



An
Bord
Pleanála

Inspector's Report

PL06S.247148

Development	Retention of Timber Structure for use as farm office and veterinary store with family house accommodation, septic tank, access to public road via existing roadway at Ballymena Lane, Kiltipper, Dublin 24
Planning Authority	South Dublin Co. Co.
Planning Authority Reg. Ref.	SD16A/0199
Applicant(s)	Aengus Cullen and Fiona Lawlor
Type of Application	Permission
Planning Authority Decision	REFUSE
Appellant(s)	Aengus Cullen and Fiona Lawlor
Observer(s)	Dublin Mountain Conservation and Environmental Group
Date of Site Inspection	28/11/2016
Inspector	Caryn Coogan

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The site is located in a rural area on the foothills of Dublin Mountains. It is an elevated landscape accessed from Kiltipper Road via Ballymana Lane. The landscape is steeply sloping at the location of the site, with expansive views east across the river valley.
- 1.2 The site area is 0.2416 Ha, it is a long narrow site mainly consisting of an access road off Ballymana Lane, towards the applicant's farmyard, which is a large slatted unit located on a lower gradient. Between the farmyard and Ballymana Lane is a small timber structure which is a small dwelling. The access lane is poorly surfaced. The timber dwelling has a small astro-turf garden area.
- 1.3 Ballymana Lane is a narrow steep lane in the vicinity of the site. At the lower end it serves sports clubs etc, however at the location of the subject site it is restrictive in width and steep in gradient and serves a small number of dwellings, and farms.

2.0 DEVELOPMENT

- 2.1 The development consists of retention of timber structure for use as a farm office, veterinary store along with family farm house accommodation with septic tank, access to public road via existing road way serving existing farm buildings to include completion of existing entrance to public road in accordance with planning granted under Reg. Ref. SD09A/0347 together with ancillary site works.

3.0 PLANNING AUTHORITY DECISION

3.1 DECISION

South Dublin Co. Co. refused the development for 6No. reasons;

1. Having regard to the HA-DM zoning which is to protect and enhance the outstanding natural beauty of the Dublin Mountains, and policy H23 Objective 1, it is considered the applicants could drive from Ellensborough and Deerpark, the applicant had not demonstrated a genuine need for a house within the Dublin Mountains, and they have not adequately demonstrated a need under policy H23, as such the development would materially contravene the development plan.
2. The dwelling house is positioned 173metres from the edge of Ballymana Lane would constitute undesirable backland development, and would constitute an excessive concentration to the excessive concentration of haphazard residential development in a rural area. The development is contrary to the HA-DM zoning which seeks to

protect and enhance the outstanding natural character of the Dublin Mountains.

3. The proposed retention would destroy the natural hedgerow and vegetation on the roadside boundary along the Ballymana Lane which contributes to the upland scenic amenity of the area. It would cause a significant deterioration of the visual amenity of the surrounding Dublin Mountains landscape. It would contravene the following objectives in the South Dublin County Development Plan 2016-2022:
 - Objective G2-6 To enhance the county's hedgerow network
 - HCL 15 Objective 15 : To protect trees and hedgerows
 - Section 11.3.4 dwellings should not be located along a ridgeline
 - Section 11.5.5 Landscape
4. Traffic Hazard
5. The replacement of the natural landscape with astro-turf garden is contrary to G4 Objective 7
6. The site is located within the greater Dublin Green Belt and Rural Hinterland of the Dublin Metropolitan area under the Regional Planning Guidelines for the Greater Dublin Area 2010-2022, as the development will Interfere with the Rural Setting.

3.2 TECHNICAL REPORTS

Roads Report: A refusal is recommended because the development will lead to undesirable ribbon development along a substandard rural road. Ballymana Lane is exceptionally narrow (2.9metres) and substandard in vertical and horizontal alignment.

Irish Water: No objections

Water Services: No objection however the following details area required. No tests for appropriate surface water soakaway. The application needs to be assessed with respect to the Greater Dublin Regional Code of Practice for Drainage Works.

EHO: No objections

Planning Report:

- The applicants have been refused retention of the structure in 2016 under SD16A/0068, and the current application does not overcome any of the previous reasons for refusal.
- There is a new county development plan since the previous refusal, and the applicant does not meet with the relevant criteria.

- There has been no amendment made to the location of the structure previously refused, therefore it is still considered undesirable backland development.
- The area of the open space provided is acceptable, however the astroturf is unacceptable given the high amenity of the area.
- Roads Section has recommended a refusal.
- The development should be refused on visual amenity grounds
- The application is deficient in terms of compliance with rural housing policy, landscape policy and traffic safety.

3.3 THIRD PARTY SUBMISSIONS

An Taisce: The first application (SD15A/0120) was emphatically refused and SD16A/0068 even more so. The road is dangerous and narrow.

4.0 PLANNING HISTORY

4.1 SD16A/0068 :

Permission refused to the applicants for the exact same development

4.2 SD15A/0120

Permission refused to Aengus Cullen for a detached single storey dwelling (96sq.m.), use of access roadway to serve farm buildings permitted under SD09A/0347, and completion of entrance permitted under SD09A/0347.

The development was refused under the policies of the previous development plan.

4.3 SD13A/0010

Permission refused to Aengus Cullen for a detached dormer dwelling (257sq.m.), detached garage, new entrance and driveway, waste treatment system.

4.4 SD09A/0347

Construction of a farm shed 140m x 18m to include a slatted slurry tank, cattle pen, calving cubicles, silage slab, new access from Ballymana Lane, and site levelling works. Permission was granted and the structure exists.

4.5 Planning Enforcement

S7484 Section 154 Enforcement Notices served on Sean Cullen, Bernadette Cullen and Aengus Cullen on 06/05/2015 requiring them to remove the timber structure, remove the concrete footpath, drainage, heating, ESB, and re-sow as grass .

5.0 POLICY CONTEXT

5.1 Development Plan

Development Plan

South Dublin County Development Plan 2016-2022 (The relevant sections are included in the Appendix of this report)

Zoning :

The site is located in an area zoned HA-DM this seeks *'To protect and enhance the outstanding natural character of the Dublin Mountain Area'*

2.5.4 RURAL HOUSING IN HA – DUBLIN MOUNTAINS ZONE

It is the policy of the Council that within areas designated with Zoning Objective 'HA-DM' (to protect and enhance the outstanding natural character of the Dublin Mountains Area) new or replacement dwellings will be only be considered in exceptional circumstances

H23 Objective 1:

To consider new or replacement dwellings within areas designated with Zoning Objective 'HA-Dublin Mountains' (to protect and enhance the outstanding natural character of the Dublin Mountains Area) where all of the following criteria are met:

The applicant is a native of the area; and

The applicant can demonstrate a genuine need for housing in that particular area; and

The development is related directly to the area's amenity potential or to its use for agriculture, mountain or hill farming; and

The development would not prejudice the environmental capacity of the area, and that it would be in keeping with the character of the mountain area.

These criteria are in accordance with the Sustainable Rural Housing Guidelines (2005), having regard to the outstanding character of the area and the need to preserve the environmental and landscape quality of this area.

Policy 26 Occupancy Condition

It is the policy of the Council that conditions attached to the grants of permission for housing in Rural (RU), Dublin Mountain (HA-DM), Liffey Valley (HA-LV) and Dodder Valley (HA-DV) areas will include the stipulation that the house must be first occupied as a place of permanent

residence by the applicant and/or by members of his/her immediate family, for a minimum period of seven years or such other longer period of time as is considered appropriate.

11.3.4 Housing Need

The Rural Settlement Strategy outlined in Chapter 2 Housing sets out the requirements to meet housing need that will be considered for housing on lands that are designated with Zoning Objective 'RU', 'HA-DM', 'HA-LV' and 'HA-DV'. For the purpose of assessing local rural housing needs criteria, the division between the High Amenity Dublin Mountain 'HA-DM' Zone and the High Amenity Dodder Valley 'HA-DV' Zone occurs at Fort Bridge, Bohernabreena with the 'HA-DM' Zone occurring to the south of the bridge and the 'HA-DV' Zone occurring to the north of the bridge.

(iii) Wastewater Treatment

Domestic effluent treatment plants and percolation areas serving rural houses or extensions shall comply with the requirements of the Code of Practice Wastewater Treatment Systems Serving Single Houses, EPA (2009) or other superseding standards. Such details should be included with applications for new or replacement houses and extensions to existing dwellings where there would be an increase in demand on the treatment capacity of any existing wastewater treatment system.

11.5.5

High Amenity Areas and Sensitive Landscapes

Development proposals in high amenity zones and sensitive landscapes, including proposals that could potentially impact on designated views or prospects, shall require a Landscape Impact Assessment to assess the visual impact of the development (including any ancillary works) on the landscape and to outline mitigation measures to reduce the impact of the development. At the discretion of the Planning Authority, smaller scale works that would be unlikely to impact on the landscape, such as dwelling extensions, will not be subject to this requirement. Development that enhances existing degraded landscapes should be supported. Landscape design shall ensure that:

Development is carefully sited, designed and of an appropriate scale, Existing site features such as specimen trees, stands of mature trees, hedgerows, rock outcrops and water features are properly identified and retained, as appropriate and new planting or other landscaping should be appropriate to the character of the area, and Significant on-site natural features shall influence the layout of new development.

Public Rights of Way and established walking routes should be identified as part of any planning applications for new golf courses within the County.

The site is located or within or adjoining:

- Rural Hinterland Area Fig. 1.1 South Dublin County Core Strategy
- Strategic Green Belt and Rural Hinterland Dublin Metropolitan Area under the regional planning Guidelines for the Greater Dublin Area 2010-2022

6.0 THE APPEALS

- 6.1 The applicants Aengus Cullen and Fiona Lawlor are longstanding farmers and an established part of the rural community. As fourth generation farmers in the area it is a necessity to live on the farm they own and work. Aengus Cullen was born and raised on the family farm house in Ballymana Lane area of South Dublin since 1983. He obtained planning permission for a cattle/sheep shed under Sd09A/0347.
- 6.2 Aengus lost his father suddenly in 2012 and he was left the sole worker on the farm. The mother lives in the family home with his siblings. The family home is not within the lands inherited by Aengus, and he cannot work the farm from this location. He also has a family of his own now with two children, and the family home cannot be easily extended as it is positioned on a steep escarpment. The applicant and his wife have a clear and genuine need to live beside the permitted livestock shed.
- 6.3 The planning authority has been reluctant to treat Aengus as a genuine rural generated housing need. The first application was SD13A/0010 for a dormer bungalow. Then a retention application, SD15A/0120 for use of a timber structure as temporary accommodation. The applications were refused because the dwelling was considered to be a one off dwelling in addition to an existing farmhouse. The planning authority also served enforcement notices on Aengus's father, Sean, who had been deceased for three years at the time. Again, the planning authority mis-read the family circumstances.
- 6.4 Aengus is hoping the Board will understand his family circumstances and his genuine need for his own home on his lands. There are supporting statements from An Teagasc, and the Garda. There are documents to show Aengus is a native of the area and farms the land. He needs to reside beside his livestock for security purposes and well as management of the farm. The planning authority suggested in a report that the applicant could live in a housing state five minutes form the landholding such as Ellenborough or Deerpark. This notional and totally unworkable off farm living arrangement seeks to apply urban generated solutions to a rural generated family circumstance. This is in direct conflict to Sustainable Rural Housing Guidelines. The planning authority adopted this mis-directed and rigid approach under SD13A/0010. This approach has frustrated the applicant's application to retain a modular timber unit

intended as a lambing shed and interim farmhouse accommodation, SD15A/0120. There was an Enforcement Notice issued on 11/11/2015, and the case was heard in the courts on 23/02/2016 whereby it was agreed the applicant would make a fresh application to regularise the planning status of the structure. This was lodged on 3rd of March 2016, and it was rejected on 24/04/2016. Following a number of additional technical issues and new planning application was submitted SD16A/0199.

6.5 **Housing a Farming Family**

Aengus Cullen is selling livestock from farm to slaughterhouse to the suppliers of SuperValu and Tesco and Aldi, and all produce is traceable. The development is rural generated housing in line with the policies of 2.5.0 of the new development plan. His development is not related to one-off housing in the countryside as stated by the planning authority, nor is it ribbon development. It is about a farming family seeking approval to build their first time farming house on their own farm which cares and rears for over 750 livestock.

A map is included indicating the extent of the landholding, the relationship of his mother's family house, which is located outside of his landholding. It is no longer a farmhouse and it is not available for his own family use. He also appreciates why the planning authority want to protect the landscape from one off housing, and understands the rationale behind the development plan policies which did not exist when his father built their family home.

The Cullen family trust the Board will recognise this development as genuine rural generated housing, enable the short term retention of the subject mobile shed for temporary on farm housing until a permanent farm house can be approved and constructed, and supports the core objectives of the development relating to rural and urban generated housing. The planning authority's negative approach is in direct contravention of the national guidelines section 3.2.3 Rural Generated Housing whereby rural generated housing should not be considered in a ridged manner.

- 6.6 The Cullen family have farmed on the hill slopes of Glennasmole for over 80years. Aengus deals primarily with cattle and calves and sheep. He sends 80 cattle per month to slaughter plus some 60 lambs per week in 2016. At present there are over 400No. sheep and 372No. cattle confirmed with enclosed documentation. Both applicants are recognised as fulltime farmers in the Ballymana and Bohernabreena of the valley.

6.7 **Compliance with Zoning Objectives**

HA-DM – To protect the outstanding character of the Dublin Mountains

RU: To protect and Improve Rural Amenity

The 300acres farm worked by the Cullen family straddles both zoning RU and HA-DM. Aengus Cullen owns 24acres, and the remainder is under a

longterm lease. There are mature boundary hedgerows along their property.

Under Housing Policy H23, the applicant complies with the exceptional family circumstances, and all 4No. specified criteria, as outlined above.

The subject timber cabin sits on the broad shoulder of the widest point of the authorised new farm lane and it is low profile and totally screened. It can only be seen from the upper slopes within the Cullen landholding. It does not prejudice the environmental quality of the area.

Under Housing Policy H22 the Rural Housing Zone, the applicant has demonstrated compliance with both criteria.

- 6.8 All three houses along Ballymana Lane were permitted in the 1970s. The Cullen, Kilbride and McNaughton houses are a representative body of rural housing needs along Ballyhana Lane. Under SD10A/0306 Kennedys got planning permission for a house following a list of refusals. Also SD11A/0140 the caretaker of the Bohernabreena Reservoir was granted permission for a dwelling. In both cases it was not suggested by the planning authority that the applicants live in a residential estate.

6.9 OTHER APPEAL SUBMISSIONS

6.10 Dublin Mountain Conservation and Environmental Group

The dwelling is an unauthorised development and is gross breach of the planning laws. The structure is occupied. The road infrastructure is substandard. It is haphazard development in the Dublin Mountains. Planning histories are all refusals. There are a number of other refusals in the area besides the applicant, PL06S.239863, and other planning authority's references., PL06S.239258 and PLo6S.223167, PL06S.238055, PI06S.241613, and PL06S.241293.

Aengus Cullen is a part-time farmer. He is involved in contract work including work for Dublin Co. Co.

The land is mountainous land and is of poor quality. It is not capable of supporting the amount of livestock he claims to own. The farm is also operated by the applicant's brother.

The judgement handed down by Justice Nicholas Kearns on 17/04/2015, included with submission.

The structure is unsuitable for storing veterinary medicines and poses a risk

The development is within the River Dodder catchment

This development is also before the Courts with enforcement proceedings.

6.11 An Taisce

The decision to refuse should be upheld. The option of increasing the accommodation in the family home has not been addressed. If family members are permitted to build new/ additional houses to run a farm there would be a proliferation of houses in the Dublin Mountain Area.

6.12 RESPONSES

Planning Authority: There was no further comment from the planning authority.

7.0 ASSESSMENT

7.1 It is extremely difficult to obtain planning permission for a single dwelling within the rural area of the Dublin Mountains. South Dublin Co. Co. and the Board has consistently protected the vulnerable and highly desirable landscape from intense urban pressure exerted by the close proximity to the Dublin Metropolitan Area and the high amenity value of the area, through the strong planning policy of the South Dublin County Development Plan. The Board should note, there is a new county development plan governing the area, South Dublin County Development Plan 2016-2022.

7.2 Having inspected the site and reviewed the file documents, I consider that the issues raised by this appeal can be assessed under the following broad headings:

- (i) Principle / policy issues
- (ii) Reasons for Refusal
- (iii) General design / visual impact
- (iv) Other Matters

7.3 Principle and Policy

It is the policy of the Council that within areas designated with Zoning Objective '**HA-DM**' (to protect and enhance the outstanding natural character of the Dublin Mountains Area) new or replacement dwellings will be only be considered in exceptional circumstances. Under the requirements of Policy **H23 Objective 1**: where all of the following criteria are met:

- (i) The applicant is a native of the area; and
- (ii) The applicant can demonstrate a genuine need for housing in that particular area; and
- (iii) The development is related directly to the area's amenity potential or to its use for agriculture, mountain or hill farming; and

- (iv) The development would not prejudice the environmental capacity of the area, and that it would be in keeping with the character of the mountain area.

The applicant Aengus Cullen is a native of the area. The family home is not far from the subject site, where the applicant's mother, sister and brother currently reside. The applicant has lived at the family home until he had his own family, and now they reside in the unauthorised timber structure on the farm, i.e. his partner Fiona Lawlor and their two children. He inherited the farm land from his father who he died in 2012, and this landholding excluded the family home. The planning authority granted planning permission on the landholding in 2009 for a large slatted shed, which is constructed to the south of the timber structure, the subject of this appeal. I noted a large number of silage bales between the timber structure and the slatted shed.

- 7.4 The planning authority refused the applicant planning permission because he would materially contravene policy H23 Objective 1 as he did not comply with the criteria. Having read the content of the file, and visited the site, I consider the applicant has demonstrated a genuine need to reside in the area as he owns land, and slatted shed, and wishes to live beside his newly constructed farmyard. The planning authority has to accept responsibility for permitting the large slatted shed to the south of the timber structure in 2009. Livestock cannot care for themselves, within an intensive enclosed structure, they need to be feed daily, they need to be looked after if they are sick, and the shed cannot exist on its own without some form of security/ surveillance for the livestock as they are valuable, especially during lambing time. It is totally unreasonable to grant planning permission for a structure of this nature and scale, and expect a farmer to live in a housing estate five to ten minutes from the site. In fact, I would consider that to be irresponsible in terms of livestock management and ownership. The slatted unit should not have been permitted without due regard for the possibility that the applicant was going to seek planning permission to live beside the structure. I am also concerned about the number of bales of silage positioned all over of the property without due regard for effluent collection and disposal. I believe, the applicant does comply with all four criteria of policy H23 Objective 1, and there is no mention in the policy of farmers having to reside in housing estates within the metropolitan area in order to comply with the policy. Aengus Cullen has demonstrated compliance with the four criteria of policy H23 Objective 1, however in my opinion, although he complies with the criteria that fulfilment does not represent 'exceptional circumstances', as required under the Zoning Objective HA-DM. The appeal cited SD11A/0140 whereby exceptional circumstances enabled the caretaker of the Bohernabreena Reservoir to obtain planning permission for a dwelling in the area. This information is incorrect, the dwelling was refused on appeal by the Board.
- 7.4 While I would sympathise with certain elements of the case presented by the applicant, I am reluctant to recommend a grant of permission and set a highly undesirable precedent based on some of the evidence presented on appeal, and the lack of information regarding other family members. The appeal documents claim that the applicant has 750 livestock, (320 in

winter) on very limited hillside acreage. During my inspection, I did not see any livestock on that claimed scale within the landholding. The appeal claims he is a suckler beef farmer and sheep farmer. I note the content of the planning application stated there were herd numbers, tag numbers docket numbers etc, with the planning file, but I could not establish these on file. Whilst I support, the principle of the farmer residing adjacent to his livestock, there is very vague and scant information regarding Mr. Cullen's actual farming activities. In addition, I am concerned about the capacity of the small landholding to accommodate the slurry and the silage seepage associated with a herd of 750 (320 in winter) as this could have wider environmental issues. There are third party claims on file, that the applicant is in fact a part-time farmer and the livestock numbers have been greatly exaggerated by the applicant, and that he is also a contractor and does contract work for the local authority. I do not know if these allegations are true, however, I am concerned that the planning authority has robustly and repeatedly refused Aengus Cullen planning permission for a dwelling at this location, and has taken the applicant to court over the unauthorised timber structure on the site. It is clear the planning authority is steadfastly opposed to Mr. Cullen obtaining planning permission for a dwelling at this location. There are no facts relating to the actual ownership of livestock, numbers, vets, sales, farm business plan, etc. The letters of support from Department, Teagasc, etc are very broad-brush and could relate to anyone, anywhere, and are not site specific. Although the applicant states and I agree, he should reside beside his livestock, there is no proof that he actually owns livestock on the file. The applicant could lease the land or the shed following obtaining planning permission. The case presented is very vague, and as demonstrated above, there are errors in the appeal case.

7.5 Development Plan policy relating to Zoning Objective 'HA-DM' (to protect and enhance the outstanding natural character of the Dublin Mountains Area) new or replacement dwellings will be '**only be considered in exceptional circumstances**' (my emphasis). The applicant's appeal case is repetitive, longwinded and loaded with generalised statements that are not supported by any FACTS, in order to demonstrate the exceptional circumstances of the applicant. This is a crucial element of the application, in order to ensure the continued and consistent protection afforded to this high amenity area under the development plan policy, and to prevent a highly undesirable precedent.

7.6 Reasons for Refusal

I consider a number of the reasons for refusal relating to this case to be weak and difficult to support.

- **Reason No. 2** The development is considered to be undesirable backland development and would contribute to the excessive concentration of haphazard residential development in a rural area. This is not backland development because it is not located behind any existing development. The reason for refusal states its backland because it is located 173 metres from the road, surely that is more accurately described as in depth development. It is traditional and normal for farm buildings, farm yards and farm dwellings to be

setback a considerable distance from public roads. Unlike one-off houses, these land uses are normally positioned centrally on the land holding so that the lands are readily accessible to the farmer. I consider the location of the dwelling in close proximity to the permitted agricultural structure to be reasonable as opposed to be positioned the 35metres from the roadside boundary. The proposed development will not lead to an excessive concentration of haphazard residential development as there are very few dwellings in the general vicinity. It is not a haphazard development either, the dwelling is directly associated to the permitted slatted unit and the surrounding landholding. I do not agree with reason for refusal no. 2.

- **Reason No. 3** relates to the destruction of the hedgerow and vegetation along Ballymana Lane. The loss of hedgerow occurred during the construction of the slatted shed. The development is a smaller scale at 96sq.m. compared to the scale of the agricultural unit. The access and loss of hedgerow was permitted by the planning authority under SD09A/0347.
- **Reason No. 4** relates to the traffic generated by the proposed development and I do consider this to be a relevant and valid concern. Ballymana Lane is extremely narrow, and has poor horizontal and vertical alignment in the general vicinity of the subject site. The roads Design Section recommended a refusal of the proposed development. The entrance has been permitted under planning reference SD09A/0347 and the sightline requirements and conditions imposed by that permission have not been implemented by the applicant. I am concerned about the additional traffic movements the proposed development will generate. I note large surface water gullies fronting the access to the development which would indicate there is a surface water issue with Ballymana Lane. I do agree the 3existing access is a traffic hazard and the drawings supplied with the planning application are not very clear. The sightlines at the entrance are severely restricted in both directions, there is surface water and drainage concerns and non-compliance with previous permission.
- **Reason No. 5** relates to the astroturf private garden area associated with the timber structure, and it is considered contrary to the outstanding natural character of the Dublin Mountains. The astroturf square area is 9m x 9m and it functions as a small safe play area for the applicants two young children. It is not visible from the wider area, and it is a temporary surface. I believe if it is recognised that this is an on-site farm dwelling, that a safe enclosed garden area for the two children is an acceptable compromise. I accept on approaching the site it does appear out of place, however it is inconspicuous and I do not consider it to be detrimental to the amenities of the wider area. I believe it was an unnecessary reason for refusal, as the astroturf can be lifted and converted to a natural grass area by way of condition.

- **Reason No. 6** relates to the site been located within the green belt area and that residential developments should be located within the metropolitan area.

There are a number of outstanding issues which did not form part of the planning authority's assessment which I would consider to be very important in this case. It has been argued the applicant complies with the relevant policy in the newly adopted plan as a rural generated housing need having regard to the proximity of the dwelling house to the permitted farm. The question arises as to why the farm structure was not constructed adjoining the family home place further south along Ballymana Lane. The most serious concern is the precedent this overall development might incur for the general area, which as stated earlier has been able to withstand serious development pressure due to strict planning policy throughout the area. The planning authority cannot permit a standalone intensive livestock unit in a rural area and expect the farmer to live in a suburban estate away from the farm and animals. Furthermore, very little consideration has been given to the applicant's siblings and their relationship to the landholding/ the farmyard, and their intentions for dwellings in the future. The information regarding the applicant's farming activities also states on appeal, that the original family home dwelling is located outside of the applicant's landholding, and the farmhouse is owned by his mother, his carer sister and non-farming brother. If the applicant were to be considered favourably for a dwelling, how does this precedent affect his siblings, as they might believe they are entitled to a dwelling at this location also. In my opinion, the land holding would have to be completely sterilised from further residential development along with an occupancy condition prior to any dwelling been permitted or constructed on the landholding.

7.7 General Design / Visual impact

The structure is a timber dwelling. It is totally incongruous with the surrounding area. I accept it is not visible from the surrounding roads, however it is not in keeping with the rural character of the area. Timber structures such as the subject dwelling are afforded certain protection, however by their nature under prevalent damp weather conditions, the structures are only temporary by nature. Design is a subjective consideration, and while certain individuals may consider the timber structure a natural specification on the landscape, I consider it to be an oddity and completely out of character with the existing development pattern and designs in the area. It is low profile and modest in scale and has very little visual impact on the area as it is screened along the eastern site boundary, however it remains a discordant and incompatible feature at this location.

7.8 Other Issues

The Site Characteristics Assessment deemed the soil capable of effluent treatment and disposal. A proprietary effluent treatment system is proposed, and the Environmental Health Officer had no objection to the proposed development.

There is one Natura 2000 site within a 2Km radius of the subject site i.e. the Glenasmole Valley SAC. The boundary of the Lugmore Glen pNHA is located 2.2km to the north-east. The subject site is more likely within the catchment of the R. Dodder which is 1.4km to the east. The site is at 230-250metres above sea level and the surrounding land is very sloped. The summit is Ballymana Hill at 336metres. There are no water courses on the site or directly adjacent to it. The nearest stream according to the submitted NIS is 570metres south of the site in Ballymaice. There is no pathway for negative effects to occur to the areas of conservation, and therefore significant negative effects are unlikely to occur as a result of the development.

8.0 RECOMMENDATION

Overall, the development is unacceptable in principle on the subject site, and the planning authority's decision to refuse planning permission for the proposed development should be upheld by the Board.

REASONS AND CONSIDERATIONS

1. The site is located in an area with the zoning objective HA DM "To protect and enhance the outstanding natural character of the Dublin Mountain area", where it is the policy of the planning authority to restrict residential development, and also in an area identified as being under strong urban influence in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005. It is considered that the applicant has presented insufficient evidence to warrant a dwelling house at this rural location within the scope of the exceptional circumstances outlined under Policy H23 Objective 1 as set out in the development plan. The proposed development would, therefore, materially contravene the zoning objective for the area and be contrary to the proper planning and sustainable development of the area.
2. Having regard to the elevated location of the development in an area designated as 'outstanding natural character of the Dublin Mountains Area in the South Dublin County Development Plan 2016-2022, it is considered that the development, by reason of its design and timber finish, would be out of character with the surrounding pattern of development, would seriously injure the visual amenities of the area, would interfere with the character of the surrounding landscape, which it is necessary to preserve in accordance with objective HA- DM of the development plan and would set an undesirable precedent for similar development in the area. The proposed development would,

therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard the substandard width, and vertical and horizontal alignment of Ballymana Lane, and the restricted sightlines at the entrance to the subject structure, it is considered the development will lead to additional traffic turning movements generated onto a narrow substandard road and would endanger public safety by reason of a traffic hazard

Caryn Coogan

Planning Inspector

06/12/2016