



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307894-20

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<b>Development</b>	New split-level, dormer-style dwelling house to rear of existing dwelling house.
<b>Location</b>	Tobersool, Balcadden, Balbriggan, Co Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F20A/0186
<b>Applicant(s)</b>	Niall Mooney.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	11 <sup>th</sup> November 2020.
<b>Inspector</b>	Barry O'Donnell

## 1.0 Site Location and Description

- 1.1. The subject site is located at Tobersool, Balscadden, north of Balbriggan and in a rural part of north County Dublin. The site lies approx. 250m from the Dublin – Meath county boundary.
- 1.2. The site, which has a stated area of 0.8ha, is a backland plot within a larger agricultural field, on the west side of Flemington Road. The site is to the rear of an existing dormer-style house, which is stated within the application documents as being owned by the applicant's parents. It is currently in use for tillage farming purposes.
- 1.3. The site is accessed by an existing entrance, which serves the agricultural land and a detached double garage, which is also to the rear of the existing dormer-style house and lies between the existing and proposed houses.
- 1.4. The Gormanston River routes along the west site boundary of the site and flows into the Delvin River, approximately 300m to the north.

## 2.0 Proposed Development

- 2.1. Permission is sought for a split-level dormer bungalow-style dwelling, to the rear of an existing house, on a site with a stated area of 0.8ha, and to include a wastewater treatment system and percolation area and associated site works.
- 2.2. The house would be of primarily single storey height, with the north-west end stepped down in order to accommodate a first floor within the roof profile. It would have a gross floor area of 308sqm and a maximum height of 6.9m from existing ground level and would incorporate a nap plaster and natural slate finish. It would be set back from Flemington Road by approx. 80m.
- 2.3. Internally, the house would provide an open living/kitchen/dining area, toilet, utility, sitting room, entrance hall, guest bedroom, playroom and integral garage at ground floor level, together with 3 bedrooms (1 en-suite) and a family bathroom at first floor level.
- 2.4. Access is provided via an existing site access from Flemington Road.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. On 16<sup>th</sup> July 2020 Fingal County Council refused permission for development for 2 reasons, as follows:

*'1. The site is located within the 'GB' zoning objective under the Fingal Development Plan, 2017-2023, the objective of which is to 'protect and provide a Greenbelt' and in a 'Rural Area under Strong Urban Influence' in the 'Sustainable Rural Housing Guidelines for Planning Authorities (DOEHLG, 2005). Furthermore, it is national policy in such areas under urban influence, as set out in National Policy 19 of the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018, to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in such rural areas under urban influence.*

*The eligibility criteria set out under Objective RF39 (Table RF03) stipulates that an applicant may be considered under close family ties criteria for a new rural dwelling where permission has not already been granted to a family member by reason of close family ties since 19<sup>th</sup> October 1999. As the applicant's parents were permitted a dwelling within the rural area of Fingal under Reg. Ref. F99A/0512 on the 24<sup>th</sup> November 1999 under close family ties criteria, the applicant is not eligible to be considered for a dwelling in the rural area of Fingal in accordance with Objective RF39 of the Fingal Development Plan 2017-2023. The applicant has therefore not demonstrated his eligibility to be considered for a dwelling in a rural area of Fingal on the basis of 'close family ties'. The proposed development would contravene materially the rural settlement strategy of the Fingal Development Plan 2017-2023 including Objective RF39, would be contrary to the Ministerial Guidelines and to the over-arching national policy in the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

*2. The proposed backland house would be the 6<sup>th</sup> house along a 250m stretch of roadway, in a location which demonstrates ribbon development. The proposed*

*house would therefore contravene objective RF55 which presumes against development which would contribute to or intensify existing ribbon development.'*

### 3.2. **Planning Authority Reports**

- 3.2.1. Planning Report dated 13<sup>th</sup> July 2020, which reflects the decision to refuse permission. The report outlined that permission was previously refused for a split-level dormer bungalow on the site, in 2018, and that permission was refused for a development of 3 dormer bungalows, in 2006.
- 3.2.2. The Report outlined that the application has been made on the basis of close family ties and that residential development is permissible under the 'GB' zoning which applies to the site, subject to compliance with the Fingal Rural Settlement Strategy. Following analysis of the application, the Report concluded that the applicant is not eligible to be considered for a dwelling in a rural area. The Report also outlined that the development would also result in ribbon development in the area.
- 3.2.3. The Report outlined that the scale, design and layout of the proposed house are acceptable.
- 3.2.4. The recommended reasons for refusal are generally in accordance with the Planning Authority's decision to refuse permission.
- 3.2.5. Other Technical Reports

**Water Services** – Report dated 20<sup>th</sup> May 2020, outlining no objection to the development subject to a number of standard conditions.

**Transportation Planning Section** – Undated report, outlining no objection to the development subject to a number of standard conditions.

### 3.3. **Prescribed Bodies**

- 3.3.1. Irish Water submission dated 24<sup>th</sup> April 2020, outlining no objection to the development.

### 3.4. **Third Party Observations**

- 3.4.1. None.

## 4.0 Planning History

F18A/0726 – Permission refused to Niall Mooney on 12<sup>th</sup> February 2019 for a split-level dormer-style house and associated wastewater treatment system and percolation area. Permission was refused for 3 reasons, relating to (1) non-compliance with the development plan rural housing strategy, (2) flood risk concerns and (3) inadequacy of details relating to proposed foul and surface water drainage.

F18A/0274 – Permission refused to Niall Mooney on 17<sup>th</sup> July 2018 for a split-level dormer-style house and associated wastewater treatment system and percolation area. Permission was refused for 3 reasons, relating to (1) non-compliance with the development plan rural housing strategy, (2) flood risk concerns and (3) concerns regarding visual impact.

F06A/0746 – Permission refused to Niall, Francis and Joanne Mooney on 21<sup>st</sup> July 2006 for 3 dormer dwellings and wastewater treatment plants. Permission was refused for 1 reason, relating to non-compliance with the development plan rural housing strategy.

### Relevant Nearby Planning History

F08A/1096 – *Lands to the south-west*: Permission refused to Niall Mooney on 30<sup>th</sup> October 2008 for a dormer dwelling and wastewater treatment system. Permission was refused for 5 reasons, relating to (1) non-compliance with the development plan rural housing strategy, (2) failure to demonstrate adequate documentation linking the applicant to the area, (3) visual impact, (4) road safety and (5) inadequacy of details relating to proposed foul drainage.

F99A/0512 - *Lands to the north-east*: Permission granted to J&E Mooney on 24<sup>th</sup> November 1999 for a dormer bungalow and wastewater treatment system.

## 5.0 Policy Context

### 5.1 Sustainable Rural Housing Guidelines for Planning Authorities

- 5.1.1. The Guidelines identify categories of circumstance, which assist in determining whether an applicant has demonstrated a rural generated housing need. Of particular relevance to this appeal, the Guidelines refer to ‘Persons who are an intrinsic part of the rural community’, who are identified as having “*spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes.*”

### 5.2 Development Plan

- 5.2.1. The site is zoned ‘GB’ under the Fingal County Development Plan 2017-2023, with an objective to ‘*protect and provide for a Greenbelt.*’
- 5.2.2. Section 5.2 contains the Planning Authority’s Rural Settlement Strategy. Of relevance to the current appeal, in relation to proposals for new housing for the rural community other than those who are actively engaged in farming, Objective RF39 provides the main policy control, stating that the Planning Authority will ‘*Permit new rural dwellings in areas which have zoning objectives RU, or GB, on suitable sites where the applicant meets the criteria set out in Table RF03.*’
- 5.2.3. Table RF03 contains a list of eligibility criteria for new rural housing developments. Of relevance to this appeal, it provides the following:
- i. ‘One member of a rural family who is considered to have a need to reside close to their family home by reason of close family ties, and where a new rural dwelling has not already been granted planning permission to a family member by reason of close family ties since 19th October 1999. The applicant for planning permission for a house on the basis of close family ties shall be required to provide documentary evidence that:*
- *S/he is a close member of the family of the owners of the family home.*

- *S/he has lived in the family home identified on the application or within the locality of the family home for at least fifteen years.'*

### 5.3. **Natural Heritage Designations**

5.3.1. The site is not located within or adjacent to any Natura 2000 sites.

### 5.4. **EIA Screening**

5.4.1. Having regard to the limited nature and scale of the proposed development it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The grounds of appeal can be summarised as follows:

- Refusal reason No. 1
  - In relation to the statement that the development represents a Material Contravention of the development plan, it is contended that this is not the case. It is argued that even if it were concluded that the applicant does not fulfil the requirements of Objective RF39, this would not render the development a Material Contravention of the development plan. The appeal refers to the two previous refusals of permission to the applicant, on this site, neither of which stated that the development would be a Material Contravention.
  - It is contended that, where a development is considered to be a Material Contravention of the development plan, the onus is on the Planning Authority to present the reasons and considerations underpinning that conclusion. There is no such reasoned evidence in the Planning Report on this application.

- In relation to the issue of eligibility, it is contended that the applicant meets the residency requirements set out in Table RF03 of the development plan. Reference is made to the Planning Reports on the two previous applications on the site, both of which outlined that the residency requirements of the development plan had been established.
- It is contended that the applicant can be considered a person who is an intrinsic part of the rural community and can be considered to come within the description of a person with a rural generated housing need, in accordance with the *Sustainable Rural Housing Guidelines (2005)*.
- It is contended that the key issue to be determined in this instance is whether or not the grant of permission to the applicant's parents for their home, which was granted post-19<sup>th</sup> October 1999, means that in effect no further houses can be permitted in this location to a member of the applicant's family. It is contended that the criteria set out in Table RF03 refers to a house other than the family home. In this scenario, it is outlined that no member of the applicant's family has been granted permission for a house, under this clause, since 19<sup>th</sup> October 1999 and it is argued that prohibition referred to in Table RF03 should not be applied in this case.
- If the Board determines that the development is a Material Contravention of the development plan, it is in a position to grant permission for the development, in accordance with the provisions of Section 32(2)(b) of the Planning and Development Act, 2000, as amended. Reference is made, in this regard, to supports within the *National Planning Framework* and the *Eastern Midlands Regional Spatial and Economic Strategy 2019-2031*, both of which identify a need to facilitate the provision of housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area.
- The Board is advised that the decision to grant permission for the applicant's parents' home was issued on 18<sup>th</sup> October 1999, the day preceding the date specified in Table RF03 of the development plan. This is considered to present an unusual set of circumstances for the applicant and the Board is



requested to have regard to the extenuating circumstances in its consideration of this appeal.

- It is contended that the concentration of houses in the area, which is underpinned by family connections, constitutes a local community. Due to its backland location, the development will not extend its presence along the road but will serve to reinforce its vitality and viability as a community.
- Refusal reason No. 2
  - It is contended that the presumption referred to in Objective RF55 of the development plan, against the contribution to or intensification of ribbon development should not be applied in this instance. The proposed development utilises an existing entrance and avoids the need to create a new entrance, it will have a minimal visual impact and will have no adverse impact on the character of the area.
  - It is also contended that by reason of its backland location, it does not represent an extension of housing which the constraints on ribbon development seek to control.
  - In relation to the issue of precedent, it is contended that the development plan actively encourages the clustering of houses in close proximity to each other, in rural areas where inter-family ties are the grounds for permitting development. It is argued that this will inevitably lead to scenarios such as this. It is also argued that the case can be distinguished on its own merits and would not constitute a precedent for backland development.

## **6.2. Planning Authority Response**

- 6.2.1. Submission received dated 28<sup>th</sup> August 2020, stating that the Planning Authority has no further comments in respect of the issues raised within the appeal. The Board is requested to uphold its decision.
- 6.2.2. In the event of a grant of permission, the Board is asked to make provision for a financial contribution in accordance with the adopted S48 Development Contribution Scheme.

### 6.3. **Observations**

6.3.1. None.

### 6.4. **Further Responses**

6.4.1. None.

## 7.0 **Assessment**

7.1. Having inspected the site and considered the contents of the appeal in detail, I consider the main planning issues to be considered are:

- Zoning and compliance with rural settlement strategy
- Design and layout,
- Residential amenity,
- Parking and access,
- Drainage,
- Flood Risk,
- Appropriate Assessment.

### 7.2. **Zoning and Compliance with Rural Settlement Strategy**

7.2.1. Residential development is permissible on lands subject to the 'GB' zoning, under the Fingal County Development Plan 2017-2023, but Objective RF39 outlines that rural houses will only be permitted where the applicant meets the criteria set out in Table RF03. Table RF03 provides classes of applicant, who may be granted permission for a rural house, referencing those who are/have:

- Involved in the family farm,
- Close family ties,
- Employment related to the community,
- Exceptional health reasons,
- 'Bone fide' business.

- 7.2.2. The applicant has applied for permission on the basis of 'close family ties'. There are a number of separate elements to 'close family ties' clause within Table RF03, with applicants required to demonstrate the following:
- That they are a close family member of the family of the owners of the family,
  - That they have lived in the family home or within the locality of the family home for at least 15 years, and
  - Permission will only be granted for a new dwelling where a rural dwelling has not already been granted permission to a family member, by reason of close family ties, since 19<sup>th</sup> October 1999.
- 7.2.3. The applicant is seeking permission for a house to the rear of his family home and has confirmed that permission was granted to J&E Mooney for the family home, in 1999, under Reg. Ref. F99A/0512. The applicant also states they have lived in the Balscadden area, 2km from the subject site and the family home, for a 20 year period, although the exact location of this house is not confirmed within the application. Documentary evidence has been provided in support of this, which demonstrates the applicant's address at Tubbersool for a period of 19 years. Supporting documentation has also been provided, demonstrating community links.
- 7.2.4. The Sustainable Rural Housing Guidelines for Planning Authorities (2005) provide guidance to assist the determination of whether or not a particular rural housing proposal is intended to meet a rural generated housing need and, of relevance to this appeal, it identifies that '*persons who are an intrinsic part of the rural community*' should be accommodated.
- 7.2.5. On the basis of the information provided, I am satisfied that the applicant is a close family member and has demonstrated that he is an intrinsic part of the community, having lived in the locality for at least 15 years. I note, in this regard, that the Planning Authority considered that a rural housing need had been demonstrated by the applicant.
- 7.2.6. The key issue in this appeal, with respect to rural housing compliance, is therefore whether or not there is a presumption against granting permission for an additional house, under the close family ties clause. The development plan is clear that, in in

such instances, no other rural house should have been granted, by reason of close family ties, since 19<sup>th</sup> October 1999.

7.2.7. I would also highlight to the Board that the development plan's overarching approach to rural housing within the 'GB' zoning is also clarified on Page 159, where it is set out that the maximum number of incremental houses which will be permitted per existing house is 1 and that this will be less any additional house which has been granted permission since 19<sup>th</sup> October 1999. It can be seen, therefore, that the development plan envisages that rural housing granted permission since this date will not give rise to an entitlement to additional rural housing, under a close family ties argument.

7.2.8. In this instance, permission has been granted for an additional dwelling since 19<sup>th</sup> October 1999, to the applicant's parents, and I am satisfied that there is therefore a presumption against additional housing, under the close family ties clause.

7.2.9. I note that within the grounds of appeal, the applicant also refers to support for the proposed development within both the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES). I acknowledge that there is support within both for housing in the countryside based on the core consideration of a demonstrable economic or social need to live in a rural area, but equally, I would highlight that both the NPF and RSES identify a need to protect areas under urban influence. The site is located in an area under strong urban influence, within the commuter catchment of Dublin City, and in this respect I consider the development plan's approach to rural housing is consistent with both the National Planning Framework and the Regional Spatial and Economic Strategy.

### **7.3. Design and Layout**

7.3.1. There are a mix of house sizes and designs in the area, including bungalows, dormer bungalows and two-storey houses. The existing house to the north-east, the applicant's parents' house, is of a similar design to the proposed development, a dormer bungalow which incorporates a two-storey element at one end.

7.3.2. The site is set on an incline and the contiguous elevation, drawing Ref. P-05, indicates that the proposed house would be on land approx. 3m higher than Flemington Road.

- 7.3.3. I am satisfied that the house would be appropriately designed and sited, where there is a substantial separation distance between it and adjoining dwellings and also where the ridge height is relatively low. No undue overlooking of neighbouring properties would arise, given the separation distance between properties and the fact that only 1 first floor room, a bedroom, would contain windows which face north-east, in the direction of neighbouring rear gardens.
- 7.3.4. I noted on my visit to the site that the area displays evidence of ribbon development, for example along both Flemington Road and Tobersool Lane. The development would contribute to the pattern of ribbon development but, in saying this, I note that development plan Objective RF55, which presumes against development which would contribute to or intensify ribbon development, provides for a relaxation where compliance with the rural settlement strategy is demonstrated and the applicant has also demonstrated that there is no other suitable site available. In this instance, I consider that the site is the most suitable within the landholding, based on land ownership details outlined on the site location map, and it also utilises an existing access point.
- 7.3.5. I do not consider the development would have any impact on the character or visual amenities of the area.
- 7.3.6. A Visual Impact Statement was submitted with the application, which, whilst unfortunately does not model the appearance of the proposed dwelling, provides an indication of the level to which the site is exposed in available views.

#### **7.4. Residential Amenity**

- 7.4.1. Internally, the house meets or exceeds development plan minimum standards in relation to overall size, the size and layout of individual rooms and the level of storage space provided. A large rear garden area would also be provided.

#### **7.5. Parking and access**

- 7.5.1. Access would be taken from an existing entrance to the landholding and there is adequate parking provision.
- 7.5.2. A turning circle is proposed to be maintained adjacent to the existing detached double garage, between the proposed house and the applicant's parents' house.

This would allow safe access to the remainder of the landholding, which will remain in agricultural use.

- 7.5.3. I note that the Transportation Planning Section of the Planning Authority had no concerns in relation to the development, subject to a number of standard planning conditions.

## 7.6. **Drainage**

### *Foul Drainage*

- 7.6.1. The development includes the provision of an Oakstown BAF 6 PE wastewater treatment system and associated percolation area, which would be located within the rear garden, approx. 19m from the rear of the house and approx. 50m from the stream running parallel to the western boundary.
- 7.6.2. A Site Suitability Assessment report was provided as part of the application, prepared by Arc Design Services in 2017. The category of aquifer is identified as 'poor', with a vulnerability classification of 'High'. Table B.2 (Response Matrix for On-Site Treatment Systems) of the EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses identifies an 'R1' response category i.e. acceptable subject to normal good practice.
- 7.6.3. A trial hole with a depth of 2.3m recorded 300mm topsoil, 200mm clayey gravel and 1.8m sand gravel. The water table was not encountered. In relation to the percolation characteristics of the soil, a T-test value of 8.83 min / 25mm was returned. A P-Test value of 13.89 min / 25mm was returned. The Report concluded that the site is suitable for the installation of all types of systems but, due to the fast rate of percolation and the proximity of the Gormanston River, it is proposed to install an effluent treatment system and percolation area. It is proposed to install 36m linear metres of percolation pipes in trenches 9m long, with an invert depth of 0.85m below ground level.
- 7.6.4. Having regard to the site percolation test results, I consider the site can accommodate a wastewater treatment system. I also note the planning authority's Water Services Section indicated no objection subject to conditions in relation to this element of the proposed development.

### *Surface Water Drainage*

7.6.5. A soakaway with dimensions 4.5m (L) X 4.5M (W) X 0.8M (D) is proposed within the rear garden, 25m from the rear of the house, in order to accommodate runoff from the additional 237sqm of impermeable surface area which the development would create. A soakaway test was carried out, in accordance with BRE Digest 365 and it was calculated that a soakaway of these dimensions is required. The layout of the soakaway appears to comply with the BRE Digest 365 guidance.

7.6.6. I note the planning authority's Water Services Section indicated no objection subject to conditions in relation to this element of the proposed development.

## 7.7. **Flood Risk**

7.7.1. A flood risk assessment, prepared by Hydrocare Environmental Ltd, was submitted with the application. It identified that the site is not at risk of pluvial or coastal flooding, but that it is partially located within Flood Zone A, associated with fluvial flooding from the Gormanston River which routes parallel to the west site boundary. The Assessment also advises that there have been no recent flood events in the area.

7.7.2. Whilst acknowledging that the site is partially within Flood Zone A, according to Planning Authority and OPW mapping, the Assessment includes a modelled examination of flood risk from the Gormanston River and contends that the site is entirely within Flood Zone C. This is considered to be the case, given the topography of the land in the area and the proximity of the Delvin River, which is downstream of the Gormanston River and at a lower topographical level and which is predicted to accommodate any flood waters from the Gormanston River, should such a situation arise. The modelled examination also advises that flooding from the Delvin River would remain below the lowest point of the subject site, in the event of a flood event.

7.7.3. Notwithstanding this argument, the applicant has provided an overlain map of the proposed site layout and the Planning Authority's flood mapping, which shows that whilst the site is partially within Flood Zone A, the proposed house and wastewater treatment system and percolation area are within Flood Zone C. A Justification Test has also been provided, in accordance with the requirements of '*The Planning System and Flood Risk Management – Guidelines for Planning Authorities*' (2009).

7.7.4. Having regard to the findings of the flood risk assessment and also the fact that the proposed house would itself be locate in Flood Zone C, I am satisfied that the

proposed development is not at risk of flooding. The development would also not give rise to increased risk of flooding elsewhere in the area. I note, in this regard, that the Planning Authority's Water Services Department had no concerns in relation to flood risk, having expressed its concerns in its comments on previous applications relating to the site.

## **7.8. Appropriate Assessment**

- 7.8.1. The closest Natura 2000 site to the subject site is the River Nanny Estuary and Shore SPA (Site Code 004158) which is approx. 2.7km north-east. There are no other Natura 2000 sites within 5km of the site.
- 7.8.2. The Boyne Estuary SPA (Site Code 004080) and Boyne Coast and Estuary SAC (Site Code 001957) are within 10km, but are considered to be remote, in the context of the scale of the proposed development and in the absence of any hydrological connection between the sites.
- 7.8.3. The qualifying interests for the River Nanny Estuary and Shore SPA are: Oystercatcher (*Haematopus ostralegus*); Ringed Plover (*Charadrius hiaticula*); Golden Plover (*Pluvialis apricaria*); Knot (*Calidris canutus*); Sanderling (*Calidris alba*); Herring Gull (*Larus argentatus*); and Wetland and Waterbirds.
- 7.8.4. There is no hydrological connection between the application site and this SPA site. The Gormanston River, which routes along the west site boundary, flows into the Delvin River and onwards, into the Irish Sea at Gormanston. There is therefore no pathway for discharges or pollutants to be transferred from the development to the SPA.
- 7.8.5. Having regard to the nature and scale of the proposed development, together with the absence of any hydrological connection to Natura 2000 sites, I do not consider that any Appropriate Assessment issues arise and I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. I recommend that permission for the proposed development be refused, for the following reasons and considerations set out below.



## 9.0 Reasons and Considerations

9.1. The site is located in an area under strong urban influence, in accordance with the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005, and is subject to the zoning objective 'GB' to 'protect and provide a Greenbelt', under the Fingal County Development Plan 2017-2023, where it is the policy of the planning authority to restrict residential development. Having regard to the provisions of Objective RF39 and associated Table RF03 of the development plan, which stipulate that an applicant may be considered under close family ties criteria for a new rural dwelling where permission has not already been granted to a family member by reason of close family ties since 19<sup>th</sup> October 1999, it has been determined that the applicant is not eligible to be considered for a rural house under the 'close family ties' clause, since permission has been granted to a family member under these circumstances, in the intervening period, under permission Reg. Ref. F99A/0512. The proposed development would therefore be contrary to the GB zoning objective and the rural settlement strategy of the Fingal Development Plan 2017-2023 and would be contrary to the proper planning and sustainable development of the area.

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Barry O'Donnell  
Planning Inspector

20<sup>th</sup> November 2020.