

An
Coimisiún
Pleanála

**Commission Order
PL-500673-DF**

Planning and Development Act 2000, as amended

Planning Authority: Fingal County Council

Planning Register Reference Number: F25A/1034E

Appeal by Ailsa Sexton against the decision made on the 18th day of December, 2025 by Fingal County Council to refuse permission.

Proposed Development: Removal of an existing mobile home which occupies the land and 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 and all associated site works, all at Wyanstown, Oldtown, County Dublin.

Decision

GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the details submitted with the planning application and the appeal, the nature, scale and design of the proposed development, the location of the site, and existing permitted development on the site, it is considered that, subject to compliance with the conditions set out below, the proposed dwelling is an acceptable form of 'rural generated' development in this rural area, would not seriously injure the visual amenities of the rural area, and would be in accordance with the Fingal County Development Plan 2023-2029, in particular Policy SPQHO81, as the applicant has demonstrated compliance with the criteria set out in Table 3.5 (iv). The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The applicant has not demonstrated that the existing mobile home on site is authorised; to permit the retention of this temporary residential structure, as applied for, would contribute to haphazard development, would set an undesirable precedent, and would be contrary to the proper planning and sustainable development of the area. Therefore, its removal is a condition of this permission.

Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The construction of the proposed house shall not commence until the following works permitted under planning register reference number F23A/0003 (appeal reference number ABP-316032-23) have been completed:
 - (i) the closure of the existing entrance, creation of a new access and reconfigured driveway, and
 - (ii) the installation of the new percolation area, effluent treatment and disposal system.
- (b) The proposed house shall not be occupied until all works permitted under planning register reference number F23A/0003 (appeal reference number ABP-316032-23) have been completed.

Reason: In the interest of orderly development.

3. Within three months from the date of this Order, the existing mobile home shall be removed from the site; evidence of same shall be submitted to the planning authority.

Reason: The retention of the structure would contribute to haphazard development and would set an undesirable planning precedent for such structures.

4. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter, unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act 2000, as amended, to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

5. The totality of the site, 4.79 hectares in area, which includes the development the subject of this permission and the subject of planning register reference number F23A/0003 (appeal reference number ABP-316032-23) shall not be subdivided without a prior grant of planning permission.

Reason: To protect the amenity of this rural area that has been identified in the Fingal County Development Plan 2023-2029 as being under strong urban influence.

6. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

7. (a) The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of any ridge tile shall be the same as the colour of the roof.
- (b) The external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

8. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

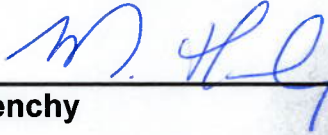
Reason: To safeguard the amenity of property in the vicinity.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual and residential amenity.

10. 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 Coimisiún 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.



Mary Henchy
Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this 21st day of May 2026.

