



An
Bord
Pleanála

Inspector's Report

ABP-311794-21

Development	Permission for retention is sought for the retention of the uninhabited mobile home.
Location	Lands located to the East of Kellystown Road, and between Taylors Three Rock Public House, and Stackstown Golf Club, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D21A/0712.
Applicant(s)	Catherine McDaid.
Type of Application	Retention Permission.
Planning Authority Decision	Refusal.
Type of Appeal	First Party.
Appellant(s)	Catherine McDaid.
Observer(s)	None.
Date of Site Inspection	21 st day of October, 2022.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The irregular shaped appeal site with a stated area of 0.4428ha is located on the eastern side of Kellystown Road, c259m to the south east of its under pass with the M50 motorway and situated between Taylors Three Rock public house and Stackstown Golf Club. The site is comprised of a mainly vacant and unkempt site that contains a mobile home and a levelled area in proximity to a recently modified entrance onto Kellystown Road.
- 1.2. The main access serving the site is a vehicle entrance that opens onto Kellystown Road at a point where the road has a restricted width, raised, and restricted in depth verges, meandering alignment and the posted speed limit is 50kmph. This entrance consists of what appears to be a recently modified vehicle entrance of an agricultural appearance.
- 1.3. Uphill from this entrance part of the roadside boundary has been removed to accommodate an ad hoc pedestrian access onto Kellystown Road. With this pedestrian access meandering in close proximity to the roadside boundary to the area in which the mobile home is located.
- 1.4. The site though overgrown has views towards the M50 motorway corridor and Dublin city on its eastern side. The levels of the site are irregular and rising towards the southern and south western boundaries of the site. As such the site benefits from views of the upland areas associated with Kilmashogue Mountains.
- 1.5. Despite the proximity to the fringes of Dublin City the site immediate visual setting is rural in its character with this rural character strengthening as one journeys further away from the site in a southerly direction.
- 1.6. Of note the site also lies opposite the grounds of Danesmoate (also known as Glynsouthwell and Glensouthwell) country house. This mid-18th Century country house and demesne. According to the NIAH register this building has a 'Regional' rating and its categories of special interest are listed as: 'Architectural', 'Artistic', 'Historical' and 'Social' (Note: NIAH Ref. No. 60220037)
- 1.7. A set of photographs of the site and its setting are attached to file.

2.0 Proposed Development

- 2.1. Permission for retention is sought for the retention of the uninhabited mobile home with a given site area of 37m².

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 1st day of October, 2021, the Planning Authority decided to refuse retention permission for the following stated reasons:

- “1. *The proposed development results in a highly prominent and incongruous feature within the rural landscape and significantly impacts on the ‘Western Half of Kellystown Road’ character area in which the subject site is located. The proposed development therefore materially contravenes Policy LHB2 (Preservation of Landscape Character Areas) and Policy LHB6 (Views and Prospects) as well as the zoning objective, which is ‘to protect and improve rural amenity and to provide for the development of agriculture’ of the Dún Laoghaire Rathdown County Development Plan 2016 – 2022 and is contrary to the proper planning and sustainable development of the area.*
2. *The proposed development fails to accord with Section 8.2.3.7(Rural) Non-Residential Development of the Dún Laoghaire Rathdown County Development Plan 2016 – 2022 due to its negative visual impact on the surrounding landscape and on the area in terms of loss to rural amenity. If granted the proposed development would set an undesirable precedent for similar development and would, therefore, be contrary to the proper planning and sustainable development of the area.”*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer’s report is the basis of the Planning Authority’s decision, and it can be summarised as follows:

- A 2m timber screen has been erected between the mobile home and the road with parts of the property's vegetation cleared to create a relatively flat area for housing the mobile home.
- A former block wall forming part of a vehicular entrance has been demolished.
- Enforcement action has been taken in relation to the creation of a new vehicle entrance and the placement of a mobile home on these lands (Note: P.A. Ref. No. ENF/10321).
- The intended purposes of the mobile home are unclear.
- The site would negatively impact upon the visual amenities of this area.
- The mobile home would detrimentally impact the protected views as identified for the site and its setting. It therefore does not comply with Policy LHB2 and LHB6 of the Development Plan.
- Suitable access arrangements for the site and its use have not been demonstrated.
- The site is not serviced.
- No AA or EIAR issues arise.
- Concludes with a recommendation of refusal.

3.3. **Other Technical Reports**

- 3.3.1. **Drainage:** No objection, subject to safeguards.
- 3.3.2. **Transport:** Additional information recommended.

3.4. **Prescribed Bodies**

- 3.4.1. None.

3.5. **Third Party Observations**

- 3.5.1. The Planning Authority during its determination of this application received one Third Party observation. The substantive concerns raised in this submission can be summarised as follows:

- The observer contends that they have lived on this road for 12-years and despite cycling past the location on a daily basis they never saw a mobile home present on the site until one recently appeared.
- Permitting such a development at this rural location could give rise to undesirable precedent.
- There has been a car parked at the vehicle entrance to this site on a regular basis with this causing conflict with traffic movements. The road at this point is narrow and the site is located at a corner. It is therefore not accepted that the development does not give rise to traffic hazard and/or road safety issues.

4.0 Planning History

4.1. Site and Setting

- 4.1.1. No relevant planning appeal cases relating to the site and/or setting.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Dún Laoghaire – Rathdown County Development Plan, 2016 – 2022, is the operational Development Plan under which the appeal site is located in an area zoned as ‘B’. The stated land use zoning objective is *‘to protect and improve rural amenity and to provide for the development of agriculture’*.
- 5.1.2. Section 2.1.4 of the Development Plan relates to Rural Housing. It sets out the following:
- The policies of the ‘Sustainable Rural Housing Guidelines for Planning Authorities’ (2005) are fully recognised and embodied within the Development Plans policies and approach to one-off houses in its rural areas.
 - Urban-generated one-off housing which is not directly linked to the rural area can create unsustainable travel patterns, over-dependence on the private car, negative impact on the landscape, increased urban footprint and pressure on the environment and infrastructure. All of these elements can increase carbon footprint.

- In order to protect the rural character of the countryside and foster sustainable development it is necessary to restrict the growth of what is generally described as urban-generated ‘one-off’ housing and only facilitate genuine and bona fide cases for new residential development within the County’s rural areas. Development proposals will be evaluated in accordance with the following criteria:

- Rural Amenity Zoning ‘B’ - Within such rural designated areas dwellings will only be permitted on suitable sites where:

- Applicants can establish to the satisfaction of the Planning Authority a genuine need to reside in proximity to their employment (such employment being related to the rural community), or
- Applicants can establish to the satisfaction of the Planning Authority a genuine need for an additional dwelling in the rural area and who are native to the area due to having spent substantial periods of their lives living in the area as members of the rural community and have close family ties with the rural community (in accordance with Section 3.2.3 ‘Rural Generated Housing’ of the ‘Sustainable Rural Housing Guidelines for Planning Authorities’ (2005)).

5.1.3. Policy RES16 of the Development Plan relates to management of one-off rural housing. It sets out that it is Council policy to restrict the spread of one-off housing into the rural countryside and to accommodate local growth into identified small villages subject to the availability of necessary services. It is recognised that much of the demand for one-off housing is urban-generated and this can result in an unsustainable pattern of development, placing excessive strain on the environment, services, and infrastructure. However, it is recognised that one-off housing may be acceptable where it is clearly shown that it is not urban-generated, will not place excessive strain on services and infrastructure, or have a serious negative impact on the landscape and where there is a genuine local need to reside in a rural area due to locationally-specific employment or local social needs (subject to compliance with the specific zoning objectives).

5.1.4. Appendix 11 – Rural Design Guide.

5.1.5. Section 8.2.3.7 of the Development Plan deals with Rural – Non-Residential Development. It sets out that the Councils approach is essentially restrictive and

precautionary with any such case dealt with in a case-by-case approach having regard to the following:

- Compliance with Zoning Objective of the site.
- The need for such use within the rural area.
- The suitability of the site in accordance with Section 8.2.3.6(i).
- Potential negative visual impacts on the surrounding properties or landscape and for other negative impacts on the rural amenity which could result from the design, location, layout, size, and type of the proposed development.
- Vehicular access arrangements, parking requirements and potential impacts on the existing road network.
- Waste water treatment and drinking water provisions on site.

5.1.6. Appendix 7 of the Development Plan indicates that the site is located within the 'Western Half of Kellystown Road' character area.

5.1.7. Policy LHB2 of the Development Plan states that it is Council policy: "*to preserve and enhance the character of the County's landscape*".

5.1.8. Policy LHB6 of the Development Plan indicates that it is Council policy to protect and encourage the enjoyment of views and prospects of special amenity value or special interests.

5.2. **National**

- National Planning Framework – Project Ireland 2040, Department of Housing, Planning and Local Government, (2018).
- Sustainable Rural Housing Guidelines, (2005).
- Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021.

5.3. **Natural Heritage Designations**

5.3.1. The nearest Natura 2000 site is Wicklow Mountains SAC (Site Code: 002122).

5.4. EIA Screening

- 5.4.1. Having regard to the nature of the development comprising of the retention of a mobile home structure together with its associated works, the site's location separation distance from the nearest European site and the nature of the landscape in between, I consider that the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal can be summarised as follows:

- There has been a building on this site for c100years and the site has been in the applicant's family ownership for generations.
- For the 50 years previous the site has been used for agricultural purposes.
- The site holds many memories for the applicant in terms of visits and growing up in the surrounds.
- The mobile home provides shelter only to store possessions.
- There are no activities carried out on the subject lands.
- The mobile home integrates into its landscape setting and does not obstruct views.
- Access to the site is by foot and there is no permanent vehicle entrance.
- The site does not discharge pollution, hazardous waste or generate waste.
- The mobile home is not as new rural house.
- There is no mains water, electricity supply or means of disposal of foul drainage by either septic tank/percolation area or connections to public drains.
- The mobile home is pre-2012 and has been *in situ* for a minimum of 9 years. The previous mobile home was dismantled.
- They are the 4th generation that have tended the lands here.
- There has always been a shelter on the land.

6.2. **Planning Authority Response**

- 6.2.1. The Planning Authority in their response to the Board sets out that the grounds of appeal do not raise any new matters which in the opinion of the Planning Authority would justify a change of attitude to the proposed development.

7.0 **Assessment**

7.1. **Preliminary Comment**

- 7.1.1. Having inspected the site and its setting, having had regard to the information presented by the parties to the appeal and in the course of the planning application alongside having regard to relevant planning policy provisions and guidance, I consider the key planning issues relating to the assessment of the appeal relate to the two reasons given by the Planning Authority in their decision notification to refuse permission for a development that is described as consisting of the retention of a mobile home structure whose use is set out in the public notices as 'uninhabited'. I consider the key planning issues relating to the assessment of this appeal case can be considered under the following general heading:

- Principle of the Development Sought

- 7.1.2. The matter of 'Appropriate Assessment' also requires examination.

- 7.1.3. Prior to the commencement of my assessment, I first of all note that this application is permission for retention of development, which it is submitted has been in place for a minimum of 9 years prior to the making of this application. Whilst I consider that this fact is not supported by any robust evidence submitted by the application with the application and with the documentation submitted with their appeal submission. Nor is it supported by examination of aerial photography of this area over this time frame for the purposes of clarity, it should be noted that the period for which a development has been in place is immaterial to consideration of a planning application for retention. Although I accept that there are implications in planning terms regarding any enforcement proceedings.

- 7.1.4. It is also of importance to note that the Development Management Guidelines for Planning Authorities, 2007, make it clear that in dealing with applications for retention, they must be considered "as with any other application". This is in accordance with

planning law and with proper planning practice, in that all applications for retention should be assessed on the same basis as would apply if the development in question were proposed. Therefore, no account can, or should, be taken of the fact that the development has already taken place.

- 7.1.5. Further, the current Development Plan indicates where a development, like in this case a mobile home, is neither listed as being '*permitted in principle*' or '*not permitted*' under its applicable land use zoning it should be assessed in terms of its contribution towards the achievement of the applicable zoning objective (Note: Zoning Objective B), the vision for the zoning objective and its compliance as well as consistency with the policies and objectives it contains.
- 7.1.6. Accordingly, I consider it appropriate that the current application before the Board by way of this 1st Party appeal is assessed on an entirely *de novo* basis and it would be appropriate that a final decision on the appropriateness of this development at this location in accordance with the proper planning and sustainable development of the area.
- 7.1.7. Secondly, I note that it would appear since this application was made that further modifications have occurred to the roadside boundary of the site. The description of the development sought, and the documentation provided to illustrate its nature, scale and location do not include any entrance onto the Kellystown Road. The appeal submission indicates that there is no permanent vehicular entrance to the subject site and there is no requirement for a permanent entrance to the subject site. It also sets out that the existing gate is not accessible, that it was created by the Council c40years ago when they were carrying out road improvements and that access to the site is by foot.
- 7.1.8. While I raise doubt over the accuracy of the contended access serving the subject site mainly based on my observations during my inspection of the site, I consider that this is for the applicant to rectify by way of a separate application, or it is an enforcement matter for the Planning Authority to deal with as they see fit.
- 7.1.9. On the matter of enforcement, I note that the Council has an open Planning enforcement case relating to the creation of a new vehicular entrance as well as the placement of the mobile home subject of this application under P.A. Ref. No. ENF/10321.

7.1.10. Thirdly, I note that there is significant ambiguity in relation to the use of the mobile home with the public notices as stated previously indicating that it is 'uninhabited'. The appeal submission sets out that its use is for shelter only and a place to store possessions. With the site being a place to relax, read to write in quiet surroundings by the applicant in contrast to the hustle and bustle of city life. In addition, it is indicated that there are no activities carried out on the subject lands by them with the lands covered in landscaping consisting of mature bushes, ferns, and a number of trees. The applicant also contends that she is fourth generation that has tended to these lands. It is unclear based on the information provided and having inspected the site what tended to these lands encompassed given its unkempt state and rugged topography.

7.1.11. Based on the information provided on file in relation to the use of the mobile home and given that the use of the mobile home is interwoven into its function and purpose on the subject site I consider that regard should be had to Section 8.2.3.7 of the Development Plan deals which deals with the matter of 'Rural – Non-Residential Development' but as a precaution given the information provided by the applicant that it is used as a retreat from the hustle and bustle of city life I consider that regard to Section 2.1.4 of the Development Plan which deals with the matter of rural housing should also be had as part of determining the principle of the development sought.

7.2. *Principle of Development Sought*

7.2.1. As previously set out the development sought under this application is the retention of a mobile home on a site that is not served by a connection to public mains water or public mains drainage. Though there is evidence of rainwater harvesting/water storage thereon the site is extremely overgrown it is not clear whether or not there may be a proprietary waste water treatment system present. The information on file suggests there is no such infrastructure present. It is submitted by the appellant that there has historically been some structure on the subject site over the family's 4th generation ownership of the land. This contention is not supported by factual evidence in the documentation provided through to there being no planning history relating to any structures being on these lands. It is further not supported by the information publicly available including historical street views and aerial photography of this locality.

- 7.2.2. The site forms part of larger parcel of land zoned Objective 'B' under the Development Plan. The stated land use objective for such lands is: *"to protect and improve rural amenity and to provide for the development of agriculture"*.
- 7.2.3. In addition, the site forms part of a larger parcel of land that encompasses land bounded by Kilmashogue Mountains to the west, Three Rock to the south, the M50 to the north and a small rocky outcrop that also includes a former quarry to the east that under Appendix 7 of the Development is identified as the 'Western Half of Kellystown Road' character area.
- 7.2.4. Under Section 4.1.2.1 and Policy LHB2 of the Development Plan the Council seeks to preserve and enhance the character of such landscapes.
- 7.2.5. In addition, to this this stretch of the Kellystown Road under Map 5 of the Development Plan is an amenity area where the Council seek to preserve views. Policy LHB6 of the Development Plan further reiterates this.
- 7.2.6. In relation to the mobile home, it has a given area of 37m² and it is a single storey structure placed on a raised plinth with a rainwater harvesting tank on its eastern side, a levelled area that could accommodate car parking in the immediate vicinity of a recently modified entrance onto the Kellystown Road and levelled garden areas. It and its surrounds have a residential character and appearance with the remainder of the site consisting of unkempt scrubland.
- 7.2.7. If it is accepted that the mobile home is for non-habitable purposes, then it is incumbent on the applicant to demonstrate that it is consistent with Section 8.2.3.7 of the Development Plan. This Section of the Development Plan deals with Rural – Non-Residential Development and it sets out that the Councils approach is essentially restrictive and precautionary with any such case dealt with in a case-by-case approach having regard to a number of considerations which I propose to assess below:

1) *Compliance with Zoning Objective of the site.*

The land use zoning objective sets out that the Council will seek to protect and improve rural amenity as well as provide for the development of agriculture.

Given the significant landscape sensitivity of the site and its setting forming part of a rural location that is afforded protection as part of the 'Western Half of Kellystown Road' character area under Policy LHB2. And given that views from this stretch of

Kellystown Road is afforded protection under Section 4.1.2.5 and Policy LHB6 which sets out that it is Council policy to protect and encourage enjoyment of views and prospects of special amenity value or special interests.

The *ad hoc* provision of a mobile home structure which is a structure that could not be described as agricultural in its appearance but is one that evokes a temporary residential use together with the works carried out associated with it. In my view do not protect nor do they improve the character and intrinsic quality of this sensitive to change rural landscape setting it forms part of.

This consideration is based on this structure being an incongruous man-made poor quality addition to this rural landscape setting that is also highly visible from Kellystown Road.

In addition, as appreciated from this route the mobile structures presence obscure views and prospects as appreciated from this public road whether one is journey city bound or towards Kilmashogue Mountain.

Moreover, the presence of such a structure in close proximity to the important mid-18th Century domestic built country house and grounds of Danesmoate (also known as Glynsouthwell and Glensouthwell House) with these grounds including attractive period boundary walls that align with the opposite side of Kellystown Road in proximity of this site further deteriorates the intrinsic character and quality of its immediate landscape setting.

In addition, this structure does not support any positive agricultural custodianship of the land this site forms part of but reinforces its poor state of upkeep, including in terms of maintenance of the site and the soft landscaping thereon in a manner that is visually jarring with its setting.

Based on these considerations the retention of the mobile structure is a type of development that could not in my view be considered as in compliance with the zoning objectives of the site and the policies set out within the Development Plan that seeks to provide additional layer of protection over what is a qualitative and scenic rural landscape setting.

2) *The need for such use within the rural area.*

The applicant sets out a desire for the mobile home to function as a retreat and for storage within the rural area. The documentation provided with this application and with the appeal do not support a need for such a mobile home for such a use within this rural area nor would it appear that there is a land use functional need or otherwise for the applicant for this structure based on the use of the subject site for a land use that would be considered to be consistent with land use Objective B.

3) *The suitability of the site in accordance with Section 8.2.3.6(i).*

I note that this sets out that a rural development for any development will be evaluated under a number of criteria ranging from but not limited to:

- i) The landscape must be suitable to accommodate the proposed development.
- ii) Acceptable visual impact of the development in relation to the surrounding countryside, with regards to dwellings, structures through to features in the vicinity.
- iii) The site must be capable of accommodating all proposed structures together with the required wastewater treatment system.
- iv) No adverse impact on the environment.
- v) Satisfactory access.
- vi) Adequate car parking and manoeuvring space on site and suitable vehicular access.
- vii) Satisfactory screening/shelter.
- viii) Adequacy of the infrastructure to serve the proposed development.

In relation to the first and seventh factor there is no qualitative landscaping proposed nor is there any on site to screen the mobile home from public view, in particular as part of view and prospect that is afforded protection under Policy LHB6 of the Development and as part of the 'Western Half of Kellystown Road' character area which the Council seeks to preserve and enhance under Policy LHB2.

In relation to the second factor the mobile home unit is out of character with its immediate rural landscape setting which does not contain any similar such structures thereon. It is therefore a man-made insertion into a rural landscape that has limited capacity to absorb additional structures and is a type of man-made insertion that does not reinforce its character but diminishes the visual amenities of its setting by way of its visual incongruity and high visible legibility as viewed from the public domain, the immediate and wider landscape setting.

In relation to the third and eighth factor listed above this development is land that does not benefit from public water and drainage infrastructure. Water supply is via a water tank against the eastern elevation of the structure. There is no evidence of any sustainable drainage systems to deal with waste water or surface water. The mobile home is indicated to not only to be used as a structure for storage but also as a retreat by the applicant from the hustle and bustle of city life. As such there is no adequate provision or any proposed to meet any water, waste water and surface water drainage to sustainably accommodate this use.

Moreover, it is not clear if the site is capable of providing these to the required standards and in relation to factor number four it cannot be ruled out that no environmental issues would arise in the absence of their provision.

In terms of access the applicant has not demonstrated safe vehicle or pedestrian access to the site. In saying this the site does not contain an existing access onto Kellystown Road that provides for safe access and egress.

There are no public footpaths linking the site to a public transport stop or a public provided car parking area to accommodate the applicants safe journey to the site. The adjoining stretch of Kellystown Road is restricted in its width, and I observed heavily trafficked. From my own experience it is not a safe road for pedestrian connectivity from the nearest pedestrian footpath to the site itself.

There is an *ad hoc* levelled area immediately behind a gate that provides access onto Kellystown Road with a temporary in nature ditch provided immediately to the inside of the access.

The provisions that are in place and with no improvements proposed under this application do not provide satisfactory access to the site nor is the car parking and

manoeuvring space provided of a good standard with it also being highly incongruous in its appearance from the public road.

Overall, the development sought under this application does not demonstrate that it is in accordance with Section 8.2.3.6(i) of the Development Plan.

- 4) *Potential negative visual impacts on the surrounding properties or landscape and for other negative impacts on the rural amenity which could result from the design, location, layout, size, and type of the proposed development.*

As already discussed, this development, if permitted, would give rise to negative visual impact on the surrounding landscape which is sensitive to change and of high amenity value. It would also give rise to the negative impact of establishing an undesirable precedent for other ad hoc buildings in the rural landscape that do not in a positive manner reinforce the predominant agricultural character of such rural localities or are synergistic to the intrinsic functioning of such rural localities.

- 5) *Vehicular access arrangements, parking requirements and potential impacts on the existing road network.*

As previously discussed, this development is not accompanied by any proposal for the provision of a vehicular access and parking requirement that is of a required standard. Nor are there any such arrangements existing in place on the site to serve this development. Of particular concern is the lack of demonstration of safe access and egress for vehicles from Kellystown Road with the roadside boundary occupying a bend on this road with limited visibility in both directions. There is also no safe pedestrian access to the site if it is to be accepted that the applicant access and egress this site on foot.

- 6) *Waste water treatment and drinking water provisions on site.*

There are none existing, and none proposed.

7.2.8. Based on the above considerations, the development sought under this application is contrary to Section 8.2.3.7 of the Development Plan.

7.2.9. While I note that the public notice description sets out that the use of the mobile home is 'uninhabited'. The appellants indicate in their appeal submission that the site provides a place to relax, read and write in quiet surrounds in contrast to the hustle and bustle of city life which they are currently party to. They also indicate that the

mobile home provides a shelter and a place to store possessions. It is unclear the level of shelter which the mobile home is used for and to the need of a structure in the form of a mobile home in a highly scenic rural locality of this size to store possessions. In addition, the mobile home contains curtains, it opens onto amenity space which appears to be used, in tandem with the mobile home with this space containing a dog house, a water source, planted beds through to solar lights around the grounds. Overall, the mobile home and its immediate setting on site has a residential appearance.

- 7.2.10. In relation to residential land use of relevance is the site's land use zoning Objective B, Policy RES17, Section 2.1.4.1, Section 8.2.3.6 through to Appendix 11 of the Development Plan. Of further note the site is located on land that due to its proximity to Dublin is identified under local through to national planning policy provisions as being under strong urban pressure for residential developments. At a minimum on land zoned 'B' dwellings will only be permitted on suitable sites where: 1) Applicants can establish to the satisfaction of the Planning Authority a genuine need to reside in proximity to their employment (with such employment being related to the rural community), or 2) Applicants can establish to the satisfaction of the Planning Authority a genuine need for an additional dwelling in the rural area and who are native to the rural locality.
- 7.2.11. In general, the Council seek to restrict the spread of one-off housing into the rural countryside except where it is clearly shown that it is not urban generated, will not place excessive strain on services and infrastructure, and where there is a genuine local need to reside in a rural area due to locationally-specific employment or local social needs.
- 7.2.12. In addition, Section 8.2.3.6 of the Development Plan sets out that the Council will seek to protect the rural character of the countryside and foster sustainable development.
- 7.2.13. Of further note is National Planning Framework which sets out under National Policy Objective 19 the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence with such development also being subject to siting and design considerations.
- 7.2.14. There is no necessity demonstrated by the applicant that they have a functional economic or social requirement for a house or indeed based on the information

provided a shelter/storage building in an area under strong urban influence and where the predominant function of the land is agriculturally based.

7.2.15. Through to the fact that the mobile home structure and the associated works are visually at odds with the pattern of development that characterises a rural landscape that is identified of amenity value and whereby the placement of what is an incongruous structure would be highly visible within its landscape setting in a manner that would be contrary to the Development Plans policy LHB2 which seeks to preserve and enhance the Western Half of Kellystown Road character area. As well as would be contrary to Policy LHB6 of the Development Plan that seeks to protect and encourage the enjoyment of views and prospects of special amenity value or special interest identified in Map 5. This includes the site and its setting.

7.2.16. Of further concern the development as proposed would not include any safe access onto or from the public road network and would not include any infrastructure such as water, waste water through to surface water drainage to the standards required.

7.2.17. Based on the above considerations the generally principle of the development sought under this application is not in accordance with the proper planning and sustainable development of the area.

7.3. **Appropriate Assessment**

7.3.1. Having regard to the nature and scale of the development for which retention is sought, its location relative to European sites and the character of the intervening landscape, I consider it is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that this development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on a European Site.

8.0 **Recommendation**

8.1. I recommend that retention permission be **refused**.

9.0 **Reasons and Considerations**

1. The development sought under this application fails to accord with Section 8.2.3.7(Rural) Non-Residential Development of the Dun Laoghaire Rathdown

County Development Plan, 2016-2022, due to its negative visual impact on its highly sensitive to change rural landscape setting, by way of the lack of any demonstratable economic and/or social need for this structure through to its poor siting, design, layout, inadequate access, and infrastructure provision. If granted it would diminish the character of its landscape setting, would set an undesirable precedent for similar development, and would give rise to a type of development that is inconsistent with the land use zoning objective of these rural lands which essentially seeks to protect and improve rural amenity as well as to provide for the development of agriculture. The development would therefore be contrary to the proper planning and sustainable development of the area.

2. It is considered that the development sought under this application by reason of its prominent position and visual incongruous built form on the foothills of Kilmashogue Mountain and the 'Western Half of Kellystown Road' along a road where there is a policy to preserve views as identified on Map 5 of the Dun Laoghaire-Rathdown Development Plan, 2016-2022, would interfere with a prospect of special amenity value which it is necessary to preserve and would thus conflict with the policies in the development plan and would seriously injure the visual amenities of this scenic area.

Patricia-Marie Young
Planning Inspector

31st day of January, 2022.