



An  
Bord  
Pleanála

## Inspector's Report ABP-317488-23

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<b>Development</b>	The development consists of the retention of (1) a detached single storey building (c 95 sqm) for fodder storage and bedding storage, and (2) an infill single storage building (c 40.5 sqm) for shaving storage.
<b>Location</b>	The Paddocks Riding Centre, Ballyedmonduff Road, Sandyford, Dublin 18.
<b>Planning Authority</b>	Dun Laoghaire-Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D23A/0251
<b>Applicant(s)</b>	Teresa Cribbin
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Refuse Retention Permission
<b>Type of Appeal</b>	First Party
<b>Observer</b>	Patrick Donnelly
<b>Date of Site Inspection</b>	24 <sup>th</sup> November 2023
<b>Inspector</b>	John Duffy

## 1.0 Site Location and Description

- 1.1. The appeal site comprising The Paddocks Riding Centre with a stated area of c 5.67 hectares is accessed by way of a narrow lane / cul-de-sac off Ballyedmonduff Road, which also provides access to the applicant's house and a number of other houses. The site is situated in the foothills of Three Rock Mountain, c 0.8 km south west of Stepaside village and c 2.3 km east of the M50. The area is rural in character. Ballyedmonduff Road which has commanding views in parts across Dublin city and Dublin Bay is a narrow, winding rural road with no footpaths and has a speed limit of 50 k/ph. Bus stops serving Dublin Bus route 44B between Dundrum LUAS to the north and Glencullen to the south are located either side of the junction with the cul-de-sac. Sightlines are very restricted at the junction of the cul-de-sac and Ballyedmonduff Road.
- 1.2. The Paddocks Riding School has a total of 45 stables and caters for a number of activities including riding lessons, pony clubs / summer camps for children, cross country outings, work events, birthday parties for adults and children, hen parties and livery packages. It comprises a number of elements including stable blocks, barn, office, paddocks, staff facilities, car park, etc.

## 2.0 Proposed Development

- 2.1. Retention permission is sought for (1) a detached single storey building ( c 95 sqm) for fodder storage, bedding storage use associated with the agricultural/equine farm use and (2) an infill single storey building (c 45.5 sqm) for shaving storage.

## 3.0 Planning Authority Decision

### 3.1. Decision

The planning authority decided to refuse retention permission for the following reasons:

1. *The structures subject to this retention application are located in an area zoned Objective 'G' which seeks 'to protect and improve high amenity areas' in the County Development Plan 2022-2028. The use associated with those*

structures is considered to fall under the definition of 'sports facility' as defined in Section 13.2 (Definition of Use Classes) of the County Development Plan. Table 13.1.5 of the County Development Plan 2022-2028 indicates that a sports facility is open for consideration on 'Objective G' zoned land. The Planning Authority is not satisfied however that the development proposed for retention is compatible with the overall policies and objectives for the zone 'to protect and improve high amenity areas', does not have undesirable effects, and is otherwise consistent with the proper planning and sustainable development of the area, as per Section 13.1.4 of the County Development Plan 2022-2028. It is therefore considered that the proposed uses are not compatible with the policies and objectives for the zone as previously expressed through the refusal of planning applications: D96A/0310 / PL06D.099855; D00A/0757 / PL06D.121976; D18A/0888 / ABP-303160-18; D19A/0373/ PL06D.305214; D20A/0207 / ABP-307662-20; and D22A/0331. The development proposed for retention would have the undesirable effect of intensifying and further enabling the use of an overall unauthorised development, would contravene materially the development objective for this area indicated in the County Development Plan 2022-2028, and would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the development proposed for retention would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate at the junction of the lane and Ballyedmonduff Road where sightlines are restricted. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.
3. It is considered that the development proposed for retention, by itself or by the precedent that the grant of permission for it would set for other relevant development, would set an undesirable precedent for similar types of the development at locations where sightlines are restricted, and would adversely affect the use of Ballyedmonduff Road by road users.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Report

The Planning Report reflects the decision to refuse retention permission. The nature of the proposal which was considered to be broadly identical to previous applications pertaining to the site was noted. The report also noted that the entire equestrian facility is in effect unauthorised. In conclusion the report considered that the development to be retained would adversely impact the High Amenity Zoning pertaining to the site, would generate undue traffic hazard, would detract from the character of the surrounding area by virtue of the intensification of an unauthorised use, and would be contrary to the policy in the Development Plan.

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

**Drainage Planning:** No objection subject to inclusion of a condition relating to surface water run-off from the development to drain to the existing soakaway.

**Transportation Planning:** Refusal recommended on the grounds that the proposal would constitute a traffic hazard due to additional turning movements the development would generate at a location where sightlines are restricted. Furthermore, the report considered that if granted, the proposal by itself or the precedent it would set for other relevant development, would adversely affect the use of the Ballyedmonduff Road by road users.

**Environmental Health Officer:** No comment to make on the proposal.

### 3.2.3. **Third Party Observations**

No third party submissions or observations were received by the planning authority in relation to the proposal.

## 4.0 **Planning History**

### **Appeal site**

There is a lengthy planning history relating to the appeal site as follows:

**PA Ref. D22A/0331** – Retention permission refused in 2022 for retention of (1) detached building (c.95 sqm) for fodder storage, office, and a hat and boot storage and (2) infill single storey building (c.40.5sqm) for shaving storage on the basis that the proposal would contravene materially the development objective for the area, would intensify and further enable use of an overall unauthorised development, would endanger public safety by reason of traffic hazard, and would set an

undesirable precedent for similar types of development at locations where sightlines are restricted.

**PA Ref. D20A/0207 ABP- 307662-20** – Permission refused in 2021 for retention of (1) detached building (c 95 sqm) for fodder storage and (2) infill building (c 40.5 sqm) for shavings storage on the basis that the proposal would constitute a traffic hazard due to additional traffic movements generated by the development at the junction of the lane and the Ballyedmonduff Road where sightlines are restricted.

**PA Ref. D19A/0373 / ABP- 305214-19** – Permission refused in 2019 for retention of (1) detached building (c 95 sqm) comprising reception, riding centre office, stores, riding centre shop and (2) an infill staff area (40.5 sqm) on the basis that the proposal would constitute a traffic hazard due to additional traffic movements generated by the development at the junction of the lane and the Ballyedmonduff Road where sightlines are restricted.

**PA Ref. D18A/0888 / ABP- 303160-18** – Permission refused in 2019 for retention of (1) detached building (95 sqm) comprising reception, riding centre office and shop, stores and (2) infill staff area (c 40.5 sqm), on the basis that the proposal would constitute a traffic hazard due to additional traffic movements generated by the development at the junction of the lane and the Ballyedmonduff Road where sightlines are restricted.

**ABP Ref. RL2023** refers to a 2003 decision relating to a Section 5 Referral as to whether arrangement of land into a number of paddocks at the Paddocks Riding Centre, Sandyford is or is not development or is or is not exempted development. The Board decided that the arrangement of land into paddocks is not exempted development.

**D00A/0757 / PL06D.121976** – Permission refused in 2001 for retention of stables and hay shed having regard to the scale and intensity of the proposal which would be contrary to the zoning objective of the area, the substandard laneway and junction with Woodside Road, and the unauthorised use of the site as a riding centre, and the proposal would facilitate the consolidation and intensification of this unauthorised use.

**D96A/0310 / PL06D.099855** – Permission refused in 1997 for retention of a stable building, use of lands as a riding centre including car parking, all weather arena and

erection of a single storey feed store on the basis of material contravention of development objectives, traffic hazard and that the proposal would be prejudicial to public health.

### **Planning Enforcement**

ENF 59/18 refers to the current application and previous applications relating to the site.

ENF 07/02 relates to stable blocks.

## **5.0 Policy and Context**

### **5.1. Dun Laoghaire Development Plan 2022-2028**

5.1.1. Under the Dun Laoghaire Rathdown County Development Plan 2022-2028, the appeal site is subject to two Zoning Objectives as follows:

- Zoning Objective 'B' which seeks 'To protect and improve rural amenity and to provide for the development of agriculture.'
- Zoning Objective 'G' which seeks 'To protect and improve high amenity areas.'

The buildings which are the subject of this appeal are located on lands zoned 'G.'

5.1.2. 'Open Space' is the single use class which is 'Permitted in Principle' under the 'G' Zoning Objective. It is defined under section 13.2 'Definition of Uses' as follows:

*Open space is a parcel of land in a predominantly open and undeveloped condition that is suitable for the following:*

- *Outdoor and indoor sports facilities and cultural use - owned publicly or privately, and with natural or artificial surfaces including tennis courts, bowling greens, sports pitches, golf courses, athletic tracks and playing fields.*

(Other types of open space are also set out in the definition).

'Equestrian Centre/Riding Centre' is not included in the use classes as set out in Chapter 13 and is not defined.

- 5.1.3. Under the 'Open for Consideration' category of the 'G' Zoning Objective, uses include 'Sports Facility' which is defined as '*A building or part thereof or land used for organised and competitive activity that aims to promote physical activity and well-being, e.g. sports hall, gym, squash centre, tennis club, golf club, swimming pool, sport pitch, athletic track, skate park, health studio, sport clubhouses, racecourse.*'
- 5.1.4. Section 13.1.4 of the Plan relates to uses which are 'Open for Consideration' and states the following:
- Uses shown as 'Open for Consideration' are uses which may be permitted where the Planning Authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects, and would otherwise be consistent with the proper planning and sustainable development of the area.*
- 5.1.5. Section 13.1.5 confirms that uses which are not indicated as 'Permitted in Principle' or 'Open for Consideration' will not be permitted. It goes on to state that other uses not specifically mentioned throughout the use tables may be considered on a case by case basis in relation to the general policies of the Plan and the relevant zoning objectives for the area.
- 5.1.6. The appeal site is situated in Landscape Character Area 9, Barnacullia (as set out in Appendix 8 of the Development Plan), which encompasses the elevated slopes rising from Stepside village up towards Three Rock Mountain.
- 5.1.7. Edmondstownduff Road is an important scenic route in the county, which commands extensive views over the city and Dublin Bay. Map No. 9 of the Development Plan identifies the objective to preserve views along this route.

## 5.2. National Policy / Guidelines

### **Project Ireland 2040 – National Planning Framework (2018)**

- Section 5.3 relates to planning for the future growth and development of rural areas.

- Section 5.4 refers to planning and investment to support rural job creation.

## 5.3. Natural Heritage Designations

There are no designated sites in the immediate vicinity. Wicklow Mountains SAC (Site Code 002122) is located c 3.5km south-west of and uphill from the appeal site.

## 5.4. EIA Screening

Having regard to the nature and scale of the development to be retained which consists of two relatively small structures within an existing riding school in a rural location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The appeal can be summarised as follows:

- The planning authority has added new/different refusal reasons and has ignored the previous decision of An Bord Pleanála relating to this site.
- Reports have been prepared on behalf of the applicant which put forward a solution to address the Board's concern regarding traffic hazard at the junction with Ballyedmonduff Road. It is proposed to reduce traffic speed either side of the junction by installing ramps which in turn will reduce sightline requirements.



- It is not accepted that the junction does not operate in a safe manner given that traffic records confirm no accidents at this location. The junction operates safely for all road users.
- The traffic survey shows very low traffic volumes for The Paddocks. Over a 7 day period 93 vehicles visited the site, equating to 13.3 vehicles per day. These figures call into question the Board's view that the proposal results in increased traffic generation at The Paddocks. Ballyedmonduff Road is an access route to a number of commercial premises and they are safely served by this road. The development to be retained does not generate any additional traffic.
- There have been improvements to the sightlines at Ballyedmonduff Road and the proposed ramps would further enhance safety at the junction. This is a localised solution to address the outstanding concern. Ramps are used elsewhere on this road, which demonstrates they are consistent with the character of this road.
- The development will not create a precedent. Precedent is not a planning consideration in determining a planning application or appeal.

Attached to the appeal is an Engineering Report dated April 2022, which relates to sightlines at the junction of the laneway leading to the appeal site and the Ballyedmonduff Road. This Report recommends installation of 2 no. tapered sided speed ramps on Ballyedmonduff Road which, it is stated, will reduce mean speed and result in new sightlines in accordance with DMURS guidelines as reflected on Drawing No. 254-C01, also submitted with the appeal documents.

At Appendix 1 of the appeal submission, results of a speed/traffic survey for the period 19<sup>th</sup> October 2021 to 25<sup>th</sup> October 2021 undertaken by IDASO are provided.

## 6.2. Planning Authority Response

No response on file.

## 6.3. Observation

An observation on the appeal was received from Patrick Donnelly of Lowerfield, Ballyedmonduff, Sandyford, Dublin 18. The submission which includes a map of the Ballyedmonduff Road relative to properties at this location may be summarised as follows:

- The proposal as applied for did not involve the installation of ramps on the public road and as such this element was not included in the site notice.
- Concern expressed in relation to the location of one of the proposed ramps proximate to the access point of the observer's property and two other dwellings. A ramp parallel to the road and across the access point (as indicated on the map) is already in place.
- The installation of a second ramp at the proposed location would negatively impact all users of the entrance / access point resulting in a traffic hazard along with potential damage to vehicles on account of having to traverse two ramps in one movement / quick succession.
- If the Board decides to allow the appeal, it is requested that a condition is attached requiring Ramp 1 to be moved 8 metres further north along Ballyedmonduff Road.

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all submissions received in relation to the appeal, and inspected the site, and having regard to the relevant local policies and other guidance I consider that the main issues in this appeal are as follows:

- Land-use and nature of development
- Traffic safety
- Appropriate Assessment

## **7.2. Land-use and nature of development**

- 7.2.1. The application relates to the retention of a detached single storey building (c 95 sqm) for fodder storage and bedding storage and an infill single storey building (c 40.5 sqm) for shaving storage on lands which accommodate an existing large equestrian/riding school operation.
- 7.2.2. The planning authority's first refusal reason was on the basis that the proposal is incompatible with the overall policies and objectives for the 'G' Zoning Objective as expressed through the previous refusals of planning applications, that that the development to be retained would intensify and further enable the use of an unauthorised development and would materially contravene the development objective for the area.
- 7.2.3. In my opinion, the proposal which involves retention of two structures which are used as part of the existing equestrian / riding centre (sports facility) are acceptable in principle on the subject site, subject to compliance with local and national policy. These structures are used for the purposes of storing fodder, bedding and shavings and as such they are intrinsically linked with and ancillary to the existing main equestrian / riding centre use operating from the site.

## **7.3. Traffic safety**

- 7.3.1. The planning authority's second refusal reason relates to the endangerment of the public by way of traffic hazard on account of the additional traffic turning movements the proposal would generate at a location where sightlines are restricted. The Ballyedmonduff Road is a winding, narrow rural road. At the site inspection I noted that the sightlines both north and south of the junction of the access lane leading to the appeal site and the Ballyedmonduff Road are restricted and inadequate.
- 7.3.2. I note the applicant maintains that the development to be retained does not generate any additional traffic. In this context the applicant has also provided as part of the

appeal documentation the results of a speed/traffic survey which indicates 93 vehicles visited The Paddocks over the period of a week in October 2021.

- 7.3.3. As referred to in section 7.2.3 above my opinion is that the development to be retained is intrinsically and inextricably linked to the operations of the significant commercial riding/equestrian centre which operates from the appeal site and which does not have the benefit of planning permission. In my view the proposal constitutes the intensification and further enabling of an unauthorised development.
- 7.3.4. The access lane / cul-de-sac leading to the riding school is narrow, two vehicles would pass with difficulty due to the absence of laybys. I note the applicant considers that the junction with Ballyedmonduff Road operates in a safe manner and states there is no record of accidents occurring at this location. Notwithstanding, from my site visit it was very clear that sightlines at the junction are restricted in both directions, with the road width at the junction of the cul-de-sac/access lane very narrow, and without the benefit of a footpath, grass verge or street lighting. There is also restricted passing room for cars travelling in opposite directions given the narrow configuration of the road.
- 7.3.5. I note the content of the Engineering Report (dated April 2022) submitted with the appeal, but not lodged with the planning application, recommends installation of 2 no. tapered sided speed ramps on the Ballyedmonduff Road, proximate to its junction with the cul-de-sac leading to the appeal site. The Report considers this measure will reduce mean speed and result in new sightlines in accordance with DMURS guidelines as reflected on Drawing No. 254-C01, also submitted with the appeal documents.
- 7.3.6. From a procedural perspective I note that this proposal was not reflected in the public notices associated with the application, that no consent letter for the proposed works to the public road from the relevant authority has been submitted by the applicant, and finally that the red line boundary of the site does not reflect such works.

- 7.3.7. I note that the submitted Engineering Report, the associated drawing (No. 254-C01) along with the traffic/speed survey submitted with the current appeal formed part of the application documentation provided to the planning authority under Reg. Ref. D22A/0331, which sought permission to retain (1) a detached building (c.95 sqm) for fodder storage, office, and a hat and boot storage and (2) infill single storey building (c.40.5sqm) for shaving storage. These are the same buildings which are the subject of the current appeal.
- 7.3.8. The Transportation Planning Section report for Reg. Ref. D22A/0331 expressed serious concern that installation of the proposed ramps on Ballyedmonduff Road would be totally unsuitable, noting that speed ramps are an urban feature and that motorists unfamiliar with Ballyedmonduff Road would not expect to encounter them on this rural road. As such it was considered that the speed ramps in themselves would constitute endangerment of public safety. In addition, the report noted that given the rural nature of the road the more onerous visibility requirements of the TII Standards DN-GEO-03060 are appropriate rather than the visibility requirements of the Design Manual for Urban Roads and Streets (DMURS), which is only appropriate in urban contexts. I agree with the findings of the Transport Engineer's report in relation to the proposed installation of the ramps. I also concur with the observer's comments which express concern in terms of the potential adverse impacts arising from the proposed location of the ramps, as put forward by the applicant.
- 7.3.9. In my view the previous reason for refusal under ABP-317488-23 has not been satisfactorily addressed in the current application or appeal. As such I am satisfied that retention permission for the development to be retained should be refused on the basis that the proposal would endanger public safety by reason of traffic hazard due to the additional traffic turning movements the development would generate at the junction of the lane and Ballyedmonduff Road where sightlines are restricted.

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

- 7.4.1. Having regard to the nature and scale of the development to be retained, its location relative to European sites, the absence of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues

arise and that the proposal would not be likely to have a significant effect either individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

8.1. I recommend that retention permission be refused for the following reason.

## 9.0 Reasons and Considerations

1. It is considered that the development proposed to be retained would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate at the junction of the lane and the Ballyedmonduff Road where sightlines are restricted. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

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

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John Duffy  
Planning Inspector

30<sup>th</sup> November 2023

**Appendix 1 - Form 1  
EIA Pre-Screening  
[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP-317488-23		
<b>Proposed Development Summary</b>	Retention permission is sought for (1) a detached single storey building ( c 95 sqm) for fodder storage, bedding storage use associated with the agricultural/equine farm use and (2) an infill single storey building (c 45.5 sqm) for shaving storage.		
<b>Development Address</b>	The Paddocks Riding Centre, Ballyedmonduff Road, Sandyford, Dublin 18		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	X	
	<b>No</b>		
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			
<b>No</b>	X		
<b>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]?</b>			

		Threshold	Comment (if relevant)	Conclusion
No	X	N/A		
Yes				Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required