



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315369-22

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<b>Development</b>	Construction of 5 glamping pods and all ancillary site works.
<b>Location</b>	Strand Road, Seapoint, Newtown, Termonfeckin, Co Louth.
<b>Planning Authority</b>	Louth County Council
<b>Planning Authority Reg. Ref.</b>	22/822
<b>Applicant</b>	Andrew Markey.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refusal of Permission.
<b>Type of Appeal</b>	First Party v Refusal of Permission
<b>Appellant</b>	Andrew Markey.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	09/06/2023.
<b>Inspector</b>	Enda Duignan

## **1.0 Site Location and Description**

- 1.1.** The address of the appeal site is Strand Road, Seapoint, Newtown, Termonfeckin, Co Louth. The site is located on the western side of Strand Road, c. 500m to the south of the southern edge of the settlement boundary of Clogherhead. The site has an irregular shape is characterised by a dense covering of mature trees with a stone wall forming its roadside (eastern) boundary with Strand Road. The appeal site has a stated area of c. 0.2ha.
  
- 1.2.** The appeal site has a southern boundary with an existing agricultural lane. Further to the south of the site is an area of open space associated with the existing residential development of Strandhill. A dwelling known as 'Glaspistol Lodge' is located to the immediate north of the dwelling which would appear to be in use as tourism accommodation. To the west of the site is a detached double storey dwelling known as 'Rockwood'. Both properties are included within the Applicant's Blue Line boundary.

## **2.0 Proposed Development**

- 2.1.** The proposed development seeks planning consent for the construction of a total of 5 no. detached glamping pods on the appeal site. A right-of-way is provided along the laneway to the south of the site and adjoins the entirety of its southern boundary. The proposal seeks to remove sections of the existing boundary to allow independent vehicular access to and egress from the appeal site. An area of hardstanding is provided within the southern portion of the site and includes a total of 7 no. surface car parking spaces (2 no. disabled car parking spaces).
  
- 2.2.** A gravel pathway will lead from the car parking area to the 5 no. glamping pods. Each glamping pod comprises a sleeping area, bathroom, kitchen and living area. The pods have a curved roof with a maximum height of c. 3m and the roof and elevations are clad in timber. A deck, with an area of c. 17sq.m. is provided on the eastern side of each pod.
  
- 2.3.** The proposal requires the extensive removal of trees and vegetation across the appeal site. It would appear from the submitted documentation that the existing trees along the eastern site boundary are proposed to be retained. There is also a notation on the

submitted Site Layout Plan that the existing eastern boundary wall is to be re-profiled in order to provide sightlines from the entrance to the existing lane. The proposal also seeks to connect to the existing public sewer.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority refused planning permission for the proposed development for the following 2 no. reasons:

1. It is the policy objectives (TOU 29 and TOU 30) of the Louth County Development Plan 2021-2027, as varied to encourage new caravan parks and glamping sites to locate within existing settlements and to only consider the provision of glamping camping accommodation outside of settlements where it can be demonstrated that there is a justifiable tourist/product demand. The site is located some 900m distance from the existing settlement of Clogherhead and with no footpath linkage from the site to the settlement, pedestrian movements along the regional road would present a road hazard. Having regard to the information on file and the nature of the development it is not considered that the proposal would provide a justifiable tourist product at this location and as such it is considered that the proposed development contravenes the above stated policy objectives of the Louth County Development Plan 2021-2027, as varied. In addition, the development would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and would set an undesirable precedent for other similar inappropriate development in the vicinity and thus would be contrary to the proper planning and sustainable development of the area.
2. The site is situated within the 60km/hr speed limit and the applicant has failed to demonstrate the minimum sightline requirements of 65m x c 2.4m set back over a height of 0.6-1.05m above road level from the laneway onto the R166 Public Road. Accordingly, in its current form the proposed development is contrary to Section 4.4.5 and Table 4.2 of the Design Manual for Urban Streets (DMURS) and as a result, the proposed development would endanger public safety by reason of traffic hazard 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 Louth County Council Planning Report form the basis for the decision. The report provides a description of the site and the subject proposal. The report provides an overview of the planning history of the immediate surrounds and sets out the planning policy that is relevant to the development proposal. The report also provides a summary of the the pre-planning consultation that was undertaken in relation to the subject proposal.

In terms of the principle of the proposed development, the Planning Authority referred to the policy of the current CDP which encourages developments of this nature to be located within existing settlements. Having regard to the location of the appeal site, at a removed distance from Clogherhead, the proposal was deemed to be contrary to the pertinent policy of the CDP and that no exceptional circumstances existed that would justify the proposal. In addition, concerns were raised that the proposal would constitute a traffic hazard as the Applicant had failed to demonstrate that adequate sightlines could be provided from the existing entrance to the laneway. A refusal of permission was recommended for 2 no. reasons.

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

Infrastructure: Report received recommending additional information with respect to sightlines and the requirement for a footpath along the site's roadside boundary.

## **3.3. Prescribed Bodies**

Irish Water: Report received stating no objection to the proposed development subject to compliance with standard conditions.

## **3.4. Third Party Observations**

None

## **4.0 Planning History**

### **4.1. Appeal Site**

None

#### **4.2. Site Surrounds**

**21/428:** Planning permission in July 2021 for the construction of a single storey extension to the side of existing dwelling, internal alterations and upgrades to existing dwelling and connection to existing public sewer and all associated ancillary site works. This dwelling is located to the immediate north of the appeal site and the extension is constructed.

### **5.0 Policy Context**

#### **5.1. Louth County Development Plan (CDP), 2021-2027.**

The appeal site is located outside the settlement boundary of the 'Self Sustaining Town' of Clogherhead. Under Map 3.2 of the current CDP, the site is located within Rural Policy Zone 2 lands, i.e. an 'Area Under Strong Urban influence'.

Given the nature of the proposed development, the following policy objectives of the current CDP are relevant to the assessment of this appeal:

- **TOU 25:** To promote and support the development of additional tourism accommodation at appropriate locations throughout the County in particularly in the Regional Growth Centres of Drogheda and Dundalk.
- **TOU 26:** To direct tourism-based development including Hotels, Guesthouses and B&B's to Level 1, 2 and 3 Settlements where there is adequate infrastructure to service the development, except where the proposal involves the re-use or diversification of an existing building, subject to normal planning criteria.
- **TOU 27:** To facilitate the provision of self-catering accommodation in locations within existing towns and villages, of a scale that the settlement can sustain.
- **TOU 28:** To prohibit proposals for the development of self-catering accommodation in the countryside except where existing buildings of character are to be converted or where the restoration of vernacular dwellings including thatched cottages is proposed.
- **TOU 29:** To encourage new caravan parks and camping sites to locate within existing settlements which are appropriately screened and which are served by

an adequate and acceptable road network and foul drainage. In exceptional circumstances caravan and camping sites may be permitted in previous worked sites, forest or woodland or demesne setting.

- **TOU 30:** To consider the provision of glamping/camping accommodation outside of settlements only where it can be demonstrated that there is a justifiable tourist product/demand or where it is proposed to re-use existing vernacular buildings. The need to develop in a particular area must be balanced against environmental, social and cultural impacts of the development and benefits to the local community. In such cases, documentary evidence shall be submitted to substantiate the proposed development and each individual application will be assessed on its merits.
- **TOU 31:** To facilitate the upgrade of existing caravan parks and camping sites in approved locations and to ensure that such upgrades are climate resilient.
- **TOU 34:** To seek to manage any increase in visitor numbers in order to avoid significant effects including loss of habitat and disturbance and ensuring that new any projects, such as greenways, are a suitable distance from ecological sensitivities, such as riparian zones.
- **TOU 35:** To consider the potential environmental effects of a likely increase in tourists/tourism-related traffic volumes in particular locations/along particular routes shall be considered and mitigated as appropriate. Such a consideration should include potential impacts on existing infrastructure (including drinking water, wastewater, waste and transport) resulting from tourism proposals.
- **IU 19:** To require the use of Sustainable Drainage Systems to minimise and limit the extent of hard surfacing and paving and require the use of SuDS measures be incorporated in all new development (including extensions to existing developments). All development proposals shall be accompanied by a comprehensive SuDS assessment including run-off quantity, run off quality and impacts on habitat and water quality.

Volume 2 of the current CDP includes the 'statement' for Clogherhead. Although the appeal site is located outside the settlement boundary of this 'Self Sustaining Town', the following policy objective is noted:

- **CLOG 6:** To support and promote sustainable tourism development in

Clogherhead.

## **5.2. Natural Heritage Designations**

The nearest designated site is the Clogherhead Special Area of Conservation (SAC) (Site Code: 001459) located c. 850m to the north-east of the site.

## **5.3. EIA Screening**

Having regard to the nature, scale and the location of the proposed development which consists of the construction of 5 no. detached glamping pods and associated site works, 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 have been prepared on behalf of the Applicant and can be summarised as follows:

#### ***Response to Refusal Reason No. 1***

- It is stated that there is a justifiable demand for a development of this nature and the Applicant has received additional letters of support for the proposed development which have been included within the appeal submission.
- It is highlighted that there is a large housing development to the south of the site (i.e. Strand Hill) and it is noted that there is access to the village through a pedestrian right of way across the road from the appeal site. As this is a public right of way, it is stated that the proposed 5 glamping pods would also be able to avail of this. A site map has been attached with the submission which identifies the location of this right of way.
- It is stated by its nature, Clogherhead is a tourist driven destination. This type of development will not set an undesirable precedent that has not already been established with holiday homes being the main employer in the area. The proposed development will drive a re-emergence of this type of short term stay

accommodation, feeding employment and encouraging much needed tourism. Enclosed within the submission are maps of holiday chalets and caravan parks in the village and there are also a number of caravan parks outside the settlement which are noted.

### ***Response to Refusal Reason No. 2***

- A Sightline Plan has been submitted which demonstrates that sightlines can be achieved at this location. It is stated that the proposed entrance is off a laneway which is used by farmers daily. It is contended that an additional 5 no. cars will not make this junction anymore endangering to public safety.
- The appeal submission notes that the sightline provided is not more negative than that which was granted for the 62 no. houses to the south of the appeal site. In addition, outline planning permission has already been granted for a dwelling to the west of the appeal site which will also utilise the existing laneway. It is stated that the Applicant plans to use the same sightlines that were approved under this application.

Included within the appeal submission are letters of support to demonstrate a demand for a development of this nature and a letter from the Applicant which includes a rationale for the development proposal.

### **6.2. Planning Authority Response**

None

### **6.3. Observations**

None.

### **6.4. Further Responses**

None.

## **7.0 Assessment**

The main issues to be considered are those raised in the Applicant's grounds of appeal, 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
- Pedestrian Safety & Access
- Appropriate Assessment

## **7.1. Principle of Development**

7.1.1. The appeal site is located outside the settlement boundary of the 'Self Sustaining Town' of Clogherhead and within Rural Policy Zone 2 lands (Area Under Strong Urban influence) as per Map 3.2 of the current CDP. Given the nature of the proposed development, Section 6.5.3 (Caravan and Camping Sites) of the Plan is relevant to the consideration of this appeal and the policy acknowledges that the provision of caravan and camping sites is an important element in the accommodation of holiday-makers. The CDP notes that the provision of additional caravan and camping sites could potentially attract more tourists to the County and generate additional income and it recognises the need for the provision of camp sites to cater for touring holiday caravans, campervan and tents, which are appropriately located and sensitively designed. The CDP also acknowledges that the sector has changed in line with consumer demand and its offering now includes accommodation such as glamping and pods which forms the subject of the current proposal.

7.1.2. In order to protect the visual amenity of the countryside, the CDP notes that new caravan parks and camping /glamping sites shall normally be located within existing settlements. Small scale camping/glamping sites outside of settlements will be considered only where it can be demonstrated that there is a justifiable tourist product / demand in that area. In exceptional circumstances, caravan parks or campsites may be permitted where the proposal:

- Involves the re-development of a previous worked site;
- Is within a forest or woodland; and
- Is within a demesne setting.

Policy Objectives TOU 29 and TOU 30 are relevant in this regard which again favour locating developments of this nature within established settlements. Consideration of proposals outside of the existing settlements can only be considered where there is a

justifiable tourist product/demand or where it is proposed to re-use existing vernacular buildings. Within their assessment of the application, concerns were raised with respect to the location of the appeal site at a removed location from Clogherhead and the proposal was therefore considered to be contrary to the pertinent policy of the CDP and the application was refused planning permission.

- 7.1.3. In support of the appeal, the Applicant has enclosed letters from Cllr. Tom Cunningham, The Smuggler's Rest and 'Visit Clogherhead'. All 3 no. submissions lend their support for the development and note that there is a need for short term stay accommodation of this nature in the area. It is highlighted within the letters that extra visitors generated by the development can also have positive spin-off benefits for the town and wider area. Whilst I acknowledge the letters of support, I do not consider there to be specific tourist product at this location that would justify a development of this nature to be located outside the established settlement boundary. Further to this, I do not agree with the appellant that exceptional circumstances exist in this instance. Whilst there are mature trees across the site that would need to be removed to facilitate the proposal, I would agree with the Planning Authority that the site could not reasonably be described as a forest or woodland given its overall size. Although the policy of the CDP allows for developments of this nature to be considered where specific tourist product/demand exists, this would typically be at locations significantly removed from established settlements where opportunities for accommodation are limited. I do not consider this to be relevant in this instance given the location of the site relative to Clogherhead. I would have concerns that the proposal may establish an undesirable precedent for developments of this ilk on the periphery of established settlements which could contribute to the further encroachment of random rural development in the area. For this reason, I consider the proposal to be contrary to Policy Objectives TOU 29 and TOU 30 of the current CDP and I recommend that planning permission be refused for the proposed development.

## **7.2. Access & Pedestrian Safety**

- 7.2.1. In order to gain access to the appeal site, the proposal seeks to remove sections of the existing southern boundary to allow independent vehicular access to and egress from the appeal site. The site will be accessed from the laneway along the southern

site boundary and a right-of-way along this laneway adjacent to the southern boundary has been identified on the submitted Site Layout Plan. I note that the Applicant has not submitted elevations of the southern boundary and there are no details as to whether the entrances are to be gated. Within their assessment of the application, concerns were raised with respect to the location of the development relative to Clogherhead and the lack of a pedestrian connectivity between the site and the town along the R166 was noted. As a result, the Planning Authority formed the view that the development was car dependent and concerns were raised that the proposal would result in a hazard for pedestrians and other road users given the alignment of the public road and the lack of pedestrian infrastructure. In response to the Planning Authority's concerns, the appeal submission refers to the existing housing development to the south of the site (i.e. Strand Hill) and it is highlighted that pedestrians can access the village through a right of way across the road from the site which would link the site and the town. When inspecting the appeal site and surrounds, I observed the entrance to the right of way (as indicated by the Applicant) to be gated with signs also erected which appear to preclude public access. It is therefore unclear whether the occupants of the development could rely on this stated 'right of way' should they wish to walk to the town from the site. Notwithstanding this, a refusal of planning permission is recommended in this instance as the proposed development fails to with the pertinent policy of the CDP which I have outlined in detail in Section 7.1 of this report.

- 7.2.2. The Planning Authority also refused permission because the Applicant had failed to demonstrate the minimum sightline requirements from the existing laneway onto the R166 (i.e. 65m in each direction set back 2.4m from the road edge over a height of 0.6-1.05m above road level). Accordingly, it was considered that the proposed development would endanger public safety by reason of traffic hazard. In response to the reason for refusal, the Applicant has enclosed a 'Sightline Plan' within the appeal submission to demonstrate that appropriate sightlines can be achieved at this location. The Applicant notes that the proposed entrance is located off an existing laneway which is used regularly, and it is contended that an additional 5 no. cars will not make this junction anymore endangering to public safety. When examining the Applicant's 'Sightline Plan', it would appear the proposal would require extensive works to the

existing boundary wall and the removal of trees along the eastern site boundary in order to achieve the sightlines in a northerly direction. As it is feasible in theory to achieve these sightlines, I do not consider it necessary for this issue to form a separate reason for refusal in this instance. Notwithstanding this, I have some concerns regarding the likely extent of tree removal required given it was originally sought to retain the existing trees along the roadside boundary in order to filter views of the development from the adjoining public road.

### **7.3. Appropriate Assessment**

- 7.3.1. As noted, the nearest designated site is the Clogherhead Special Area of Conservation (SAC) (Site Code: 001459) located c. 850m to the north-east of the appeal site. Taking into consideration the modest nature, extent and scope of the proposed (i.e. 5 no. glamping pods and associated site works) and to the nature of the receiving environment, a serviced site, with no direct hydrological or ecological pathway to any European site, that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either 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. Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that there is a tourist product/demand at this location that would justify the proposed development at a location outside the established settlement boundary of Clogherhead. The proposed development is therefore considered to be contrary to policy objectives TOU 29 and TOU 30 of the Louth County Development Plan 2021-2027 which seeks to encourage new caravan parks and glamping sites to locate within existing settlements. Further to this, there is no footpath linkage between the site and Clogherhead and it is considered that pedestrian movements along the regional road (R166) would present a road hazard given the lack of pedestrian infrastructure. The

proposed development would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and would set an undesirable precedent for other similar inappropriate development in the vicinity. For this reason, the proposed development would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Enda Duignan  
Planning Inspector

09/08/2023