation**

I recommend that the planning application be refused for the following reasons and considerations.

#### **9.0 Reasons and Considerations**

1. Given the inadequate rationale/justification with respect to proposed equine based development, the development proposal fails to accord with Policy RD O16 of the Kildare County Development Plan, 2023-2029, which seeks to 'Ensure that equine based developments are located on suitable and viable

landholdings and are subject to normal planning, siting and design considerations.’ In addition, the proposed development and the development to be retained, by reason of its scale, design and visual prominence would have a negative impact on the character of the Landscape Character Area (Eastern Uplands), and would therefore be contrary to Policies LR P1 and LR O1 and Section 15.9.8 of the Kildare County Development Plan, 2023-2029. The proposed development would therefore seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

2. Given the inadequate rationale/justification with respect to proposed equine based development, it has not been satisfactorily demonstrated that the development proposal would not result in an intensification of the existing agricultural entrance. The proposed development would therefore endanger public safety by reason of traffic hazard. In addition, the relocated entrance and the extent of the works required to facilitate the associated sightlines would have a significant adverse impact on the roadside boundary within a Landscape Character Area (Eastern Uplands) that is identified as having a ‘High Sensitivity’. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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Enda Duignan  
Planning Inspector  
12/05/2023