



An
Coimisiún
Pleanála

Direction
CD-021596-25
ACP-323592-25

The submissions on this file and the Inspector's report were considered at a meeting held on 17/12/2025.

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

Planning

Commissioner:


Stephen Bohan

Date: 18/12/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. Having regard to the location of the site within an area designated 'RU - Rural' in the Fingal Development Plan 2023-2029, it is considered that, based on the information submitted with the planning application and the appeal, the appellant has not demonstrated compliance with the locational requirements for a new rural dwelling, as set out under Objective SPQH089 (Proximity to the Family Home) and Objective DMS043 (Siting of New Dwellings in a Rural Area) of the Fingal Development Plan 2023-2029 and which state that where it is clearly demonstrated land at the family home is not available for development of a new dwelling, a new dwelling may be permissible on an alternative site within 2km of the family home. The subject

site is located in excess of 2km from the applicant's family home and the applicant has not submitted any details of 'HA' zoned lands in their ownership which would allow for the 3. 5km extent to be applied to the proposed development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that, by reason of its proposed new access and the extent of loss of existing roadside hedgerow, the proposed development would be contrary to Policy GINHP21 (Protection of Trees and Hedgerows) and Objectives SPQH055 (Preservation of roadside hedging and trees), GINH060 (Protection of Views and Prospects), DMS041 (New Dwellings in Rural Areas), DMS0140 (Protection of Existing Landscape) and Table 14.9 (Design Guidelines for Rural Dwellings) of the Fingal Development Plan 2023-2029. The proposed development would be visually obtrusive, would set a precedent for further inappropriate development in the vicinity, would fail to protect views and prospects, would seriously injure the visual amenities of the locality, and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. It is considered that the revised site layout plan submitted with the planning appeal would be contrary to Objectives SPQH054 (Vehicular entrances), SPQH055 (Preservation of roadside hedging and trees) and Table 14.9 (Design Guidelines for Rural Dwellings) of the Fingal Development Plan 2023-2029, and has failed to demonstrate that a safe access to and from the proposed site, and of road users in general, can be provided in accordance with DN-GEO-03060 Standards (Transport Infrastructure Ireland).

[Note:

- (i) It is considered that the applicant has failed to provide the appropriate riparian buffer strip to the adjacent watercourse, as is required for new development in a rural location in accordance with Objective 1U026 (Riparian Corridors) and Objective DMS0210 (Riparian Corridors) of the Fingal

Development Plan 2023-2029. The proposed development could, therefore, be contrary to the proper planning and sustainable development of the area.

- (ii) The Commission had regard to the site characterisation report and noted that the site overlies a locally important aquifer of High Vulnerability, where ground water was encountered at 1.1 m bgl and, in the context of the proliferation of one-off dwellings in this area, was not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on site without potential risk to the ground water quality, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development could, therefore, be prejudicial to public health.

However, in the context of the substantive reasons for refusal set out above, the Commission decided not to pursue these new issues.]