



Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F23A/0003

Appeal by by Alisa Sexton care of Farry Town Planning Limited of Suite 180, 28 South Frederick Street, Dublin against the decision made on the 28th day of February, 2023 by Fingal County Council to refuse permission for development comprising (a) the temporary relocation and temporary retention of an existing mobile home which occupies the land, for a further period of eighteen months from the date of any grant of planning permission; (b) the retention of an existing stable building containing 10 stable cubicles and lunging ring; (c) the retention of an existing septic tank and the provision of a new percolation area; (d) the retention of an existing well; (e) the closure of an existing entrance and the creation of a new access, along with a slightly re-configured driveway, which leads to an equestrian farmyard, which is to be retained; (f) the erection of a two-storey dwelling containing three bedrooms, a combined living/dining room, a combined kitchen/breakfast/sitting area and ancillary hallway, utility and toilet accommodation on the ground floor and an office at first floor level; (g) erection of new stable block with eight cubicles and the use of this overall property for equine purposes and (h) all associated site works including paddock fencing within the site and post and electric cabling, all at Wyanstown, Oldtown, County Dublin.

Decision

GRANT permission for (a) the retention of an existing stable building rectangular in floor area which is a modern building with a pitch roof with a maximum ridge height of 7500 millimetres and containing 10 stable cubicles and a toilet, (b) the retention of a lunging ring, (c) the retention of an existing septic tank and the provision of a new percolation area located in the northwestern area of the site to service the stable building, (d) the retention of an existing well located to the west of the stable block, (e) the closure of an existing entrance and the creation of a new access along with a slightly re-configured driveway, which leads to an equestrian farmyard, which is to be retained. The current entrance is located in the southwestern corner of the site and it is proposed to relocate this entrance approximately 60 metres to the east, (f) erection of new stable block with a maximum height to roof ridge of 7500 millimetres with eight cubicles and (g) all associated site works including paddock fencing within the site and post and electric cabling in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for (a) the temporary relocation and temporary retention of an existing mobile home which currently occupies the land to the east of the existing stables on the site and (b) the erection of a partial two-storey dwelling which is of modern design and construction partially flat roof and partially ridge roof with a H shaped floor and the associated office section located over an archway based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the nature, scale and design of the proposed development and its location in a rural area, the provisions of the Fingal County Development Plan 2023-2029, its location and relationship to existing development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the rural area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The non-residential buildings shall be used solely for use as stables and not for any other use without a prior grant of planning permission.

Reason: In the interest of clarity.

3. Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority within two months of the date of this Order.

Reason: In the interest of visual amenity.

4. Within two months of the date of this Order, the developer shall submit to, and agree in writing with, the planning authority, a landscaping scheme in relation to the site.

This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing: -
 - (i) existing trees, hedgerows, specifying which are proposed for retention as features of the site landscaping, and
 - (ii) the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder including supplementary hedgerow along the northeastern boundary of the site.
- (b) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works. Surface water arising from the new access shall be disposed of within the site and not discharge onto the public road.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

6. The proposed percolation area effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 5th day of January, 2023, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health.

7. Waste arising from the equine activity and associated stable buildings shall be disposed in accordance with the details submitted to the planning authority on the 5th day of January, 2023, and manure and soiled water storage shall be maintained and disposed of in accordance with EC (Good Agricultural Practice for the Protection of Waters) Regulations 2017 SI No 605 of 2017.

Reason: In the interest of public health.

8. The proposed entrance to the site shall be constructed in accordance with the detailed requirements of the planning authority for such works and the existing entrance closed, removed and cease to operate when the new entrance is commissioned. The road side frontage of the existing entrance shall be planted with a hedgerow to complement the existing roadside hedgerow and carried out within an agreed timescale with the planning authority. The developer shall also submit to, and agree in writing with, the planning authority details relating to the provision of advances warning signs in relation to the proposed new entrance.

Reason: In the interest of traffic safety.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

10. All bedding material and manure from horses in the stables, shall be collected in the designated dungstead, for land spreading in accordance with SI605/2017 - European Communities (Good Agricultural Practice for the Protection of Waters) Regulations 2017. Any effluent from the dungstead shall be collected and landspread in accordance with SI 605/2017.

Reason: In the interest of public health.

Reasons and Considerations (2)

1. The mobile home, if permitted would set an undesirable precedent for other similar development, which would cumulatively be harmful to the amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The applicant had not provided adequate documentation which demonstrated their long term commitment to operate a fulltime business from their proposed rural home, therefore failing to meet the necessary requirement. The proposed development would materially contravene the rural settlement strategy in the Fingal Development Plan 2023-2029 specifically 3.5.15.5 Table (iv). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspectors recommendation, the Board were mindful of the totality of the information on file and the absence of sufficient information to support the applicant's contention that the nature of the employment would sustain full time employment.



Liam Bergin

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

Dated this 02nd day of April 2024.