

Planning and Development Acts 2000 to 2021

Planning Authority: Fingal County Council

Planning Register Reference Number: F21A/0418

APPEAL by James Jones care of MacCabe Durney Barnes of 20 Fitzwilliam Place, Dublin against the decision made on the 24th day of September, 2021 by Fingal County Council to refuse permission.

Proposed Development: A single, two storey detached dwelling finished in treated timber cladding (total floor area 266 square metres), a new waste water treatment system, landscaping, new entrance gates and boundary treatments and all associated site works, all on a site of circa 0.2 hectares at a site at Six Cross Lane, Rush, 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. Having regard to:
 - (a) the location of the site within a rural area under urban influence in accordance with 'Sustainable Rural Housing Guidelines for Planning Authorities' published by the Department of the Environment, Heritage and Local Government 2005,
 - (b) the 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 or smaller towns and rural settlements, and

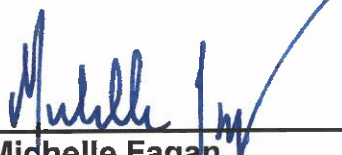
- (c) the Objective RF38 (iii) and (vi) of the Fingal Development Plan 2017-2023 which require the location of the family home to be on the existing farm, and requires documentary evidence that the applicant resides on a working family farm within the planning application,

It is considered that the applicant do not come within the scope of either the economic or social housing need criteria 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 set out in the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the width and alignment of public road and private laneway serving the site, which is unsuitable to cater for increased traffic, the proposal would generate additional and more regular traffic movements and would constitute a traffic hazard and obstruction to other road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Notwithstanding the proposal to use a proprietary wastewater treatment system on site, the Board had regard, to the proliferation of domestic wastewater treatment systems in this rural area, the fact that that groundwater in the area is classified as highly vulnerable, and to the 'Sustainable Rural Housing Guidelines for Planning Authorities' published by the Department of the Environment, Heritage and Local Government (2005) which recommend, in un-sewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities. The Board could not be satisfied, on the basis of the information on the file, that the impact of the proposed development in conjunction with existing wastewater treatment systems in the area would not give rise to a risk of groundwater pollution. 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 10th day of March 2022

