



An
Bord
Pleanála

Inspector's Report

ABP-321903-25

Development

Retention of alterations made to domestic garage for agricultural purposed for storage of hay/bales and tack room for horse riding equipment.

Location

Seaview, Cahore, Gorey, Co. Wexford.

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20241454

Applicant(s)

John Nolan

Type of Application

Permission

Planning Authority Decision

refuse

Type of Appeal

First Party

Appellant(s)

John Nolan

Observer(s)

None

Date of Site Inspection

29th of April 2025

Inspector

Caryn Coogan

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.2. Natural Heritage Designations	9
5.3. EIA Screening	10
6.0 The Appeal	10
6.1. Grounds of Appeal	10
6.3. Planning Authority Response	15
7.0 Assessment	15
8.0 AA Screening.....	20
9.0 Recommendation.....	21
10.0 Reasons and Considerations	21
Appendix 1 – Form 1 and 2: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1. The subject site is located in a townland called Seaview, 1.3km east of Cahore Point and 1km south east of Ballygarrett village in Co. Wexford. The general area is laden with one-off housing. The subject site is to the back and front of established dwellings houses and accessed from a narrow local road which also serves section of ribbon development to the south of the site.
- 1.2. To north of the subject site there are 3No. dwellings backing onto the site. To the west there is a short private laneway serving two dwellings, and there are intermittent views into the site from the laneway, providing views of the subject structure, the rear of the dwelling and a stable block.
- 1.3. The site includes a two-storey dwelling, and other structures. It is accessed from the local road which forms the eastern site boundary.
- 1.4. The two story structure which is the subject of this appeal, is positioned immediately to the north of the two storey dwelling house. The structure is currently incomplete and there is scaffolding to the front of it.
- 1.5. The residual site area includes

Northern site boundary: an occupied and habitable mobile home, a parking area, a steel container structure, a stable block

Western site boundary: A stable block, dungstead.

South-western extremity: an open watercourse

Internally: a paddock

- 1.6. Photographs included from site inspection carried out on 29th of April 2025.

2.0 Development

- 2.1. The public notices describe the development as:

Permission for retention of alterations made to an existing garage structure as deviated from which was granted under planning reference No. 20190885 which consists of the following:

- (i) Alterations to roof structure and height
- (ii) The additional of agricultural storage space to the first floor and dormer space;
- (iii) Ancillary works;
- (iv) Permission for change of use of the ground floor of the structure for agricultural purposes consisting of the use for hay/bales storage and first floor structure for a tack room for horse riding equipment and additional hay/ bale storage and permission to complete.

3.0 Planning Authority Decision

3.1. Decision

Wexford Co. Co. refused retention of the development on the 23rd of January 2025 for 4No. reasons:

1. The site is situated in a domestic setting which was granted under planning reference 20190885. The proposed development and change of use of the building to agriculture in such proximity to the existing dwelling would be contrary to the domestic setting under which the original permission was granted and is considered to be inappropriate.

The submission documents highlight the unfeasibility of the planned stocking rate in relation to the land available for grazing equines and the application of organic manure which may in turn give rise to environmental pollution. The proposed development would be contrary to Objectives ED98 and ED 101 of Volume 1 and Section 5.5.1 of Volume 2 of the Wexford County Development Plan 2022-2028.

2. The proposed alterations to the garage for retention are contrary Section 3.2 of Volume 2 of the Wexford County Development Plan 2022-2028. It is Council policy that garages/ shed will be single storey only and a minimum floor area of 80sq.m. with a maximum ridge height of 5m. The shed for retention is two storey. The structure is 6.5m in height with a floor area of

102sq.m. and is used as a hay shed with a tack room on the first floor level. It is contrary to Section 3.2 of Volume 2 of the Plan.

3. The structure by virtue of its appearance gives the impression of a 2nd dwelling or self contained unit to the rear of the existing dwelling and is unduly incongruous in this context.
4. The submitted layout does not account for the current operations on the site. There are currently two stable blocks on site and a paddock area which are possibly unauthorised structures. To grant planning permission for the shed would be premature pending grant of permission for possible unauthorised structures on site. These structures may give rise to increased environmental pollution.

3.2. Planning Authority Reports

3.2.1. Planning Report Dated 22/01/2025)

- A drawing of the permitted garage on site is included. The current development for retention is also included. It is considered to be a significant deviation from the permitted design.
- Condition No. 10 of reference 20190855 is cited. It is not to be used for the keeping of livestock.
- The previous refusal on the site is cited. The current application is a repeat application of the previous refusal with little change.
- The nature of the site has changed from the permitted domestic use. There are stables, paddock and a mobile home on the site.
- The use of the structure as an agricultural building is inappropriate because it is too close to the dwelling.
- Uncovered dungheap beside a water course.
- The proposal is contrary to objectives ED98 and ED101 of the County Development Plan.
- Refusal is recommended.

3.2.2. Other Technical Reports

- Senior Executive Scientist : There were 5No. horse present on the site. The site for grazing the horses is 0.6ha. there are 6No,. stables within the structure. A dung heap within 10m of a watercourse with no apparent collection facilities. A Refusal is recommended.

3.3. **Prescribed Bodies**

No response received.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

4.1 ***Planning Reference 20240875***

Permission for retention of alterations to existing domestic garage granted under planning ref: 20190885 refused for similar reasons as the current planning application for the same development.

4.2 ***Planning Reference 20190885***

John Nolan granted planning permission for a two storey dwelling, detached garage and ancillary works.

4.3 **Enforcement file 0144-2020**

Regarding possible non-compliance of use of domestic garage.

4.4 **Enforcement File 0274-2024**

Relating to the stables and mobile homes on site

5.0 **Policy Context**

5.1. **Development Plan**

The relevant development plan is the ` -2028.

Volume 1: Written Statement

6.7.6 Rural Economy

Objective ED98

To ensure all developments permitted in rural areas in accordance with Objective ED49, including agricultural, horticultural and rural diversification do not impact negatively on the quality of the environment or character of the rural area or rural settlement. Applications for all such developments will be required to submit details to demonstrate that the proposed development:

- Will not result in the contamination of potable water, surface or ground waters, or impact on natural or built heritage;
- Is appropriate in terms of scale, location, design and that the character of the farm or settlement is retained and enhanced where possible;
- When located on a farm, it is located within, or adjacent to, existing farm buildings, unless the applicant has clearly demonstrated that the building must be located elsewhere for essential operational or other reasons;
- Is appropriately sited so as to benefit from any screening provided by topography or existing landscaping and does not seriously impact on the visual amenity of the area;
- Will not result in an unacceptable loss of residential amenity by reason of noise, odour or pollution;
- Will not result in a traffic hazard,
- Will provide for adequate waste management; and
- Where possible will restore and/or enhance built and/or natural heritage.

The Council will monitor and report on the number, nature and impacts of applications for economic development granted in rural areas outside of settlements. Reporting will take place as part of the 2 year review of the County Development Plan and as part of SEA.

6.7.6.1 Agriculture Development

6.7.6.1 Agricultural Development

Objective ED101

To facilitate the modernisation of agriculture and to encourage best practice in the design and construction of new agricultural buildings and installations to protect the environment, natural and built heritage and residential amenity. Planning applications for new agricultural structures must clearly outline the use of the structure (livestock / equine / pig / poultry / storage) subject to Objectives ED97 and ED98.

Volume 2: Development Management Standards:

In terms of siting, scale and design, the proposal should have regard to the principles of rural house design as set out in Section 3.1.1. The Planning Authority will require the following to be demonstrated and complied with:

New rural dwellings must be given adequate consideration to existing neighbouring development in terms of siting, setting and design and affords adequate protection to existing residential amenity.

3.2 Domestic Garages/Stores

The development of a domestic garage/store for use ancillary to the enjoyment of a dwelling house will be considered subject to compliance with the following standards:

- The domestic garage/store shall be single storey only, shall have a maximum floor area of 80m² and a maximum ridge height of 5m. In urban areas, domestic garages and stores will be assessed on the scale of the space around the dwelling and any impact on neighbouring properties.
- The design and external finishes of the domestic garage/store shall be in keeping with that of the dwelling house.
- The domestic garage/store shall only be used for purposes ancillary to the enjoyment of the dwelling house. The Planning Authority may consider exceptions to

these criteria having regard to the need for the development and the location and characteristics of the subject site.

5.5 Agriculture Developments

5.5.1 Agricultural Buildings

The Planning Authority will facilitate agriculture developments at appropriate locations. The Planning Authority recognises the need for agricultural buildings and acknowledges that there is often a requirement for these structures to be significant in scale. Notwithstanding this, these buildings will be required to be sympathetic to their surroundings in terms of scale, materials and finishes. The building should be sited as unobtrusively as possible and the finishes and colours used must ensure the building will blend into its surroundings and landscape. The use of appropriate roof colours of dark green and grey will be required. Where cladding is proposed it shall be dark in colour also.

The Planning Authority will give consideration to the following during the assessment of planning applications:

- It should be demonstrated that there are no suitable redundant buildings on the farm holding to accommodate the proposed development.
- The proposal should not detract from the character and visual amenities of the immediate and surrounding area.
- The proposals should not detract from the residential amenities of properties in the vicinity.
- The traffic movements associated with the proposed development must not give rise to a traffic hazard.
- All waste associated with the proposed development must be stored and disposed of in accordance with the relevant legislation and guidelines and not impact on public health.

5.2. Natural Heritage Designations

The site is not on or adjacent to a European site. The closest sites are:

- Proposed Natural Heritage Areas: Cahore Point North Sandhills (Site Code 001736) less than 2km
- Proposed Natural Heritage Areas: Cahore Polders And Dunes (Site Code 000700) less than 3km
- Cahore Marshes SPA (Site Code 004143) less than 3km
- Cahore Polders and Dunes SAC (Site Code 000700) less than 3km

5.3. EIA Screening

Having regard to the nature, size and scale of the proposed development, to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended) and the absence of any connectivity to any sensitive 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. See Forms 1 and 2 appended to this report.

6.0 The Appeal

6.1. Grounds of Appeal

The appeal is summarised under the same headings as submitted by the applicant's agent:

6.1.1 Ground 1

- ***Respect for the original Planning Context :***
- The proposal does not conflict with the domestic setting. The change of use to agriculture, to primarily store bales, is in harmony with its rural setting. The mere proximity to the dwellinghouse does not render the site unsuitable for agricultural development.
- The site and the surrounding lands have historically been used for agricultural purposes including equine use by a local farmer for over 20 years. The original planning application, Ref. 20190885 made reference to 'Paddock for Applicant's Horse'.

- The proposal represents a reversion to a traditional landuse rather than an intrusion into a purely domestic setting.
- The development is sympathetic to the domestic setting rather than disruptive to it. The terminology 'domestic setting' is vague. Does that refer to the proximity to residential properties or does it emphasise a broader landscape character.

6.1.2 ***No Significant Impact on Residential Amenity***

- The operations to be carried out in the building are small scale and low impact with no significant noise, odour or traffic generation that would compromise the living conditions of the occupants or the neighbours. The hay bales are rolled in and out to the horses by hand. It is managed in a manner that is respectful with its residential context.
- It is essential to support developments that encourage agricultural practices in rural areas even close to dwellings. The small scale equestrian activities planned for the site contribute positively to the local community and economy aligning with national and local policies encouraging agricultural growth.
- The proposal aligns with environmental sustainability. It promotes local hay production and reduces the need for long supply chains. The use of the building for agricultural purposes minimizes the environmental footprint, utilizing an existing building.

6.1.2 **Inapplicability of stocking rate and manure application concerns**

- There was no reference in the planning application to stocking rates or manure application. These fall outside of the scope of the planning application. The stocking rates or manure application have no bearing on the application.
- The applicant is currently engaging with Environment Section of the planning authority to address any potential issues arising from the management of equine stocking rates and manure application (if any). This is a remedial plan that ensures any environmental risks are independently and adequately mitigated.
- The decision to refuse planning permission is on the basis of misplaced concerns. The grounds cited in the refusal do not reflect the content of the

submitted planning documentation nor do they pertain to the planning elements that were subject to review. Instead the issues relate to operational and environmental matters which are being resolved through dedicated Remediation Plan. Using such separate issues as a basis for refusal undermines the integrity of the planning process by conflating distinct regulatory concerns.

- The Board is requested to assess the case on its merits and not the operational aspects that will be managed through appropriate channels. The planning application should be confined to within its remit.

6.1.3 Conclusion

- The proposed development is consistent with the overall character of the area, will have minimal impacts on the domestic setting and provides a positive support for agricultural practices.

6.1.3 Ground 2

- In respect of the proposed alterations to the garage are 'contrary to the provisions of sections 3.2 Volume 2 of the Wexford County development Plan' the reason for refusal states that garage shed should be single storey with a maximum floor area of 80sq.m. and a ridge height of 5m and used solely for the enjoyment of the dwelling. The structure is 102sq.m. and is 6.5m in height and used to store hay with a tackroom on the first floor.
- The proposed alterations address the practical operational needs of a rural property where equine and agricultural activities are integral. The uses are ancillary to the overall enjoyment and operations of the dwellinghouse and are common in rural areas.
- The parameters envisage in Section 3.2 Volume 2 of the Wexford County Development Plan were conceived with conventional domestic outbuildings in mind. In this instance the buildings' function support agricultural and equine management activities, which are linked to the rural character of the property. The slight exceedance in floor area and height is a proportionate response to the operational needs of the development.

- The current alterations are a pragmatic solution that maintains the character and function of the property while ensuring that the dwellings ancillary requirements are met without resorting to entirely new construction.
- Retaining the existing planning permission is in line with sustainable development principles, by adapting the existing structure rather than undertaking a new construction.

6.1.4 Ground 3

- The reason for refusal states the structure the subject of retention by virtue of its design would give the appearance of a second dwelling or self-contained unit to the rear of an existing dwelling and would be unduly incongruous within its context.
- The structure is explicitly used for the storage of haybales with no intention or reason to serve as a second dwelling or self-contained unit. The design reflects its agricultural use. Any resemblance to a dwelling unit is superficial and unintentional. The design of the building demonstrates its role as an ancillary building directly supporting the primary dwelling.
- The layout of the building is entirely compatible with agricultural use and storage. There are no facilities such as bedroom, bathrooms, kitchen or living space associated with the structure. The building lacks the necessary infrastructure that would enable residential occupation, such as electrical or water connections, waste management systems. The building has been designed and constructed for agricultural and equestrian purposes.
- An overemphasis on appearance without due regard for the actual use and integration of the building leads to an unduly restrictive interpretation that is not in line with modern planning principles.
- The architectural scale, style and materials have been chosen to compliment the existing dwelling on the site and surrounding rural character. The structure is bespoke to specific needs of the applicant and its immediate surroundings. The development in its form and function serves to support the existing use of the land and is not a precursor to any form of residential or speculative development.

- The refusal of the application undermines the ability to maintain and improve local agricultural and equine enthusiast which are critical to the sustainable development of rural area.
- The design is entirely functional serving specific needs of the applicant and it is not fair to refuse permission based on perception it resembles a second dwelling. The concerns are unfounded and misplaced.

6.1.4 Ground 4

- The presence of existing stable blocks on the site is a separate issue from the merits of the current application. Combining the consideration of these unrelated matters with the current application risks conflating issues and leading to an unfair assessment of the current proposal under review. Each matter should be assessed on its own merits under the relevant statutory frameworks.
- The proposed development is entirely unrelated to the two stable blocks in question. It is a distinct project with its own purpose and design and should be considered independently of any or pre-existing unauthorised structures on the site. The proposed development addresses specific needs of the applicant without reference or reliance on the potentially unauthorised buildings. Linking the decision of this current application to an unrelated issue introduces unnecessary complications which could unduly prejudice the fair assessment of the new proposal.
- The issue of the stables will be dealt with separately. The presence of the structures does not interfere with the planning merits of the current application and will be dealt with under the proper channels. Penalising the current proposal for issues related to unrelated buildings would be unjust and procedurally incorrect.
- The proposed development represents the continued use of the building to store haybales without any connection to the structures that are the subject of potential enforcement action. The focus of the assessment should remain with the building alone.

- There is no evidence to suggest that changing the use of the shed will lead to an intensification of the premises or materially alter the operational dynamics of the site.
- The assertion the development may lead to increased environmental pollution is speculative and not supported by any demonstrative evidence.

6.2. Planning Authority Response

There was no further comment on appeal by the planning authority.

7.0 Assessment

7.1. I intend examining this appeal under the following headings:

- Site Location and Site Context
- Background/ Planning History
- Design
- Overall Use of the Subject site
- Development Plan Policies/ Objectives

7.2 Site Location and Site Context

7.2.1 The subject site, 1.07ha, is located in a coastal area of north Co. Wexford only 1.3km west of Cahore Point, and less than 1km from Ballygarrett village. The area is under considerable development pressure due to its attractive coastal location. To the south of the site there is ribbon development along the local road. To the north of the site, there are 3No. dwellings backing onto the site's northern boundary. Immediately to the west is a short cul de sac with two dwellings overlooking the subject site.

7.2.2 The applicant has submitted on appeal that this is a rural area, therefore assessment consideration should be associated with agricultural landsuses and a rural setting.

7.2.3 However, having examined maps and the context of the development from adjoining residences, I am satisfied, the adjoining landsuses on all sides of the subject site are residential. Therefore, the existing residential amenities associated with adjoining

dwelling is a significant consideration in the assessment of any planning application associated with the site.

7.3 Background /Planning History

7.3.1 On the 17th of January 2020 Wexford Co. Co. granted planning permission to the applicant, John Nolan, under planning reference 20190885, to erect a two storey dwelling with services, domestic garage, and ancillary works. I examined the planning history file associated with the parent planning permission, 20190885, and the salient issues arising from that case were compliance with the rural housing policy of the development plan, the siting and design of the dwelling, the watercourse along the western boundary of the site and the proposed polishing filter associated with the sewage treatment plant.

7.3.2 Of note is the detached domestic garage which is positioned along the same front building line as the two-storey dwelling, is 4metres north of the dwelling. The permitted garage is single storey and 5metres in height with garage doors on the front elevation and windows on the north and rear elevation, with no window on the south elevation facing the dwelling house.

7.3.4 The permission granted included Condition No. 10:

The proposed garage shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses or for any other purpose other than a purpose incidental to the enjoyment of the house. The finishing to and external appearance of the proposed garage shall match the dwelling house.

Reason: *In the interests of residential amenity and the proper planning and sustainable development of the area.*

7.3.5 The structure that has been constructed on site, and the subject of this appeal, is 4metres north of the dwelling house. The footprint of the garage has marginally increased on the western and eastern elevations. The finished building height is 6.35m as opposed to the permitted 5m building height. An additional floor level has been introduced creating a dormer roof complete with 3No. skylights, and 3No. window opes. The ground floor includes 4No. window opes, a single side door, and a double door to the rear. On the day of inspection, there were approximately 5No. round bales of straw/ hay on the ground floor, storage of tools and sports equipment.

7.3.6 The photographs from my site inspection reveal other developments within the site boundaries, which is the 1.07ha planning unit under consideration in this appeal. There are two stable blocks, one along the northern site boundary and one along the western site boundary. There is a steel container along the northern site boundary, and an occupied mobile home with outdoor decking area also located along the northern site boundary. The site layout drawing submitted with the planning application fails to acknowledge or include the additional structures on the site. There is also an internal road layout and parking area for a horse trailer, campervan and jeep. There is a paddock area, and a dungstead positioned along the western site boundary in close proximity to an open watercourse. Therefore, in my opinion the site layout drawing does not comply in full with Article 23 (1)(a) of the Planning and Development Regulations 2001 because it should include all buildings, roads, and other features on, adjoining or in the vicinity of the structure to which the application relates to. The items listed above have been excluded from the planning application drawings/ details, and these would have a significant bearing on the assessment of the application in terms of separation distances, compatible landuses, impact on amenities, public health, compliance with EPA Guidelines and appropriate assessment. I would accept that a portion of the original application assessed under Ref 20190885 stated 'Paddock for Applicant's Horse'. However, this description does not reflect the current use or status of the site area. The permission granted under Ref 20190885 was a dwelling house and domestic garage. An equestrian or agricultural development was not permitted under Ref 20190885 as submitted by the applicant on appeal.

7.4 Design

7.4.1 The planning authority in its decision to refuse permission, expressed concern that the two storey structure would give the appearance of a second dwelling or a self-contained unit to the side of the main dwelling. It is also noted in Reason for Refusal No. 2 the structure may have meter box. In response to this concern the applicant states the structure is explicitly for the storage of haybales, and that the overall design of the structure reflects its agricultural use. The applicant also states the building is bespoke to the specific needs of the applicant in his equine management and this is critical to sustainable rural development.

7.4.2 The structure by virtue of its proximity to the main dwelling, planning history, building line, proximity to other existing residential units, is not a typical agricultural building design. The applicant refers to bespoke design to meet with the applicant's needs, however, the fenestration, door openings and roof lights on the first floor do not encompass a hayshed or tack room, or any form of agricultural buildings. The doors to the structure will not provide access for agricultural machinery. Although, the submitted drawings indicate a loft door at first floor level to the front of the building, the existing opening is on par with the dimensions of a window. Regardless of the design, the use as an agricultural building does not comply with Condition 10 of the original permission. The agricultural and equine use is associated with the stables, paddock area and dungstead, its is not associated with the incidental and domestic enjoyment of the dwelling permitted under planning reference 20190885.

7.5 Overall Use of the Subject site

7.5.1 There were four reasons for refusal in the planning authority's decision to refuse. One reason related to policy, 2 and 3 related to the design and use of the structure and the fourth reason related to the context of the development with the other developments on the site, namely the stable blocks and paddock area, (the additional dwelling unit on site, is a significant omission from the planning application). It is considered to grant planning permission for the change of use of the domestic garage to agricultural is premature without considering retention permission for the other alleged unauthorised structures within the site boundaries.

7.5.2 The applicant states on appeal the stables are separate to the current application, and that combining the other development on the site with the change of use of the garage conflates the assessment of the case and leads to an unfair assessment of the current proposal. The applicant has also stated that penalising the current proposal for issues unrelated to the building would be unjust and procedurally incorrect.

7.5.3 Given that the applicant has not

- fully complied with the mandatory requirements of a site layout plan as prescribed by Article 23 (1)(a) of the Planning and Development Regulations 2001,

- constructed the subject structure in accordance with the permitted drawings of Ref. 20190885
- complied with a number of conditions associated with Ref. 20190885

it is my opinion, the applicant has not followed the correct procedures in this instance, and there is a blatant disregard on the overall site, for the planning permission granted by under planning reference 20190885. It is my opinion, retention and completion of the structures cannot be considered in isolation of the other unauthorised structures on the overall site.

7.6 Development Plan Policies/ Objectives

- 7.6.1 According to **Objective ED98** of the development plan, all developments permitted in rural areas should not impact negatively on the quality of the environment or character of the rural area or rural settlement. Applications for all such developments will be required to submit details to demonstrate that the proposed development will not result in the contamination of potable water, surface or ground waters, or impact on natural or built heritage; and is appropriate in terms of scale, location, design and that the character of the farm or settlement is retained and enhanced where possible; and will not result in an unacceptable loss of residential amenity by reason of noise, odour or pollution; and will provide for adequate waste management; and
- 7.6.2 The applicant has not provided or complied with this policy in terms of the change of use of the structure and the site to agricultural /equestrian. The structure is within 4metres of the dwelling on site, is within 6metres of a sewage treatment system, 16metres of a mobile home, and 25metres of the nearest neighbouring dwelling. The storage of hay/ straw is an integral element of the equestrian facilities on site, which includes a dungstead 10metres from an open watercourse along the western site boundary. The change of use of the structure to agricultural and equine cannot be considered in isolation of overall landuse on the site and the environmental impacts associated with same. It should be refused on this basis.
- 7.6.3 Volume 2 of the Wexford County Development Plan outlines the Development Management Standards, I cited Sections 3.2 Domestic Garages/ Store and 5.5.1 Agricultural Buildings under Section 5 of this report. I do not consider the overall design and layout of the structure will detract from the main dwelling on the site in

terms of design and finish and compliance with standards cited above. Therefore, I would not include this as a reason for refusal in my recommendation.

8.0 AA Screening

- 8.1. I have considered the retention of permission and completion of an as built domestic garage to an agricultural building for hay storage on the ground floor and a tack room on the second floor, and associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The closest site to the subject site are Cahore Marshes SPA (Site Code 004143) Cahore Polders and Dunes SAC (Site Code 000700) both less than 2km southeast of the site. The development comprises of retention of the construction and conversion of a garage/shed to an agricultural building for the purposes of storing hay and straw, and the storage on equestrian equipment on the first floor of the building. No nature conservation concerns were raised in the planning appeal. I have noted in the application the close proximity of the dungstead to an open watercourse within the site boundaries. However, the dungstead is not the subject of this appeal, and cannot be included for Appropriate Assessment purposes.

- 8.2 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:

- Small scale and nature of the development.
- Distance from the nearest European site and lack of connections.

I conclude that on the basis of objective information, that the development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend the planning authority's decision to refuse planning permission for the development be held by the Board.

10.0 Reasons and Considerations

1. The development proposed for retention would, by reason of the change of use to agricultural use contravene materially a condition attached to an existing permission for development namely, condition number 10 attached to the permission granted by on the 17th of January 2020 under planning register reference number 20190855, requiring the structure to be used as a garage incidental to the enjoyment of the dwelling house.
2. On the basis of the submissions made in connection with the planning application and appeal, it appears to the Board that the proposed development relates to a site the use of which is unauthorised for the carrying on of equestrian management facilities and that retention of the development for agricultural purposes and storage of equine equipment associated with equine facilities within the site boundaries, would facilitate the consolidation and intensification of this unauthorised use. Accordingly, it is considered that it would be inappropriate for the Board to consider the grant of a permission for the proposed development in such circumstances.

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.

Caryn Coogan
Planning Inspector

30th of April 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	321903-25		
Proposed Development Summary	Retention of alterations made to domestic garage for agricultural purposed for storage of hay/bales and tack room for horse riding equipment		
Development Address	Seaview, Cahore, Co. Wexford		
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	Tick if relevant and proceed to Q2.
		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)?			
Yes	Tick/or leave blank	1. Agriculture, Silviculture and Aquaculture a) Projects for the restructuring of rural land holdings, where the area to be restructured would be greater than 100 hectares.	Proceed to Q3.
No	Tick or leave blank		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required

No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X		Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321903-25
Proposed Development Summary	Retention of alterations made to domestic garage for agricultural purposed for storage of hay/bales and tack room for horse riding equipment
Development Address	Seaview, Cahore, Co. Wexford
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposal is for the conversion of a structure into an agricultural building in a rural area where there are many one-off houses. It is not an exceptional type of development, it is for the storage of hay/ straw and equestrian equipment. The development will not result in the production of significant waste, emissions, or pollutants.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is surrounded by dwellings, however there were no third party objections to the development. It is a significant distance from any European site or the coast.</p>

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		None
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)