

MANAHAN PLANNERS

Town Planning Consultants

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Tel: 01-6799094. Vat No: 2850391E. Tony Manahan B.A.(Hons), M.Phil (Edin.), M.I.P.I.

3rd May 2019

The Planning Officer,
An Bord Pleanala,
64 Marlborough Street,
Dublin 1.

AN BORD PLEANALA
LDG- 015720-19
ABP-
03 MAY 2019
Fee: € 220 Type *Scheme*
Time: 1575 By: *Hard*

Re: Section 5 Reference re Lands at Ashbrooke Garden Centre, Coolfore, Ashbourne, Co. Meath. L.A Ref No. AA/S51911.

Dear Sir/Madam,

We have been engaged by Mr. Alan Battersby, Ashbrook Garden Centre, Coolfore, Ashbourne, County Meath to Refer this Section 5 Application matter to An Bord Pleanala for determination. We lodged a section 5 Application with Meath County Council on 14th March 2019 and they determined by Order dated 9th April 2019 that the development was "development requiring planning permission". Copy of their Declaration is included.

We wish to appeal this determination on the basis of the grounds set out below. We enclose a cheque for €220 to cover the statutory fee for referring this matter to An Bord Pleanala. We also enclose the Application Form and site location plan we submitted to the Planning Authority.

Our client was served with a Warning Letter but did not consider that the activities referred to constituted an unauthorised development. To that end we were instructed to lodge a Section 5 with the Planning Authority so as to clarify the status of these activities within these lands.

We wish to supply again the information we supplied to the Planning Authority to support our Section 5 application. In the Warning Letter from the Council, it was stated, inter alia, that the subject matter to be as follows.

"The unauthorised construction and operation of a Restaurant and the unauthorised display/storage of garden pods/sheds on site".

The Question we asked of the Council in this Section 5 application was as follows.

Whether the use of Ashbrook Garden Centre at Coolfore Ashbourne, (A) for the display and storage of garden pods/sheds and (B) the construction of a structure for use as a cafe is a development and if so is exempted development?

We wish to Refer this question to An Bord Pleanala and in support of that wish to supply the following information.

Site Context

The site lies some 5 kilometre north-west of Ashbourne and on the eastern side of the N2 national road close to the boundary with Fingal County. Access to the site is gained from the N2 at the south-western corner of the site. The site is approx. 2.3 hectares.

It consists of a garden centre with ploytunnel structures used as a retail garden centre with an extensive range of plants and garden equipment.

The front yard to the south is used for parking, garden displays, timber and stone products, shed displays, garden furniture, and compost and plant sales.



Figure 1: Aerial map of site. Source Google Earth

Planning History

Reg.Ref. 931051

Permission was granted by the Council in December 1993 for an agricultural produce store.

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Reg. Ref. 97160

An application was lodged in February 1997 for permission to widen the existing entrance from public road, to erect workshop including office, canteen & toilet, to erect plastic tunnels for plant growing & septic. The Council granted permission with conditions in June 1997.

Reg. Ref. 01274

Permission was granted in January 2002 for a multi-span poly tunnel for the purpose of plant propagation and road sign.

Reg. Ref. DA70193

In July 2007, an application was lodged with Meath County Council for retention permission for polytunnel structures on site, construction of new sales building and associated car-parking, and change of use of the premises to retail garden centre. The Council refused permission on the grounds of traffic safety. The Decision was appealed to An Bord Pleanála.

The Inspector's description of the site states that *'the site has a stated area of 2.3 hectares and houses a large array of polytunnel structures totalling some 5437 square metres. The main structure extends to 2604 square metres and is used almost exclusively as a retail garden centre with an extensive range of plants and garden equipment. The three poly tunnels to the north (each of 573 square metres) are largely disused or used for non-plant storage. The polytunnel to the east (totalling 1112 square metres) is used for plant propagation and growing. A large potting shed lies to the east. The extensive front yard area to the south is used for parking, garden displays, timber and stone products, shed/conservatory displays, garden furniture, compost and plant sales.*

The Inspector notes that *'it is also clear that the extensive area currently used for retail/garden centre use has not been authorised through the grant of planning permission'.*

An Bord Pleanála upheld the Decision of the Council in December 2007.

This latter application indicates the use of the premises as a garden centre in 2007 and the presence of "shed/conservatory displays" at that time. The 1997 application indicates the presence of "office, canteen & toilet" on the site.

Planning Considerations

The use of this site as a garden centre is a long established activity.

Like all garden centres it has evolved over the years in the nature of the activity, the internal layout and the range of products offered.

Garden centres are generally located in rural areas, on the fringe of towns, catering to residents of the towns. They can cater to domestic users (residents in towns who drive out to them) or commercial companies who collect product in trucks and vans).

AN BORD PLEANÁLA
10 MAY 2010
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

Initially they sold plants, trees, shrubs etc. They required space to either grow and / or display product for sale. This was carried on outdoors but over time structures (greenhouses, polytunnels) were required to grow product. In addition they required a car parking area within the site for patrons and sometimes toilets. This car parking was very often informal with a poor surface. Over time this surface increased in size and quality as custom expanded.

Subsequently the sale of garden sheds became common place as did garden furniture such as fountains etc. This coincided with the desire of town residents to use their gardens more intensively, make them more attractive and usable. It was considered that a garden shed was part of garden furniture.

A trip to the garden centre on a Sunday became a family outing and so there was an increased focus on the layout, range of products and amenities on site.

This included offering a cup of tea, coffee and a pastry during the trip. For some garden centres this aspect of the business grew and grew until it became the predominant activity. The sale of craft products sometimes grew in parallel with this expansion.

In many cases a centre had a canteen for staff. This became used on Sundays to supply tea, coffee, buns to patrons. This was usually in very casual accommodation on site. As the visits on Sundays became more popular and the demand for tea, coffee, etc. increased, the owners of garden centres gradually began upgrading their facilities. In addition the increasing demands of Health and Safety generated the demand (and necessity) for upgrades.

In the case of the Ashbrooke garden centre, this appears to be the sequence of use on the site. It will be noted that a canteen was approved on the site in June 1997 (Reg.Ref.97160). This may have been for staff initially and it is unclear at what point patrons were served. The structure this activity is housed in presently is clearly of more recent origin, but the use is of much longer duration.

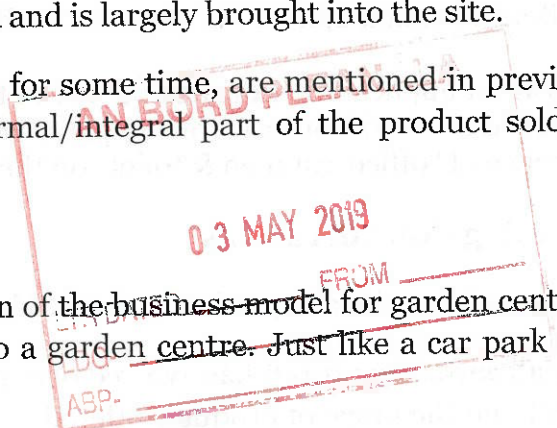
The Warning Letter refers to a 'Restaurant' on the site. This is incorrect. It operates more in line as a café. The extent of food served is limited and is largely brought into the site.

Garden sheds have been displayed and sold here for some time, are mentioned in previous site inspections. It is submitted they are a normal/integral part of the product sold in garden centres today.

Conclusion

As stated, these activities are part of the evolution of the business model for garden centres: The use of a cafe has become an ancillary use to a garden centre. Just like a car park and toilets.

In addition, garden pods/sheds do not have a suitable place to be displayed within a settlement/retail core. It is not ideal to display log cabins within say the Main Street of a town. There would not be a suitable retail premises within a town and to store outdoors in

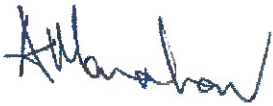


an urban context, and is unsuitable as it would appear untidy/eye sore within the streetscape.

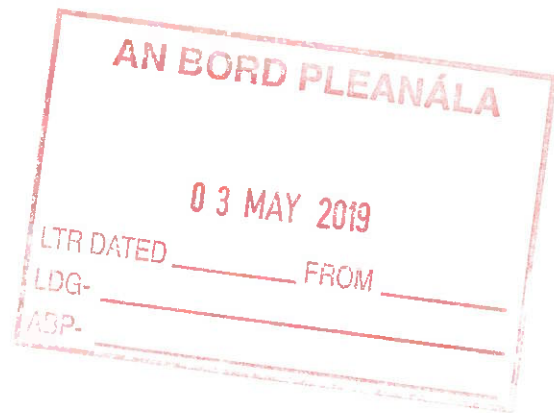
So in conclusion these features are now an expected and accepted part of a garden centre and we would submit that they can be considered, therefore, an exempted development.

We would ask you take account of these factors in considering this Section 5 application.

Yours faithfully



Tony Manahan
Manahan Planners



MEATH COUNTY COUNCIL

**Planning Department
Buvinda House
Dublin Road
Navan
Co Meath
046 - 9097500**

Planning & Development Act 2000- 2018

DECLARATION

AN BORD PLEANÁLA

**To: Alan Battersby
Coolfore
Ashbourne
Co Meath**

03 MAY 2019

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

**PLANNING REFERENCE
NUMBER:**

AA/S51911

APPLICATION RECEIPT DATE: 14/03/2019

FURTHER INFORMATION DATE: N/A

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2018, Meath County Council has by order dated 09.4.2019 decided to Declare the proposed development is **development requiring planning permission**, in accordance with the documents submitted namely: (a) The display and storage of garden pods/sheds and (b) the construction of a structure for use as a cafe at Ashbrook Garden Centre, Coolfore, Ashbourne, Co. Meath.

Date: 09.4.2019

M. Laffey
On Behalf of Meath County Council

NOTE:

1. Any appeal against a Declaration of a Planning Authority under Section 5, sub-section 3(a) of the Planning and Development Act 2000 may be made to An Bord Pleanala by the applicant **WITHIN FOUR WEEKS** beginning on the date of issue of the Declaration.
2. Appeals should be addressed to An Bord Pleanala, 64 Marlborough Street, Dublin 1. An appeal by the applicant should be accompanied by this form. The fee for an appeal against a Declaration of the Planning Authority is € 220.

For more information on Appeals you can contact An Bord Pleanala at:

Tel: 01 - 8588100 or LoCall: 1890 275 175

Fax: 01 - 8722684

E-mail: bord@pleanala.ie

Web: www.pleanala.ie

APPLICATION FORM – DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT

Part 1 Section 5 of Planning and Development Act 2000-2015, as amended.

1. **Name:** ___ Alan Battersby
Address: ___ Coolfore, Ashbourne, Co.Meath

Phone No: 0864668786

E-mail : info@ashbrooklandscaping.ie

2. **Address for correspondence:**

Address: Coolfore, Ashbourne, Co.Meath

Phone No: ___ same as above

E-Mail:



3. **Location of Development and/or Subject Site:** Ashbrook Garden Centre /Lands at Coolfore, Ashbourne, Co.Meath _____

4. **Description of Development:** Whether the use of Ashbrook Garden Centre at Coolfore Ashbourne, (A) for the display and storage of garden pods/sheds and (B) the construction of a structure for use as a cafe is a development and if so is exempted development?

5. **Will the development take place within the curtilage of a dwelling house?**

Please tick as appropriate: YES ___ NO X

6. **Will / does development take place in / on a Protected Structure or within the curtilage of a Protected Structure?**

Please tick as appropriate: YES ___ NO X

6(b) **If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000 – 2014, as amended, been requested or issued for the property by the Planning Authority?**

Please tick as appropriate: N/A YES ___ NO ___

7. **State overall height of structure if applicable: N/A**

8. **State in square metres the floor area of the proposed development:**

9. **List of plans / drawings etc. submitted: OS Site Location Plan.**

10. **Please state applicants interest in this site: Owner**

If applicant is not the owner of site, please provide name & address of owner:
N/A

11. Are you aware of any enforcement proceedings connected to this site?

Please tick as appropriate: YES NO

11 (b), If "YES" please supply details:

Warning letter issued on the 5th December 2018 (Enforcement Ref.18/267) regarding unauthorized construction and operation of a restaurant and the unauthorized display/storage of garden pods/sheds on site.

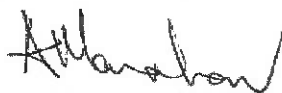
12. Are you aware of any previous planning application/s on this site?

Please tick as appropriate: YES NO

12 (b), If "YES" please supply details:

Reg.Ref: 011274 Reg. Ref. 931051
Reg. Ref: 97160

SIGNED:



DATE: 11th March 2019

NOTES

1. Application Fee of €80
2. Application shall be accompanied by:
 - 2 copies of site location map to scale 1:2500 clearly showing the site outlined in red and the extent of the site boundaries, the position of existing structures, etc., and the proposed work.
 - 2 drawings to scale (1:200) of the proposed development (including floor plan and elevations), if appropriate.
 - Two site layout plans to scale 1:500 if appropriate. Please submit 2 copies of any additional plans/reports etc. you may wish to include as part of the application.

Application shall be forwarded to: Meath County Council, Planning Department, Buvinda House, Dublin Road, Navan, Co. Meath.
Contact Details: Phone: 046 9097500 Fax: 046 9097001
Email: planning@meathcoco.ie



NOTES:
 1. This drawing is the property of TomByrneDesigns and shall not be used, reproduced or disclosed to anyone without prior written permission.
 2. All dimensions, levels & boundaries are to be checked on site prior to construction and any discrepancies are to be reported to TomByrneDesigns.
 3. All dimensions are in meters unless otherwise stated.
 4. Refer to title block for details of this drawing.



AN BORD PLEANÁLA

03 MAY 2019

LTR DATED _____ FROM *copellant*

LDG- _____

APP- **304385-19**

TomByrneDesigns

Description:
 Digital Cartographic Model (DCM)

Publisher / Source:
 Ordnance Survey / Ireland (OS)

Date Source / Reference:
 PRIME2

File Format:
 Autodesk AutoCAD (DWG_R2013)

File Name:
 Y_50037632_1.dwg

Clip Extent / Area of Interest (AOI):
 LLY: 703526.5756622.0
 LXL: 704108.5756622.0
 LLY: 703526.5757052.0
 URX: 704108.5757052.0

Projection / Spatial Reference:
 Projection=IRENE195 Irish_Transverse_Mercator

Centire Point Coordinates:
 X,Y= 703817.0,756637.0

Reference Index:
 Map Series / Map Sheets
 1:2,500 | 2716-D
 1:2,500 | 2717-C

Date Extraction Date:
 Date= 07-Dec-2018

Source Data Release:
 DCLMS Release V1.111.103

Product Version:
 Version= 1.3

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01 OS MAP
 101 SCALE : 1:2500

LEGEND:	INDICATES SITE BOUNDARY OF SUBJECT SITE
—	INDICATES SITE OWNERSHIP

Client : Alan Battersby	Job No. 663
Project : Ashbrook Garden Centre Ashbourne, Co. Meath	Drawing No. 001
Drawing: OS Map	Status: PLANNING
Date: 15 February 2019	Scale: 1:2500
Site: A3	Drawn: B.Menton
Rev: -	



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