

An
Bord
Pleanála

Board Direction

BD-018186-24

ABP-319917-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/11/2024.

The Board decided to make a split decision, to

- (1) **grant permission**, for the following reasons and considerations and subject to the following conditions for a single storey stable structure (64 square metres) with four number stalls, and in accordance with the said plans and particulars.

Reasons and Considerations (1)

Having regard to the agricultural use of the subject site and the site's 'RU' zoning objective "to protect and improve rural amenity and to provide for the development of agriculture", it is considered that the construction of the single storey stable structure (64 square metres) with four number stalls would not be visually discordant or obtrusive on the site or in the landscape, would be in keeping with the character of the area, would not result in significant negative impacts on residential amenity and would not result in a traffic hazard. It is considered that, subject to compliance with the conditions set out below, the proposed stables would not seriously injure the residential or visual amenities of the area. This element of the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This element of the proposed development shall be carried out and completed 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.

Reason: In the interest of clarity.

2. The building shall be used for agricultural/horticultural uses and associated purposes only. The building shall not be used for human habitation or any commercial purpose other than a purpose incidental to farming/horticulture, whether or not such use might otherwise constitute exempted development.

Reason: In the interest of orderly development and the amenities of the area.

3. All soiled waters generated by the proposed development shall be conveyed through properly constructed channels and no soiled waters shall discharge or be allowed to discharge to any drainage channel, stream, watercourse or to the public road.

Reason: In the interest of public health

4. The removal of organic waste material and its spreading on land by the applicant or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (the Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.

Reason: In the interest of environmental protection.

and

- (2) **refuse permission** for the construction of a detached, single-storey, split level, four-bedroom dwelling with car parking, private amenity space, associated wastewater treatment system, percolation area and surface soakaway, and alterations to the existing agricultural entrance

generally in accordance with the Inspector's recommendation, for the following reasons and considerations.


Reasons and Considerations (2)

1. Having regard to the policies and objectives of the South Dublin County Development Plan 2022-2028, the Board is not satisfied that the applicants have demonstrated an economic or social need to live in this rural area, under strong urban influence, or that the housing need of the applicants could not be met in a smaller town or rural settlement. This element of the proposed development would be contrary to sustainable development policies to restrict the spread of urban generated dwellings to protect rural landscapes and to prevent the uneconomic provision of further public services and facilities in an area where these are not proposed. The proposal would be contrary to Policy H18 and H18 Objective 1 and Policies CS11 and H16 of the development plan and National Policy Objective 19 of the National Planning Framework. The agricultural type business of the applicants is not considered exceptional and it would give rise to an undesirable precedent for similar unsustainable developments in the rural areas of the county. This element of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Due to its scale and location on the site when combined with the other dwellings on Bolger's Lane, the proposed dwelling would extend the haphazard pattern of ribbon development along Bolger's Lane and this, combined with the visual impact of the dwelling in the wider landscape would significantly erode

the rural character and setting of Bolger's Lane, the wider area and the Athgoe and Saggart Hills Landscape Character Area. These impacts would be exacerbated by removal of roadside hedgerow above the 120-metre contour with negative impact on flora and fauna which is contrary to NCBH11 Objective 5 of the South Dublin County Development Plan 2022-2028. The proposal is contrary to Policy H23 and H23 Objective 1 of the development plan. This element of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The site is located on a minor road which is seriously substandard in terms of width and alignment and which lacks facilities for pedestrians, cyclists and public lighting required for residential development. The additional traffic movement generated by this element of the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users. This element of the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member:


Marie O'Connor

Date: 14/11/2024