



An
Bord
Pleanála

Board Order
ABP-318811-24

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: F23A/0615

APPEAL by Jane Phelan Walsh care of Brackfield Consulting of Unit K21, Drinan Enterprise Centre, Feltrim Road, Swords, County Dublin against the decision made on the 5th day of December, 2023 by Fingal County Council to refuse permission.

Proposed Development: Construction of a proposed new two and a half storey, five bedroom dwelling, area 250 square metres. The development will be accessed via an existing widened gateway and includes a new wastewater treatment system, proposed soakaway to BRE 365 for storm water and all associated site works, all on a site located 65 metres south of Woodpark Farmhouse, Woodpark, Lusk, County Dublin.

Decision

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

Reasons and Considerations

The proposed development is located in an area zoned 'RU-Rural' in the Fingal County Development Plan 2023-2029 where the objective seeks 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'. Based on the information provided with the application and the appeal, the applicant has not satisfactorily demonstrated that they are employed in a full-time occupation which is considered to satisfy local needs by predominately serving the rural community/economy as detailed in Table 3.5(ii) of Section 3.5.15.5 of the development plan. The development would, therefore, contravene materially the rural housing strategy and the relevant provisions relating to rural housing need set out in the development plan and would be contrary to National Policy Objective 19 of the National Planning Framework which 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 the rural area. The proposed development would, therefore, result in a haphazard and unsustainable form of development which would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. and would be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board did not share the view of the Inspector that a hair salon business located within an urban settlement would meet the requirements of Table 3.5 of the Fingal County Development Plan 2023-2029 in terms of constituting a role which predominately serves the rural community/economy. While accepting that other services which are not related to agri-business are also of major importance in serving and sustaining the rural community and economy and in the absence of these services rural dwellers would be required to travel outside of their area to avail of such services which would potentially impact on sustaining rural areas and rural communities, the Board did not agree with the Inspector that this would correlate with the service provider needing to live in a rural area when the business itself is located within the urban area and customers travel to the urban area to avail of this service. In this regard the Board agreed with the planning authority and considered that notwithstanding the appellants undoubted contribution to the service economy within the wider area which includes a large rural hinterland, the carrying out of this activity would not require the appellant to be located within the rural part of this area.



Una Crosse

Member of An Bord Pleanála

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

Dated this *21st* **day of** *June* **2024.**