



An
Bord
Pleanála

Inspector's Report ABP-319067-23

Development	Construction of single storey stable block consisting of two stables, tack room and feed room, dungstead and all associated site works.		
Location	Rathduff, Grenagh, Co. Cork		
Planning Authority Ref.	236316		
Applicant(s)	Margarita O'Reilly		
Type of Application	Permission	PA Decision	Refuse
Type of Appeal	First Party	Appellant	Margarita O'Reilly
Observer(s)	Diarmuid Russell		
Date of Site Inspection	03/07/2024	Inspector	Lorraine Dockery

1. Site Location/ and Description. The subject site, which is triangular in shape and has a stated area of 0.211 hectares, is located within the townland of Rathduff, Grenagh, Co. Cork. The site is partially covered in hardcore, is largely overgrown and is bound on three sides by roadways. The N20 is located along the western boundary of the site while it is bound by a cul-de-sac to the east, which contains a number of residential dwellings. The area comprises a mix of residential dwellings and agricultural lands.

2. Proposed development. Construction of a single storey stable block consisting of two stables, tack room and feed room, dungstead and all associated site works. The proposed development has a stated floor area of 98m². Proposed source of water supply is a new connection to the public mains.

3. PA's Decision- Refuse permission on 3 grounds relating to (i) detrimental traffic hazard to road users given proximity to N20, endangerment of public safety by reason of traffic hazard and contrary to Policy Objective TM12-8 of Cork CDP (ii) insufficient information on water supply, effluent/farmyard manure management and details of land spread; not demonstrated how livestock will be foddered and managed to prevent emission to water. Proposal therefore prejudicial to public health (iii) size of site is considered inadequate to accommodate scale of development proposed and therefore prejudicial to public health.

Internal Reports

Environment- Refusal recommended due to (i) no details on water supply, effluent/farmyard manure management and details of land spread (ii) no demonstrated how livestock on site will be foddered/managed to prevent emissions to water and (iii) site too small with insufficient grazing to sustain livestock and not demonstrated any additional lands to graze livestock and land spread organic fertiliser.

Area Engineer- Not in favour of proposal so close to major road on narrow site when applicants are not living close by. Potential to cause serious accident and potential danger to traffic. In terms of flooding, not located in Flood Zone A or B, but residents have noted that these lands flood and would therefore not be suitable for stables or horses grazing. No provision to stop surface water flowing onto public roadway

Senior Executive Planner- Refusal recommended

Prescribed Bodies

Uisce Eireann- No objection, subject to conditions

Transport Infrastructure Ireland- No observations

4. Planning History.

None

EF 22/192- Enforcement file (no details available on file)

5.1. National/Regional/Local Planning Policy

- Cork County Development Plan 2022-2028 applies, which has regard to national and regional policies in respect of agricultural development.
- Zoning: Not located within a defined settlement boundary
- Designated as 'Rural Area under Strong Urban Influence'
- Objective TM 12-8- Traffic/Mobility Management and Road Safety

5.2 Natural Heritage Designations

- None

6. The Appeal

6.1 First Party Appeal. Grounds:

- Reason No. 1- potential for horses exiting the site is the same potential as every farmer/owner of agricultural land in vicinity; area characterised by farming and is predominantly rural in nature with livestock on surrounding lands. Disingenuous to refuse permission when other farmers in vicinity can use surrounding lands for agricultural purposes.
- Use of land for agricultural purposes, which is essentially exempted development, in an agricultural area cannot reasonably be considered to be unsustainable and improper planning
- Will agree to reinforce the fencing to a double fence surrounding the site
- Reason No. 2- application clearly stated new water connection to public mains is proposed, also included dungstead management details; sinking of well is exempt from planning; omitted details not reasonable reason for refusal; amended map included, together with details of management and foddering; a maximum 2 ponies on site at any one time so therefore amount of watering and foddering is extremely low

- Proposal will be used to house applicant's children's ponies during competition season (normally Jan-May) and in winter dressage. The stables will be used as an additional turn out area and will not be used full-time
- Provision of stable will allow for animal welfare (shelter from rain/sun), as ponies can use the lands without the need for planning permission

6.2 P.A. Response

- No further comment to make, all relevant issues have been covered in the technical reports.

6.3 Observation

- Animal welfare due to proximity to N20 with associated traffic and noise; insufficient site size
- Safety of children on adjacent road due to animals being spooked; proximity to residential properties
- Road safety if animals were to break loose
- Misleading drawings- no knowledge of stables/livestock on this site; nearby building not indicated
- Disturbance to Japanese Knotweed

7. EIA Screening:

See completed Form 2 on file. 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.

8. AA Screening:

I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.

The subject site is not located within or adjacent to any European Site. The closest European Site, part of the Natura 2000 Network, is the Blackwater River (Cork/Waterford) SAC, approximately 11 kms from the proposed development.

The proposed development is located within a mixed area (primarily rural with a density of residential dwellings on individual plots) and comprises the construction of a single storey stable building, dungstead and all associated site works.

Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.

The reason for this conclusion is as follows:

- Small scale and domestic nature of the development
- The location of the development in a serviced area, distance from European Sites, together with absence of ecological pathways to any European Site.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Assessment

9.1 I have read all the documentation attached to this file including the appeal, the report of the Planning Authority and prescribed bodies, observation received, in addition to having visited the site. The proposed works involve relatively minor development of a single storey stable, tack room and feed room, dungstead and all associated site works. The proposed development has a stated floor area of 98m². It is a stand-alone development, with the residence of the applicant not outlined.

9.2 It is stated in the appeal documentation that the proposal will be used to house the applicant's children's ponies during competition season (normally Jan-May) and in winter dressage. The stables will be used as an additional turn out area, will not be

used full-time and a maximum two ponies on site at any one time. I note that one of the drawings submitted with the application references three horses. Additional details were submitted with the appeal.

- 9.3 I note that the site is located within a generally rural area, albeit close to Rathduff village. It could be described as somewhat transitional in nature. When travelling along the N20 heading north, the site is located to the east of the entrance to the village (demarcated by 60km traffic signage), and is partly alongside the area of reduced speed limit. The boundary of the remainder of the site is alongside the N20 where a speed limit of 80km/h is applicable. The planning authority notes that the site is not located within a defined settlement area of the operative County Development Plan, however the area is principally residential in nature. I note that the area is designated as being a 'Rural Area under Strong Urban Influence' in the operative County Development Plan. I would acknowledge that there is a substantial quantum of residential development within the vicinity, primarily individual dwellings on their own plots. Notwithstanding this, the wider area is primarily rural/semi-rural in nature. I am of the opinion that within such areas, the principle of a development such as that proposed is acceptable and appropriate.
- 9.4 The primary issues, as I consider them, are the three reasons for refusal, namely creation of a traffic hazard and the proposal prejudicial to public health.
- 9.5 In terms of creation of a traffic hazard, I note that the site is adjacent to the N20, a national primary route. The site is well screened from the N20 with mature trees and post and rail fencing. A relatively wide grass margin provides a buffer between the existing treeline/boundary and the N20 carriageway. Local roads (cul-de-sacs) are located along the eastern and southern boundaries of the site. These roadways are anticipated to be very lightly trafficked, given the limited scale of development located thereon. I noted the traffic levels at the time of my site visit. There is an existing vehicular entrance along the eastern site boundary. While I acknowledge the concerns of the planning authority in this regard, I would concur with the opinion of the appellant that the danger is no greater than for any use of agricultural lands along the N20 or any other busy road. Adequate stock proofing is paramount, however given the scale of the overall development, accommodating two ponies on a part-time basis, I consider that a refusal of permission on grounds of traffic hazard is not warranted in this instance. The appellant states that they are willing to

reinforce the fencing to a double fence surrounding the site. I noted at the time of my visit that the fencing along the eastern boundary (with the cul-de-sac) was in a poor state of repair. This matter of reinforced fencing could be adequately dealt with by means of condition. In addition, given the limited scale of development with associated limited traffic movements, the lightly trafficked nature of the cul-de-sac and the fact that there is an existing vehicular entrance onto the cul-de-sac, I do not anticipate that the proposal would lead to any significant traffic issues, such as to warrant a refusal of permission in this regard. I acknowledge Objective TM 12-8-Traffic/Mobility Management and Road Safety of the operative County Development Plan and also highlight that Transport Infrastructure Ireland (TII), whose remit is to secure the provision of a safe and efficient network of national roads having regard to the needs of all users, stated to the planning authority that they had no observations to make in relation to the proposed development.

- 9.6 The second and third reasons for refusal related to the proposal being prejudicial to public health and would give rise to environmental pollution. In the second reason for refusal, the planning authority stated that insufficient information was submitted in relation to the proposed development, including water supply, effluent/farmyard manure management and land spread. The Area Engineer has concerns that surface water would flow onto public roadway. I note that the applicants stated in their application form that the proposed source of water supply is a new connection to the public mains and show the location of a private well (it is unclear if this well is proposed/existing). The report of Uisce Eireann to the planning authority stated that they had no objections to the proposal, subject to conditions. Drawings submitted with the application show the location and size of the proposed dungstead, together with holding tank capacity. I note that issues raised by the planning authority in relation to land spread and inadequate information submitted in relation to same, are outside the remit of the planning legislation.
- 9.7 The site is located outside of Flood Zones A and B. Surface water details could be adequately dealt with by means of condition, given the limited scale of development, if the Board were so minded. I would not anticipate the proposal, given the nature and scale of use, to generate significant levels of surface water, over and above current levels. The Environmental Report of the planning authority notes that there is no evidence of any open water course or ground water source at the site. Given

the limited scale of the development proposed, I have no information before me to believe that the proposal would be prejudicial to public health or would give rise to environmental pollution, such as to warrant a refusal of permission. Any outstanding matters could be adequately dealt with by means of condition.

9.8 The third reason for refusal relates with the matter animal welfare in that the planning authority considers there is insufficient grazing available to sustain livestock. This matter has also been raised in the observation received. As stated above, the first party appellant states that the proposal will be used to house the applicant's children's ponies during competition season (normally Jan-May) and in winter dressage. The stables will be used as an additional turn out area and will not be used full-time. It is not stated where they will be housed the remainder of the time. I highlight to the Board that the site size is stated as being 0.211 hectares. I have examined a Teagasc (June 2018) publication 'Horse Ownership- A general guide for the first-time horse/pony owner' which states that 'A minimum area of approximately 0.6 hectares (1.5 acres) of grazing land is needed for each horse'. I must assess this proposal based on the proper planning and sustainable development of the area, and I consider that the matter of animal welfare is outside the remit of this planning appeal, a matter for other authorities.

9.9 In terms of impacts on residential amenity, I note the contents of the observation received. I am cognisant of the relationship of the proposed development to neighbouring properties. I note that an existing shed/boiler house type structure is located to the north of the subject site, which is not demarcated on the submitted drawings. Having examined the information before me and noting the limited scale of development proposed and separation distances proposed, I consider any potential impacts to be reasonable. I consider that the potential impact on neighbouring residents is not significantly adverse and is mitigated insofar as is reasonable and practical. I consider that the glazing in the windows to the proposed foaling stable and tack room should be comprised of obscure glazing. I also consider that the proposed dungstead should be relocated to a more appropriate location within the site, further removed from the residential property to the north. Both these matters could be adequately dealt with by means of condition, if the Board were disposed towards a grant of permission.

- 9.10 I am of the opinion that the proposed works are of a use, scale, height and design appropriate to its location and context.
- 9.11 In terms of other non-planning issues raised in the appeal submission, I shall not engage with these matters.
- 9.12 Having regard to the above, I am satisfied that the proposed development is in accordance with the provisions of the operative County Development Plan, is in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

10. Recommendation

I recommend that permission for the development be GRANTED.

11. Reasons & Considerations

Having regard to the location of the site; the design, layout and scale of the proposed development and the pattern of development in the area, it is considered that, subject to compliance with conditions below, the proposed development would not endanger public safety by reason of a traffic hazard; would not be prejudicial to public health and would not seriously injure the visual or residential amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12. Conditions

1.	The development shall be retained and completed out in accordance with the plans and particulars lodged with the application, 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.
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	Reason: In the interest of clarity
2.	<p>(i) No horse/pony shall occupy the site until such time as a safe and secure post and rail fence is provided along the entire perimeter of the site, details of which shall be agreed with the planning authority prior to the commencement of any works on site.</p> <p>(ii) The proposed dungstead shall be relocated onsite to a location further removed from the residential property to the north. Details shall be agreed with the planning authority prior to the commencement of any works on site.</p> <p>(iii) The glazing to proposed tack room and foaling stable shall be permanently comprised of obscure glazing.</p> <p>(iv) Lighting details shall be submitted to the planning authority for their written agreement, prior to the commencement of any works on site.</p> <p>Reason: In the interests of clarity, traffic safety and to protect the amenities of nearby residential properties.</p>
3.	<p>No more than two horses/ponies shall utilise the site at any one time.</p> <p>Reason: In the interest of clarity and to protect the amenities of nearby residential properties.</p>
4.	<p>The developer shall enter into a water and wastewater connection agreement with Uisce Eireann.</p> <p>Reason: In the interests of public health</p>
5.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and to ensure a satisfactory standard of development.</p>

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.

Lorraine Dockery

Senior Planning Inspector

20th August 2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319067-23			
Proposed Development Summary	Construction of single storey stable block consisting of two stables, tack room and feed room, dungstead and all associated site works			
Development Address	Rathduff, Grenagh, Co. Cork			
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	No further action required	
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		Class.....	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)	Conclusion
No	x	N/A		No EIAR or Preliminary Examination required
Yes		Class/Threshold.....		Proceed to Q.4

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

Inspector: Lorraine Dockery

Date: 20th August 2024