

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Fingal County

**Planning Register Reference Number: F15A/0371**

An Bord Pleanála Reference Number: PL 06F.246633

**APPEAL** by Ray Murphy care of KT Designs of Fumbally Exchange, Railway Street, Balbriggan, County Dublin against the decision made on the 25<sup>th</sup> day of April, 2016 by Fingal County Council to refuse permission.

**PROPOSED DEVELOPMENT:** Construction of a new agricultural structure (Area 195 square metres/ridge height 7 metres) along with all associated site works at Courtlough, Balrothery, County Dublin.

## DECISION

**REFUSE** permission for the above proposed development based on the reasons and considerations set out below.

## 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

The appeal site is located in an area that is subject to a High Amenity zoning objective in the Fingal Development Plan 2011-2017, which is to protect and enhance the High Amenity area. Objective HA01 of the Plan is to protect High Amenity areas from inappropriate development and reinforce their character, distinctiveness and sense of place. The site is also designated as a 'Highly Sensitive Landscape'. Having regard to its nature, scale and bulk, it is considered that the proposed development would be visually obtrusive, would seriously injure the visual amenities of the highly sensitive landscape, contrary to Objective GI39 of the Development Plan. Having regard to the definition of "agriculture" set out in Section 2(1) of the Planning and Development Act, 2000, the nature of the use as proposed, the limited extent of the landholding it would serve, and on the basis of the documentation on file, it is considered that an agricultural use for the proposed development has not been demonstrated. In the absence of a demonstrated need for the proposed development at this location, it is considered that the visual impacts arising would not be justified and would be inappropriate. The proposed development would contravene the objectives of the Development Plan in relation to the protection of High Amenity zoned areas from inappropriate development, both by itself and by the precedent it would set for similar undesirable development in this highly sensitive landscape, and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that it had not been demonstrated that the proposed development would be for agricultural purposes. Having regard to the high level of protection given to this High Amenity zone and Highly Sensitive Landscape under the policies and objectives of the Development Plan, it was considered that the proposed development would be inappropriate in these circumstances, in light of its nature, scale and bulk. The Board concurred with the analysis and conclusions of the planning authority on this matter.

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

**Dated this                      day of                      2016.**