



An
Bord
Pleanála

Board Order ABP-319917-24

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD24A/0058

Appeal by Rory and Louise Ormond care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 15th day of May, 2024 by South Dublin County Council to refuse permission for development comprising the construction of a detached, single storey, split-level, four-bedroom dwelling (261 square metres), with on-curtilage car parking, private amenity space and associated wastewater treatment system, percolation area and surface water soakaway, 4.01-metre-high single storey stable structure (64 square metres) with four number stalls, utilisation of the existing agricultural entrance to the south with alterations to increase visibility, and all associated works, including landscaping, planting and boundary treatments, infrastructure, lighting, and all ancillary site works necessary to facilitate the development, all at Redgap Foliage Farm, Bolger's Lane, Hillsbrook, Rathcoole, County Dublin.

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Decision

GRANT permission for the construction of the 4.01-metre-high single storey stable structure (64 square metres) with four number stalls based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the construction of a detached, single storey, split-level, four-bedroom dwelling (261 square metres) with on-curtilage car parking, private amenity space, associated wastewater treatment system, percolation area and surface water soakaway, utilisation of the existing agricultural entrance to the south with alterations to increase visibility and associated works for the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the agricultural use of the site and the site's 'RU' zoning objective 'to protect and improve rural amenity and to provide for the development of agriculture', it is considered that, subject to compliance with the conditions set out below, the proposed single storey stable structure (64 square metres) with four number stalls would not be visually discordant or obtrusive on the site or in the landscape, would be in keeping with the character of the area, would not result in significant negative impacts on residential amenity, would not result in a traffic hazard, and would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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Conditions

1. The proposed single storey stable structure with four number stalls 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed structure shall be used for agricultural/horticultural uses and associated purposes only. The proposed structure shall not be used for human habitation or any commercial purpose other than a purpose incidental to farming/horticulture, whether or not such use might otherwise constitute exempted development.

Reason: In the interest of orderly development and the amenities of the area.

3. All soiled waters generated by the proposed development shall be conveyed through properly constructed channels and no soiled waters shall discharge or be allowed to discharge to any drainage channel, stream, watercourse or to the public road.

Reason: In the interest of public health.

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4. The removal of organic waste material and its spreading on land by the applicant or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (the Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.

Reason: In the interest of environmental protection.

Reasons and Considerations (2)

1. Having regard to the policies and objectives of the South Dublin County Development Plan 2022-2028, the Board is not satisfied that the applicants have demonstrated an economic or social need to live in this rural area, under strong urban influence, or that the housing need of the applicants could not be met in a smaller town or rural settlement. This element of the proposed development would be contrary to sustainable development policies to restrict the spread of urban generated dwellings to protect rural landscapes and to prevent the uneconomic provision of further public services and facilities in an area where these are not proposed. The proposed development would be contrary to Policy H18 and H18 Objective 1 and Policies CS11 and H16 of the South Dublin County Development Plan 2022-2028 and National Policy Objective 19 of the National Planning Framework. The agricultural type of business of the applicants is not considered exceptional and the proposed development would give rise to an undesirable precedent for similar unsustainable developments in the rural areas of the county. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that, by reason of its scale and location on the site when combined with the other dwellings on Bolger's Lane, the proposed development would extend the haphazard pattern of ribbon development along Bolger's Lane and, when taken in combination with the visual impact of the proposed development in the wider landscape, would significantly erode the rural character and setting of Bolger's Lane, the wider area, and the Athgoe and Saggart Hills Landscape Character Area. It is considered that these impacts would be exacerbated by the removal of roadside hedgerow above the 120-metre contour with negative impact on flora and fauna which would be contrary to NCBH11 Objective 5 of the South Dublin County Development Plan 2022-2028. The proposed development would be contrary to Policy H23 and H23 Objective 1 of the development plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The site is located on a minor road which is seriously substandard in terms of width and alignment and which lacks facilities for pedestrians, cyclists and public lighting required for residential development. The additional traffic movements generated by the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Marie O'Connor

Member of An Bord Pleanála

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



Dated this 20 day of November, 2024.