



An
Bord
Pleanála

Inspector's Report

ABP-317269-23

Development	The erection of a portal frame shed for use as a covered exercise area for equine purposes
Location	Spahill, Borris, Co. Carlow
Planning Authority	Carlow County Council
Planning Authority Reg. Ref.	22386
Applicant(s)	Sandra Doherty.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Eileen & Darran Hayes.
Observer(s)	None.
Date of Site Inspection	14 th March 2024
Inspector	Peter Nelson

1.0 Site Location and Description

- 1.1. The site is in Spahill, which is less than 2.5km east of Borris, County Carlow. It is located on the L-3006 local road. The site contains a detached bungalow with a stable and tack room to the side of the dwelling and a paddock and sand area to the rear. It has a stated site area of 0.26ha.
- 1.2. There are detached dwellings on either side of the site. There is a hedge on the western boundary of the site and a blockwork wall and a line of conifer hedging on the eastern boundary. There is agricultural land at the rear of the site.
- 1.3. The site is in the Central Lowlands Landscape Area as identified in the Carlow County Development Plan 2022-2028.

2.0 Proposed Development

- 2.1. Permission is sought for the erection of a portal frame shed for use as a covered exercise area for equine purposes and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

On the 10th January 2023, Carlow County Council requested the applicant to submit further information relating to a landscaping plan, the observation received and the existing structures on site.

On the 10th May 2023, Carlow County Council granted permission for the proposed development, subject to 13no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the first Planning Report dated the 4th January 2023 can be summarised as follows.

- The site is situated in the landscape area of Central Lowlands which has a high capacity to absorb agricultural land uses and is categorised as Sensitivity 2 (low to moderate sensitivity).
- The proposed portal frame shed would have a minimal impact on the adjoining property to the east and from the public road.
- Concerns relating to the level of impact on the adjoining properties to the west of the application site.
- Further information is therefore required.

The main points of the second Planning Report on foot of the Further Information submitted, dated the 8th May 2023 can be summarised as follows:

- The proposed landscaping plan does not completely screen the proposed development; however, it does provide adequate screening to soften the impact of the proposed shed.
- The Planning Authority is satisfied that the applicant has adequately considered other possible design options and that the proposed design is the most sympathetic option to the neighbouring dwellings and receiving landscape.
- The proposed portal frame shed would not lead to the overdevelopment of the site.
- The applicant has submitted details and drawings demonstrating the retention of change of use of part garage to stables, retention of storage shed and retention of existing sand arena.

3.2.2. Other Technical Reports

Environment Scientist:	No objection
District Engineer:	No objection
Water Services Department:	No objection
Carlow Fire Authority:	No objection

3.3. Prescribed Bodies

Uisce Eireann, in their report dated the 20th December 2022, states that the area is not serviced by Irish Water Assets and there is no objection and no impact on Irish Water assets.

3.4. Third Party Observations

There was one observation, the main points of which can be summarised as follows:

- The site plan is not in compliance with planning and development regulations.
- The topographical survey included on the site plan 001 is inadequate.
- Details were omitted from the site plan.
- The proposed development will be seen from the main road.
- The proposed development will have a major visual impact on the internal spaces of the observer's dwelling.
- The structure this size is only suitable for an agricultural site but not a residential area.
- The structure will block the observer's views of the Blackstairs Mountains and Mount Leinster.
- The proposed structure will be an overdevelopment of the site.
- The proposed structure will impact the existing tree line boundary.
- Concern that the mismanagement of the applicant's wastewater treatment system could impact on the existing surface water drainage.
- Possible contamination of groundwater in the area.

4.0 Planning History

P.A. Reg. Ref: 02/241

Permission was granted on the 1st of July 2002 for an extension to the main dwelling.

P.A. Reg. Ref: 03/84

Permission was granted on the 9th of April 2003 for the conversion of the existing bungalow to a dormer dwelling.

Nearby Sites

P.A. Reg. Ref: 21/1

Permission was granted on the 8th of June 2021 for the erection of a dwelling house and domestic garage/store with a treatment system and soil polishing filter and all associated site works.

P.A. Reg. Ref:16/133

Permission was granted on the 19th of December 2016 for a 7.95m high storage shed housing recreational vintage tractors for retention of a second entrance to an existing site, access driveway, and all associated site works.

5.0 Policy Context

5.1. Development Plan

The Carlow County Development Plan 2022-2028 is the operational plan for the area. It came into effect on July 4, 2022.

Policies

LA. P1:

Protect and maintain the overall integrity of the County's landscape, by recognising its capacity to sustainably integrate and absorb appropriate development, and by ensuring that development protects, retains and, where necessary, enhances the appearance and character of the landscape, and does not unduly damage or detract from those features which contribute to its value, character, distinctiveness and sensitivity e.g. landform, habitats, scenic quality, settlement pattern, historic heritage, amenity, land use and tranquillity.

EQ.P1:

Encourage the expansion of equine related activities (e.g. stud farms, farriers, bloodstock sales, etc) of an appropriate size and at suitable locations.

EQ.P2:

Ensure that equine based developments are located on suitable and viable landholdings and are subject to normal planning and design considerations.

5.2. Natural Heritage Designations

River Barrow and River Nore SAC:	c. 500m south of the site.
Blackstairs Mountains SAC:	c. 5.2km east of the site.
Slaney River Valley SAC:	c.11.2km northeast of the site

5.3. EIA Screening

I am satisfied that the proposed development does not fall under a category of development listed in Schedule 5, Parts 1 or 2. As a result, the development is not considered sub-threshold, and a mandatory Environmental Impact Assessment (EIA) or screening for EIA is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds of appeal can be summarised as follows:

- The site layout plan and drawings are incomplete.
- The survey drawings should have included a benchmark and levels of all the adjacent properties and the main road.
- Incomplete planning application details, including missing details such as a percolation area and landscaping on the Site Layout plan.
- Dwgs no.002 & 003 do not show existing and proposed levels. Dwg no.003 and the landscape drawing omits the existing tree line.
- The proposed development, with its excessive height, will be seen from the main road.
- The proposed development will have an adverse effect on the appellant's dwelling and on the dwelling to the west of the applicant.

- The scale of the development in such proximity to the appellant's sleeping, living area and patio is very intrusive and inconsiderate and will have a major visual impact on the internal and external spaces of the appellant's dwelling.
- A structure of this size is only suitable for an agricultural site and not a residential area.
- The structure will block the appellant's view of the Blackstairs Mountains and Mount Leinster.

6.2. Applicant Response

The main points of the applicant's response can be summarised as follows:

- The applicant has one horse on site, and it is not intended to increase the equine livestock on site.
- The proposed portal frame shed is to provide all-year-round training.
- The land is private, with no intention to expand or commercialise uses.
- The details submitted with the planning application adequately outline the proposed development.
- The Planning Authority did that the proposed development would cause negative visual intrusion.
- Precedent has been set in the area for heights for agriculture sheds with permission reg. Ref nos. P21/1 & P16/133.
- The proposed landscaping will assist in visual screening the development along the western boundary.
- The impact of the proposed development on the landscape has been adequately dealt with.
- The proposed development does not represent an overdevelopment of the 0.29ha site.

- There will be no further loading onto site sanitary infrastructure accruing from the proposal.
- It is confirmed that there has been no recorded ponding or escape of inadequately treated wastewater from the percolation area.
- The dung stead is well managed and regularly emptied by a professional.
- The content of the submitted Landscape Plan to address visual screening had been discharged by the Planning Authority as 'satisfactory'.
- It is strongly asserted that the granted of consent as issued by the Planning Authority remains relevant and appropriate to the nature, scale, and context of the proposed development.

6.3. **Planning Authority Response**

The main point of the Planning Authority's response can be summarised as follows:

- The Planning Authority has no concerns regarding the scale of the portal frame shed subject to the attached conditions regulating its use.
- The landscape has a high capacity to absorb agricultural land use.
- The shed would have minimal impact on the adjoining property to the east and from the public road.
- While the proposed landscaping plan does not completely screen the proposed development, it does provide adequate screening to soften the visual impact.
- The design is the most sympathetic option to the neighbouring dwellings and receiving landscape.
- The scale of the development to be retained was minor.
- The internal department has no objection to the development.

6.4. **Observations**

None

6.5. Further Responses

None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Procedural Issues
- Scale and Design
- Percolation Area
- Appropriate Assessment

7.2. Procedural Issues

7.2.1. The appellant has raised issues relating to the information supplied on the submitted drawings. I note that the proposed levels on drawings no.002 & 003 do not show existing and proposed levels. The appellant states that drawing no.003 has omitted the lines of trees and that the original site layout omitted details, including the existing percolation area and drainage details. I note that the contents of the planning application were considered acceptable to the planning authority. I consider there is adequate information in the planning applicant to assess the impact of the proposed portal frame shed.

7.3. Scale and Location of the Development.

7.3.1. The appellant raises concerns about the proposed development's height and that it will be seen from the main road, which it states is a very scenic road. They also state that a structure of this size is only suitable for an agriculture site and not a residential area.

7.3.2. The site is in an area characterised in Chapter 9 of the Carlow County Development Plan 2022-2028 as being within the 'Central Lowlands' Landscape Character Area.

The development plan states *that 'the central lowlands have the capacity to absorb most types of development subject to the implementation of appropriate mitigation measures.'*

- 7.3.3. The proposed shed is 5.6m high and is located approximately 60m from the road and to the rear of the existing property and garage. I note that there is a 7.95m high storage shed to the rear of another residential property along this stretch of road. This shed is set further back, c.100m from the public road than the proposed development.
- 7.3.4. While the shed may be visible from the public road, it is an open structure with an adjacent bank of high conifer trees on the eastern boundary. I do not consider that the proposed shed will adversely impact the area's landscape character or visual amenity.
- 7.3.5. The appellant considers that the proposed development will be very intrusive to their property and will have a major visual impact on the internal and external spaces of their dwelling. As stated above, the shed is an open structure with a backdrop of conifer trees. As part of a request for further information, a landscaping scheme was submitted. This proposes two mountain ash trees for additional screening.
- 7.3.6. The applicant is concerned that the existing screening on their property, a leylandii hedge, has a certain life span, and removing it will make the proposed shed an eyesore.
- 7.3.7. I acknowledge that the proposed shed will be visible from the adjoining appellant's property. However, given the shed's open nature, its positioning on the site, and the existing and proposed landscaping, I consider that the proposed shed will not appear overbearing when viewed from the appellant's property or significantly negatively impact their visual amenity.
- 7.3.8. The appellant contends that the proposed shed represents an overdevelopment of the site, as the site has been adapted over the years to accommodate it. I do not consider the proposed open shed on this site, which, along with the existing dwelling, garage, and shed, will cover less than 15% of the site, to be an overdevelopment of the 0.26ha site.

7.4. Percolation Area

- 7.4.1. The applicant states that no information as to the functionality of the septic tank and percolation area was submitted or requested. They consider that the applicant should replace the septic tank and have it conform to the new EPA regulations. There is no evidence on the appeal to suggest that the proposed open portal frame shed will have a negative impact on the septic tank and percolation, and therefore, I do not consider that the erection of the open shed requires a new septic tank and percolation area.

7.5. Appropriate Assessment

- 7.5.1. I have considered the portal frame shed in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 7.5.2. The subject site is located c.500m north of the River Barrow and River Nore SAC, C.5.2km west of the Blackstairs Mountains SAC and c.11.2 km southwest of the Slaney River Valley SAC.
- 7.5.3. The proposed development comprises of a portal frame open shed to provide all year-round training for one horse. No nature conservation concerns were raised in the planning appeal.
- 7.5.4. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows [insert as relevant:
- The small scale and nature of the development
 - The location of the development relative to the nearest European site and lack of connections.
 - Taking into account screening report and determination by Carlow County Council.
- 7.5.5. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

- 7.5.6. Likely significant effects are excluded, and therefore, Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

8.0 Recommendation

- 8.1. I recommend that permission be granted to subject to the reasons and conditions set out below:

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed portal frame shed and subject to compliance with the conditions set out below it is considered that the proposed development would not be injurious to visual or residential amenity of the area and would otherwise accord with the provisions of the Carlow County Development Plan, especially policy EQ.P1 and EQ P2, and therefore, with the proper planning and sustainable development of the area

10.0 Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 17th day of April 2023, 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 external finish of all cladding shall after weathering shall be dark green/grey (or otherwise agreed in writing with the Planning Authority).

Reason: In the interest of visual amenity of the rural area.

3. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

4. The development shall be used for equine purposes only and shall not be used for any commercial purposes other than is incidental to equestrian uses.

Reason: To regulate the development in the interest of orderly development and the visual amenity of the area.

5. Landscaping at the site shall be carried out in accordance with the details shown on the Landscaping Plan submitted to the Planning Authority on the 17th April 2023. The planting shall be carried out in the first planning season following the completion of the development. When planted, the trees/hedgerows shall be adequately protected from damage by animals and wind. Any failures within 5 years shall be replaced and the trees allowed to grow to maturity.

Reason: In the interest of the rural character and visual amenity of the area.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such

agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Peter Nelson
Planning Inspector

29th May 2024

Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	317269 - 23		
Proposed Development Summary	The erection of a portal shed for the use as a covered exercise area for equine purposes and all associated work		
Development Address	Spahill, Borris, Co. Carlow		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	X	N/A	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____