



Planning and Development Acts 2000 to 2021

Planning Authority: Fingal County Council

Planning Register Reference Number: F21A/0341

APPEAL by Ian McGuinness care of Downey Planning of 1 Westland Square, Pearse Street, Dublin against the decision made on the 9th day of August, 2021 by Fingal County Council to refuse permission.

Proposed Development: Development of a residential care home (nursing home). Development will consist of a two-storey building comprising 92 number bedrooms with associated ancillary/common facilities and office/administration area, 35 number car parking spaces, 32 number bicycle parking spaces, and associated vehicular service areas, a new vehicular and pedestrian access onto Rogerstown Lane, one number ESB substation and plant room, one number bin store, connection to and utilisation of services along Rogerstown Lane, new pedestrian connection from site along Rogerstown Lane to Station Road (R128), landscaping, boundary treatments, and all associated site and engineering works necessary to facilitate the development, at Rogerstown Lane, Effelstown, Lusk, 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

1. The appeal site is located on lands zoned Rural 'RU', on which it is the stated objective 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' under the Fingal County Development Plan 2017-2023. Developments classified as 'Residential Care Home/Retirement Home' are identified as being 'not permitted' within this zoning objective 'except where a demonstrated need to locate in a rural environment because of the nature of the care required is established or where immediately contiguous to a zoning where the use is permitted in principle and meets development plan standards in relation to access and infrastructure. It is considered that the appeal site is neither contiguous to a zoning in which the development is permitted nor has the applicant provided sufficient demonstration of a need to locate in a rural environment because of the nature of the care required. In this regard, the proposed development would represent a material contravention of the land use zoning of the appeal site.

2. Objective PM48 of the Fingal Development Plan 2017-2023 'require that residential care homes, retirement homes, nursing homes, retirement villages and sheltered accommodation be located in towns and villages for reasons of sustainability, accessibility, social inclusion, and proximity to the availability of services, except where a demonstrated need to locate in a rural environment because of the nature of the care required can be clearly established'. The proposed development is located in rural area remote from an established settlement with the applicant failing to provide sufficient justification and demonstration of the need to locate in such a rural environment. The proposal is, therefore, contrary to Objective PM48 of the development plan and would be contrary to the proper planning and sustainable development of the area.



Dave Walsh

Member of An Bord Pleanála

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

Dated this *31st* day of *March* 2022.