

An  
Bord  
Pleanála

**Board Direction**  
**BD-018823-25**  
**ABP-321004-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/02/2025.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.


### **Reasons and Considerations**

1. The subject site is located in an area zoned objective 'RU' – Rural, in the Fingal Development Plan 2023-2029, where it is an objective of the planning authority to seek to *'protect and promote in a balanced way, the development of agriculture and rural related enterprise, biodiversity, the rural landscape, and the built and cultural heritage'*. The Board considered that the proposed retention of a large commercial unit would be likely to significantly intensify the commercial use of the subject site in this rural area which would contravene the relevant zoning objective, as set out in the Fingal Development Plan 2023-2029, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The subject development to be retained would likely result in the generation of increased volumes of traffic and an intensification of use of the access to the subject site. It is considered, based on the lack of information provided with respect to sightlines in both directions from the existing entrance, that the subject development would be likely to result in conflicting traffic movements which would interfere with the safety and free flow of traffic on the public road and would endanger public safety by reason of traffic hazard. The subject development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The Board is not satisfied, on the basis of the lack of information provided, that the existing effluent treatment system on the subject site has the capacity to effectively treat foul effluent arising from the additional loading from the development to be retained in accordance with the EPA's Code of Practice for Domestic Waste Water Treatment Systems (PE <10) (EPA 2021). It is considered that the subject development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

**Note:** The Board noted that there was disagreement between the parties regarding the planning status of other structures on the subject site, which were not the subject of this appeal, and the established use of the subject site. However, the Board concluded that these were enforcement matters more appropriately addressed by the planning authority, in accordance with the provisions of Part VIII of the Planning and Development Act, 2000 (as amended).

**Board Member**

  
Liam McGree

**Date:** 05/02/2025