



Planning and Development Acts 2000 to 2018

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D18A/0477

APPEAL by Malcolm and Susan Stuart care of Brock McClure of 63 York Road, Dún Laoghaire, County Dublin against the decision made on the 11th day of July, 2018 by Dún Laoghaire-Rathdown County Council to refuse permission.

Proposed Development: Retention of the existing 133 square metre bungalow, well, effluent system and associated site works. The proposed retention permission will remove the requirement to demolish this dwelling as provided under the development description of planning register reference number D10A/0025 at site of circa 31 hectares at Pale Farm, Puck's Castle Lane, Ballycorus, Rathmichael, County Dublin.

Decision

REFUSE permission for the above proposed development in accordance with 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 site of the proposed development to be retained is located within an “Area Under Strong Urban Influence” as set out in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005 and in an area where housing is restricted to persons demonstrating a genuine requirement for housing in accordance with policy RES16 and land use objective ‘G’ (High Amenity Zone) of the Dún Laoghaire-Rathdown County Development Plan 2016-2022. Furthermore, the subject site is located in a rural area that is under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, issued by the Department of Housing, Planning and Local Government in February, 2018 to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area. Having regard to the proximity of existing settlements to the subject site and having regard to the documentation submitted with the planning application and appeal, the Board is not satisfied that the applicants have a demonstrable economic or social need to live in this rural area. It is considered that the applicants do not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. The proposed development to be retained would be contrary to the Ministerial Guidelines and to the over-arching national policy, notwithstanding the

provisions of the current Dún Laoghaire-Rathdown County Development Plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Paul Hyde

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.