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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: F21A/0361**

**APPEAL** by Jennifer Kealy and others care of ATC Building Surveying and Engineering Consultancy of Unit 2, Dublin Road, Kingscourt, County Cavan against the decision made on the 26<sup>th</sup> day of August, 2021 by Fingal County Council to refuse permission to Jennifer Kealy and others.

**Proposed Development** 1) A storey and a half style dwelling, new waste water treatment system and percolation area, domestic garage, upgrading existing site entrance, 2) the replacement of the existing waste water treatment system and percolation area serving the adjacent family dwelling to facilitate the proposed new development, 3) demolition of existing shed, and 4) all ancillary site development works, all at Magillstown, Swords, County Dublin.

**Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

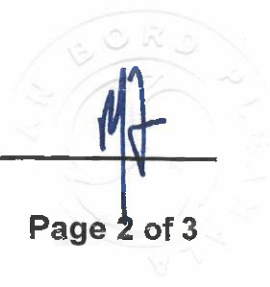
## Matters Considered

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

Having regard to:


- (a) the location of the site within a rural area under urban influence in accordance with the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in 2005;
- (b) National Policy Objective 19 of the National Planning Framework (February 2018) which, for rural areas under urban influence, seeks 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 viability of smaller towns and rural settlements;
- (c) the location of the proposed development on land within the greenbelt zoning objective under the Fingal Development plan 2017 - 2023; and



- (d) the rural settlement strategy provisions of the Fingal County Development Plan 2017 - 2023, specifically paragraph (iii) of Table RF03 in Objective RF39, which applies to a person who is an immediate member of a rural family who has not been granted permission for a rural dwelling, since the 19<sup>th</sup> day of October, 1999, and is considered to have a need to reside adjacent to the family home by reason of that person's exceptional health circumstances,

it is considered that the applicants do not come within the scope of either the economic or social housing need criteria, as set out in the overarching National Guidelines or the relevant Local Housing Need Qualifying Criteria of the Development Plan.

The proposed development, in the absence of any identified locally based need for the house at this location, would result in a haphazard and unsustainable form of development in an unserved area, would contribute to the encroachment of random rural development in the area and would mitigate against the preservation of the rural environment and the efficient provision of public services and infrastructure and undermine the settlement strategy, as set out in the current Development Plan for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 16<sup>th</sup> day of March 2022.