



An
Bord
Pleanála

Inspector's Report

ABP-318983-24

Development

Retention permission for new horse stables and all associated site works that replaced original horse stables. Significant further information was received (dated 8.12.23), which included planning permission for revised site boundaries and proposed new ancillary covered manure storage pit, soil water tank and associated site works.

Location

Knocknagoran, Omeath, Co Louth

Planning Authority

Louth County Council

Planning Authority Reg. Ref.

2323

Applicant(s)

Sean Morgan

Type of Application

Permission for Retention

Planning Authority Decision

Refuse permission

Type of Appeal

First Party

Appellant(s)

Sean Morgan

Observer(s)

Alice Cunningham

Date of Site Inspection

25th September 2024

Inspector

Emma Nevin

1.0 Site Location and Description

- 1.1. The application site (stated area of 0.36 ha.) is located to the rear of an existing detached dormer style residential dwelling which fronts to the R137, within the settlement of Omeath. The site currently accommodates a single storey stable block, which is positioned to the rear of a gravelled yard, providing storage for several lorries with a large, detached shed also located to the rear of the existing residence.
- 1.2. Access to the site is via a pedestrian entrance from the rear garden of the existing dwelling. The existing dwelling is served by a vehicular entrance onto the R137. There is also a hard surfaced roadway, indicated to be within the applications ownership to the south of the main dwelling which also provides access to the rear portion of the site, i.e., the lorry yard, storage area and stables.

2.0 Proposed Development

- 2.1. The development entails the retention of a single storey stable building with a stated floor area of 42.1 sq. m. and consists of three stable stalls and one storage area. The stable building is constructed of metal cladding with a metal clad roof, with Perspex sheeted rooflights, and extends to a height of 3.3 metres.
- 2.2. Following significant further information, the site boundary was revised to exclude the access via the adjoining laneway to the south and to include the existing dwelling and entrance within the red line application boundary. The blue line was extended to include the adjoining laneway. The existing vehicular access onto the R137 from the main residence is proposed to serve access the stables with a pedestrian entrance providing access to the rear boundary of the main dwelling.
- 2.3. As part of the further information a new ancillary covered manure storage pit, soil water tank and associated site works were proposed, which were all subject to re-advertisement.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority refuse permission, following significant further information request, on 12th January 2024, for the following reason:

“The development is located on land zoned 'A1 Existing Residential' as per the Louth County Development Plan 2021-2027, as varied, with the zoning objective which seeks 'to protect and enhance the amenity and character of existing residential communities.' Having regard to the nature of the development to be retained and works proposed, the proposed use of the existing dwelling's vehicular entrance to access the stable block, the proximity of the development to existing residential properties and to ensure the promotion of the orderly development of the settlement of Omeath, it is considered that the proposal would materially contravene the zoning objective of the land and represents an incompatible land use on residentially zoned lands and would represent over-development of a restricted site. The development would, therefore, be contrary to the proper planning and sustainable development of the area”.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports dated 8th March 2023 and 11th January 2024 has been provided.
- 3.2.2. The original planning report considered that the application was lacking information in order to make an informed decision, and clarification was required regarding landownership. Therefore, further information (documentation and supporting evidence) was required by the applicant to substantiate the case for the requirement for stables on land outside of the curtilage of a dwelling house. Further information was also required in relation to the disposal of horse waste and surface water management.
- 3.2.3. The further information was deemed to be significant and therefore, revised public notices were required in this instance.
- 3.2.4. The planners report concluded that:

“On the basis of the Further Information provided, it is considered that the proposal for the retention of the stable block and permission for revised site boundaries and new ancillary covered manure storage pit, soil water tank and associated site works is contrary to the zoning objective of the land on which it is located. As per the Louth County Development Plan 2021-2027, as varied, the land is zoned A1 Existing Residential. The zoning objective of the land seeks 'to protect and enhance the amenity and character of existing residential communities.' Taking into account the information provided by the applicant as part of the Further Information request, the location of the stable block, the proposed access, and proximity to existing neighbouring residential properties, it is considered that the retention of this building, the proposed works involved and use of the premises and the existing dwelling's vehicular entrance for equine use would be contrary to the zoning objective of the land and would, if continued, harm the residential character and amenities of the area – both existing and proposed”.

3.2.5. As such the local authority refused permission as per section 3.1.1 above.

3.2.6. Other Technical Reports:

- Placemaking and Physical Development: Report received recommending further information. Following further information request there was no objection subject to conditions.
- Environment Section: Report received recommending further information. Following further information request there was no objection subject to conditions.

3.3. Prescribed Bodies

3.3.1. The Planning Authority report indicated that no statutory consultations were undertaken.

3.4. Third Party Observations

3.4.1. One third party submissions were received, the issues raised within which can be summarised as follows:

- Stables are not replacing original stables.

- Horse walker and sand paddock were unlawfully removed by the applicant without authorisation of the executor or family solicitor.
- Stables referred to are still in existence on a different location not owned by the applicant.
- Landownership of the stables/entire site has been called into question and should be clarified.
- Design of the stables including a roller shutter door which would not be an essential part of the horse stables.
- Does not adequately address residential concerns including disposal of effluent and waste.
- Inaccuracies in application form.
- No septic tank details or details of waste disposal.
- No details of soak pit.
- No details of where septic tank and soak pit are located.
- No objection to stables or allied buildings by the applicant on suitable sites since family history involves harness racing but objection to stables on unsuitable sites without due regard to residential amenities and environmental impact.
- Large shed built to house horses but not used for such and instead now used for lorries with large generator resulting in noise pollution. This shed/yard is subject to enforcement.

3.4.2. Following the submission of further information, one further third-party observation was received, the issues raised within which can be summarised as follows:

- Not all details available for viewing online by the public and responses to FI letter dispute regarding land ownership and right of way - applicant refers to manure spreading periodically on applicant's landholding - no deed of Assent has been signed.
- 3 horses noted in revised details but there is only 1 horse, and stables only provide 2 stalls.

- Details refer to 6 horses can be accommodated - where will they all be housed?
- Applicant does not own land to rear of stables where wastewater is to be collected and therefore does not have permission.
- No details provided showing position of tanks and water harvesting.
- Objector seeks clarity on what larger tanks and where in the yard and for what purposes are they being used for?
- Stables mentioned do not replace horse walker.
- Soakaway design report refers to harvesting water tank - no further details provided. In relation to manure pit and soil water tank, the lands directly behind these stables does not belong to the applicant as shown on the enclosed maps.
- Details of objector's late mother's will have been provided by the objector who is also a sister of the applicant.
- Cannot determine from the drawings the size of the manure pit and it would appear to be over a right of way and could undermine the lands above and cause a landslide due to heavy rain because of the change. Accurate plans should be provided and an environmental impact survey. A retaining wall would be necessary.

4.0 Planning History

P.A. Ref.22673 – Planning permission was granted by the local authority on 6th October 2022 for the conversion of existing domestic garage to granny flat and all associated site works.

P.A. Ref. 20415 - Planning permission was refused by the local authority on 30th July 2020 for retention for development that consists of 1. Existing lorry depot 2. Maintenance shed associated with lorry depot and all associated site development works.

The reasons for refusal stated “1. *The application site is located within the ‘Residential’ zoning as designed by the Omeath Level 3 Settlement Plan under the*

Louth County Development Plan 2015-2021. The land use zoning objective for this location is 'To protect and/or enhance existing residential communities and provide for new residential communities'. The principal permitted land use in this zone is residential development. This lorry depot and maintenance shed development does not come under the scope of permitted development in this residential zone. Accordingly, it is considered that the proposed development would contravene materially the policy of the Louth County Development Plan 2015-2021 and if permitted would set an undesirable precedent for other similar inappropriately located developments in the area and thus would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed lorry depot and maintenance shed would seriously injure the amenities and depreciate the value of properties in the immediate vicinity by reason of noise and disruption and thus to permit such a development would be contrary to the proper planning and sustainable development of the area.

3. It is the Policy (TC12) of the Louth County Development Plan 2015-2021 to apply visibility standards and vehicle dwell areas as outlined in Table 7.4 and Table 7.5. Based on the information submitted the applicant has failed to demonstrate to the satisfaction of the planning authority that adequate visibility splays and dwell areas outlined in Table 7.4 and Table 7.5 can be achieved at the entrance of the site. It is therefore considered that the proposed development would materially contravene Policy TC12 of the Louth County Development Plan 2015- 2021 and would endanger public safety by reason of traffic hazard-and obstruction of road users.

4. The applicant has failed to submit sufficient surface water design calculations detailing how surface water from hard standing areas are discharged to pre development levels. As such, the proposed development would materially contravene Policies WS10 and WS 11 of the Louth County Development Plan 2015-2021.

5. The applicant has failed to demonstrate to the planning authority how waste water and other pollutants will be dealt with on site and as such it is considered that the proposed development would be prejudicial to public health and contrary to the proper planning and sustainable development of the area”.

P.A. Ref.22673 – Planning permission was granted by the local authority on 19th August 1992 for dwelling house.

P.A. Ref.92130 – Planning permission was granted by the local authority on 12th May 1992 for septic tank and replacement of porch.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Louth County Development Plan 2021 – 2027, came into effect on 11th November 2021, as amended by Variation 1 on the 18th July 2022, and Variation No. 2 on the 20th May 2024.

5.1.2. Under the Louth County Development Plan 2021 – 2027, as amended, the site is zoned “A1 Existing Residential” with the zoning objective “*To protect and enhance the amenity and character of existing residential communities*”.

The Development Plan guidance states “*The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. Infill developments, extensions, and the refurbishment of existing dwellings will be considered where they are appropriate to the character and pattern of development in the area and do not significantly affect the amenities of surrounding properties. The strengthening of community facilities and local services will be facilitated subject to the design, scale and use of the building or development being appropriate for its location.*”

5.1.3. Relevant Development Plan Sections and Policy Objectives:

- 13.8.37 Domestic Garages and Outbuildings – “*The purpose of garages and outbuildings within the curtilage of residential properties is normally for storage and needs that are incidental to the dwelling on site. Garages will normally be positioned to the side or rear of the dwelling and will be designed and finished in materials that match the dwelling. The uses of garages will be strictly controlled to uses incidental to the residential property. The Planning Authority will not normally grant planning permission for a garage or outbuilding of a design or scale that is not in proportion or in keeping with the*

existing dwelling. Any application for such a development would require a clear rationale setting out the reasons for the development, the intended use of the garage/building, and how it would integrate into the local environment. These applications will be assessed on a case-by-case basis”.

- 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”.*
- Section 13.21.2.3 ‘Uses not listed’.
- Section 13.21.2.4 ‘Non-conforming Uses’.

5.2. Natural Heritage Designations

5.2.1. The subject site is not located within a designated European Site.

5.3. EIA Screening

5.3.1. I refer the Board to Appendix 1 – Form 1 EIA Pre-Screening of this report.

5.3.2. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal has been received on behalf of the applicant Sean Morgan, against the decision of Louth County Council to refuse permission. The grounds of the appeal are summarised below:

- The applicant has always had horses on the adjacent lands throughout the years.
- The horses were previously housed within stables that resembled a horse-ring enclosure. That building was in poor condition and was removed and replaced by the current smaller stables on the footprint.
- There was no issue raised in relation to the land use zoning in the request for further information.
- The stable block replaced was also located on zoned residential lands.
- The use of these lands for horses and grazing of animals is considered an established use at this location. The proximity of the stables to the dwelling house allows for the animals to be cared for.
- The animals are not kept for commercial purposes but purely for the enjoyment of the applicant and his family.
- The stables are located adjacent the house to allow for access via the access to the dwelling house and gate off the rear private garden area, which allows for access for horse boxes. This access is only required on a minimum of occasions as the horses are kept on the land.
- As per the planner's assessment, the stables should be considered favourably on their individual merits taking the established use on site, the surrounding land uses and the compatibility of the use in the area.
- The response to each further information requested is reiterated, and the appellant states that this was considered to be acceptable by the Planning officer, and the Placemaking and Physical Development.
- The laneway is no longer forming part of the application site, and the site boundaries were revised as part of the further information submission.

6.2. Planning Authority Response

- 6.2.1. A response was received from the planning authority on 23rd February 2024, stating Louth County Council has no further comment to make regarding this appeal over and above those made in the original planner's report and further information report

and in the Council's decision to refuse permission for the development seeking retention permission and permission.

- 6.2.2. The Planning Authority would respectfully request the Board to uphold the decision to refuse permission for this development.

6.3. **Observations**

- 6.3.1. An observation has been received (dated 5th March 2024) from Ms. Alice Cunningham, the main points raised in the observation can be summarised as follows:

- There were no existing stables on site.
- There is no existing vehicular access from the existing dwelling into the proposed stable block – there is a pedestrian access only.
- The proximity of the proposed development to existing residential development.
- The proposal would materially contravene the zoning objective and represents an incompatible land use on residentially zoned land.
- Overdevelopment of a restricted site.
- The applicant has failed to address or satisfied the Councils points raised in the further information request.
- Will the proposed ancillary soil water tank and associated works be expected to accommodate the alleged unauthorised activity.
- Skewed, confusing and ambiguous information with the application and appeal.
- The use of the laneway which currently provides access the stables, may continue for this purpose.
- Concern regarding the wording of the planning application for revised site boundaries and the commentary of the Councils departmental reports, which indicate no objection, subject to conditions.

- No planning permission has been sought or received for the rerouting of an entrance.
- The horse ring enclosure referred to never existed and sheds referred to are on a different folio.
- Land ownership issues.
- The existing stables referred to is on separate ownership.
- Unauthorised ongoing activity on this site.
- The applicant did not answer questions requested in the further information request.
- Environmental issues associated with the development.

6.4. Further Responses

None received.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the first party submission (the subject matter of this appeal), the observation, site inspection and having regard to the relevant policies, objectives, and guidance, I am satisfied that the main issues to be considered are those raised in the grounds of appeal and observation, and I am satisfied that no other substantive issues arise. This assessment represents my de novo consideration of all planning issues material to the proposed development.

7.2. As such, the main issues in determining this appeal are as follows:

- I. Zoning and Development Plan Compliance
- II. Access
- III. Impact on residential amenity
- IV. Environmental Issues
- V. Appropriate Assessment, and

VI. Other Matters.

7.3. Zoning and Development Plan Compliance

- 7.3.1. The subject site is located within the settlement of Omeath. The applicable Development Plan for development in the area is the Louth County Development Plan, 2021 – 2027, as varied. Under the Development Plan, the site is zoned ‘A1’ existing residential, with a vision to ensure that any new development in existing areas would protect and enhance the amenity and character of the existing residential areas.
- 7.3.2. The reason for refusal states that the nature of the development to be retained and proposed, the location of the stable block, its use of the access and the proximity to existing residential properties that the proposal would materially contravene the zoning objective and would represent an incompatible land use. The observer also expresses concern in relation to the zoning objective for the site and the incompatible land use.
- 7.3.3. The appeal relates to a stable structure location to the year portion of the overall residential landholding, the stable to be retained is single storey in nature with a floor area indicated as 42.10 sq. m. The application site also accommodates an existing residential dwelling with vehicular entrance and additional shed structures.
- 7.3.4. While I note that the use is not listed under the existing residential land use zoning category as ‘open for consideration’ or ‘permitted in principle’ as per Section 13.21.5 of the Development Plan, I reference Section 13.21.2.3 ‘Uses not Listed’ of the Plan, which states that *“Whilst an extensive list of potential uses in the ‘Generally Permitted’ and ‘Open for Consideration’ categories has been provided, it is recognised that there may be scenarios where there are proposals for uses not included in the list. Where this arises such proposals will be considered on their individual merits taking account of surrounding land uses, the compatibility of the use/development in the area in which it is proposed to locate, compliance with the relevant policy objectives, standards and requirements as set out in this Plan, and the general proper planning and sustainable development of the area”*.
- 7.3.5. I also reference Section 13.21.2.4 ‘Non-conforming Uses’ of the Plan which states that *“Non-conforming uses’ are established uses that do not conform to the zoning objectives of the Plan. Generally, the Planning Authority will consider reasonable*

intensification or extensions to and improvement of premises that accommodate non-conforming uses, provided that it would not be injurious to the amenities of the area and does not prejudice the proper planning and sustainable development of the area”.

- 7.3.6. The appellant states that horses have always been on the family lands and that the stable block replaced an existing building, which resembled a horse ring enclosure. This statement, however, has been counterargued by the observer. An image of the previous horse walker is contained within the planner’s report; however, no such structure was evident at time of my site inspection. There were also no horses in the stable building at time of my site inspection. I also note that there is an existing stable building to the rear of the directly adjoining dwelling to the south.
- 7.3.7. As part of the further information response and appeal, the applicant provided 3 horse passports and has clarified that the stables for the keeping of horses are intended for private use and are not for commercial use and are located close to the family home for the enjoyment of the family to tend for the animals.
- 7.3.8. Based on the information submitted, I am satisfied that while the use is not listed under the zoning category, that equine use is an established non-conforming use at this site. Moreover, having regard to the scale of the stables to be retained and their location within the outskirts of the small town of Omeath, and the context of the surrounding lands, I am satisfied that the use to be retained would not materially contravene the zoning objective of the plan.
- 7.3.9. I also reference Section 13.8.37 of the Development Plan in relation to domestic garages and outbuildings ancillary to the main residential use, which states that *“the purpose of garages and outbuildings within the curtilage of residential properties is normally for storage and needs that are incidental to the dwelling on site”*...and *“Any application for such a development would require a clear rationale setting out the reasons for the development, the intended use of the garage/building, and how it would integrate into the local environment”*.
- 7.3.10. In respect to the stable building to be retained, the appellant has clarified that the stables are not for commercial purposes and are for private use. Having regard to the specific requirements as outlined in the Development Plan, I am satisfied that stables are an ancillary use to the main residence. In this regard, I recommend the

inclusion of a condition in respect to the use of the stables which will be ancillary to the residential use and not for commercial purposes or otherwise.

- 7.3.11. Therefore, I am satisfied that the use to be retained is an established use on this site, is considered to be an ancillary use to the main residential use which is acceptable under this residential zoning objective, and would not materially contravene the zoning objective of the Development Plan, subject to access, impact on adjoining amenity and other relevant matters, which will be discussed in the following sections of this report.

7.4. Access

- 7.4.1. Concerns have been raised in the observation in respect of the proposed access arrangement to the stables, served by a pedestrian access gate, and the reports of the planning department. The reason for refusal also states that the use of the premises and the existing dwelling's vehicular entrance for equine use would be contrary to the zoning objective and would harm the residential character and amenities of the area.
- 7.4.2. The existing dwelling is served by a vehicular entrance onto the R137. There is also an existing laneway to the south of the dwelling, within the applicant's ownership, that provides access to the rear of the overall site. As part of the further information request, however, the applicant revised the site boundary to omit the laneway from the application site, and proposed access to the stables via the existing entrance to the dwelling house. As such the laneway and use of the laneway as highlighted in the observation, does not form part of my assessment under this appeal.
- 7.4.3. The planners report notes that "*the retention of this building, the proposed works involved and use of the premises and the existing vehicular entrance for equine use would be contrary to the zoning objective of the land*", the report further states that "*the use of the existing dwellings entrance for horse boxes and other vehicles that would be attracted to the stables and continued use of the stables would be contrary to the land use zoning and would harm the residential amenities and character of the area*". I note that the report received from the Place Making and Physical Development, following the receipt of the further information states no objection to the development, subject to conditions. The report notes that the entrance to the

development was previously granted, and no sightlines were checked. This has been referenced by the observer in their submission.

- 7.4.4. Following site inspection, I noted the presence of the existing laneway, which directly accesses the stables and the rear of the site and the existing entrance to the main dwelling. The existing entrance to the main dwelling to the R137 and is splayed with electric gates set back from the roadside boundary and a low stone boundary wall. There is ample parking on site to the front and rear of the existing dwelling with an existing horse box and car parked to the rear of the dwelling at time of my inspection. I can also confirm that there is an existing pedestrian entrance from the rear of the dwelling site to the stables.
- 7.4.5. As noted in the foregoing the 'equine use' associated with the stables to be retained relates to an ancillary use associated with the main residential use, with the stables accommodating 3 no. horses, for which passports have been provided for. Given the small scale nature of the ancillary use at this site, I am not of the opinion that the occasional movement of horses to and from this site, via the existing entrance, would result in a negative impact on the adjoining residential amenity. The movement of the horses within the application site, as raised by the observer, is a matter for the applicant.
- 7.4.6. Additionally, I consider that there is adequate space on the site for the safe movement of cars, horse boxes and other associated equipment on this site for the scale of the development to be retained. I am also satisfied that the existing vehicular entrance is significantly splayed to allow for the safe movement of vehicles from the site to and from the public road.

7.5. Impact on residential amenity

- 7.5.1. The reason for refusal that the proximity of the stable block states that the proposal would represent overdevelopment of a restricted site. The observer also expresses concern regarding overdevelopment and the proximity of the development to existing residential properties.
- 7.5.2. While I acknowledge that there are existing structures on the site, the stables to be retained in single storey in nature and has a floor area indicated as 42.10 sq. m. The stables are also located to the rear portion of the appeal site, which has a stated area of 0.36 hectares. The stables are positioned some 25 metres from the nearest

existing shed, with the existing dwelling some 50 metres to the northeast of the development. The stable structure is also some 45 metres from the nearest adjoining residential dwelling to the southeast of the site.

- 7.5.3. Having regard to the single storey nature, and scale of the structure to be retained and its location on the overall site, I am satisfied that the stables to be retained does not result in overdevelopment of this site and will not detract from the existing residential amenity.

7.6. Environmental and Noise Issues

- 7.6.1. Concerns have been raised in the observation in relation to the treatment of odours, noise containment, animal control and the open storage units for manure.
- 7.6.2. As part of the further information (item 8) the applicant was requested to provide details of in relation to the effluent collection system at the stables, the spreading of any manure and calculations of manure pit size, storage, the distance to any water source/water tables and the maximum number of horses to be kept at the stables and the treatment/storage of animal and domestic effluent.
- 7.6.3. The planning application was re-advised to include permission for a proposed new ancillary covered manure storage pit, soil water tank and associated site works. The proposed covered manure storage pit will be located to the northwest site of the stable block, at the furthest point from the nearest residential dwelling. A soakaway design report has been submitted as part of the further information, which includes details in relation to the proposed soakage trench, inspection chamber and silt trap which will be located to the northeast of the stable block.
- 7.6.4. I am satisfied that the proposed covered manure storage pit, soil water tank and associated works, given the scale of the development will not impact negative on adjoining amenities. I also note that the Placemaking and Physical Development Department indicated no objection to the development.
- 7.6.5. In respect to noise, I do not consider that the development to be retained, consisting of 3 no. stables to house horses would result in an unacceptable level of noise.
- 7.6.6. The issue of animal control is evaluated under a separate legal code and thus need not concern the Board for the purposes of this appeal.

7.7. Appropriate Assessment

- 7.7.1. I have considered the application for the retention of new horse stables and all associated site works including permission for revised site boundaries and proposed new ancillary covered manure storage pit, soil water tank and associated site works, in light of the requirements S177U of the Planning and Development Act 2000, as amended.
- 7.7.2. The subject site is located an approximate distance from the following Natura 2000 Sites:
- Carlingford Mountain SAC/pNHA (Site Code: 000453), which is 1.10km from the site.
 - Dundalk Bay SAC/pNHA SPA (Site Code 000455), which is 10.9 km from the site.
 - Dundalk Bay SAC/pNHA SPA (Site Code: 004026), which is 10.9 km from the site.
- 7.7.3. As noted in the forgoing, the proposed development comprises the retention of new horse stables and all associated site works including permission for revised site boundaries and proposed new ancillary covered manure storage pit, soil water tank and associated site works.
- 7.7.4. No nature conservation concerns were raised in the planning appeal.
- 7.7.5. 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:
- Nature of works comprising the retention of stables on site and associated works.
 - The location and distance from nearest European site and the lack of any hydrological connectivity between the application site and the SAC/SPA.
 - Taking into account screening report/determination by Planning Authority and the Appropriate Assessment Screening report submitted with the application.
- 7.7.6. I conclude that on the basis of objective information, that the development to be retained and as proposed would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

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

7.8. Other Matters

7.8.1. Legal and Procedural Issues:

The observation queries the significant further information and landownership of the appellant. The planning authority also stated in their report that the applicant has not demonstrated that they have sufficient control of all the land involved for the development. I note that the applicant has indicated their overall landholding on the submitted site layout map. The lands grazed by the applicants' horses, and the adjoining access laneway are indicated by the blue line boundary, with the stables to be retained and access indicated by the red line planning application boundary. In terms of the legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal interest for the purposes of the planning application and decision. Any further consents that may have to be obtained are essentially a subsequent matter and are outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

7.8.2. Unauthorised works:

Several issues have been raised in the observation in relation to unauthorised works on the appeal site. I note that the matter of enforcement falls under the jurisdiction of the planning authority and is not a matter for An Bord Pleanála under this appeal.

7.8.3. Conditions:

Having regard to the reports received from the Placemaking and Physical Development Department and the Waste and Environment Section, several conditions were recommended for inclusion, including surface water requirements, and standard construction conditions, and that the Development must comply with Good Agricultural Practice Regulations, and I recommend the inclusion of a similar conditions in this regard.

The conditions included by the Placemaking and Physical Development Department in relation to public utilities and road opening licence are not considered relevant

given that the development is for retention of an existing horse stable and associated works.

8.0 Recommendation

- 8.1. I recommend that planning permission be granted, subject to conditions as set out below, for the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the established equine use at this site, which is considered to be ancillary to the main residential dwelling, the scale and location of the development to be retained and proposed, the established surrounding pattern of development, and the policies of the Louth Development Plan, 2021 – 2027, it is considered that subject to the conditions set out below the development to be retained and proposed, would not contravene the existing residential zoning objective for the area, would not seriously injure the amenities of adjacent residential property, would not be prejudicial to public and environmental health, and would be acceptable in terms of traffic safety and convenience. The development to be retained and proposed would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and retained in accordance with the plans and particulars lodged with the application, as amended by the further information submitted on 08th day of December 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.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>The use of the stables shall be ancillary to the main residential unit and shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity</p>
3.	<p>The development must comply with any requirements outlined in the Good Agricultural Practice Regulations including adequate storage requirements for soiled water and manures and spreading of agricultural manures and soiled water on lands.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols, having particular regard to hazardous waste(s) generated at the site and the disposal and treatment of this waste in accordance with the Waste Management Act 1996, as amended. The transfer of waste off site must be carried out by operators holding the appropriate and valid waste licence. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
5.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning</p>

	<p>authority.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
6.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works. The developer shall be responsible for the full cost of carrying out of road/footpath cleaning work.</p> <p>Reason: To protect the amenities of the area.</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of properties in the vicinity.</p>
8.	<p>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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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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.

Emma Nevin
Planning Inspector

16th January 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318983-24		
Proposed Development Summary	Retention permission for new horse stables and all associated site works that replaced original horse stables **Significant further information received on 8.12.23 includes planning permission for revised site boundaries and proposed new ancillary covered manure storage pit, soil water tank and associated site works**		
Development Address	Knocknagoran, Omeath, Co Louth		
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) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes	X	Retention of a stable building to the rear of an existing residential dwelling (42 sq. m.)	EIA Mandatory EIAR required
No			
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	Retention of a stable building to the rear of an existing residential dwelling (42 sq. m.)	No EIAR or Preliminary Examination required
Yes			

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