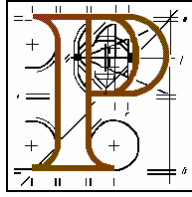


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

**Fingal County**

**Planning Register Reference Number: F11A/0454**

An Bord Pleanála Reference Number: PL 06F.240304

**APPEAL** by Thomas Brangan care of Conor English Architecture and Design of Adamstown, Garristown, County Dublin against the decision made on the 16<sup>th</sup> day of February, 2012 by Fingal County Council to refuse permission to the said Thomas Brangan for development comprising construction of a part one and a half storey/part single storey dwelling, new site entrance, proprietary wastewater treatment system, detached agricultural shed and associated site works at Lower Commons, Garristown, County Dublin in accordance with the plans and particulars lodged with the said Council.

## DECISION

**GRANT permission for the detached agricultural shed and associated site works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the construction of a part one and a half-storey/part single-storey dwelling, new site entrance, proprietary wastewater treatment system and associated site works based on the reasons and considerations marked (2) under.**

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS (1)

Having regard to the location in an agricultural area, the scale of the shed which is appropriate to the size of the landholding and which will facilitate the applicant's proposed business operation, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development of the detached agricultural shed shall be carried out and completed in accordance with the plans and particulars lodged with the application (in particular the site layout Drawing number C11-07-100), except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity.

2. All foul effluent and slurry generated by the proposed shed shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road. Slurry generated by the proposed development shall be disposed of by spreading on land, or by other means agreed in writing with the planning authority. The location, rate and time of spreading (including prohibited times for spreading) and the buffer zones to be applied shall be in accordance with the requirements of the European Communities (Good Agricultural Practice for the Protection of Waters) Regulations, 2009 (SI no. 101 of 2009).

**Reason:** To ensure the satisfactory disposal of waste material, in the interest of amenity, public health and to prevent pollution of watercourses.

## **REASONS AND CONSIDERATIONS (2)**

The site is located in a rural area outside any designated settlement and in a Rural Area Under Strong Urban Influence, as defined in the National Spatial Strategy (2002) and the Fingal County Development Plan 2011-2017 where development that is not rurally generated should be more properly located in designated settlement centres. It is the policy of Fingal County Council to restrict housing in such areas to those who can demonstrate a rural-generated housing need, as outlined in Section 8.3 of the afore-mentioned Development Plan. This policy is considered reasonable. The Board is not satisfied, based on the information submitted with the application and the appeal, that the applicant has demonstrated compliance with the said Development Plan's rural housing policy. The proposed development would contravene materially the development objective indicated in the Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2012.**