



An  
Bord  
Pleanála

## Inspector's Report ABP311956-21

### Development

Five bedroom, dormer bungalow dwelling house with pitched roof over; foul sewer treatment system and percolation area; widen existing driveway and entrance from the public road.

### Location

Athgoe North, Newcastle, Co. Dublin.

### Planning Authority

South Dublin County Council.

### Planning Authority Reg. Ref.

SD21A/0237.

### Applicant(s)

John Kenny and Alienor Conlon Kenny.

### Type of Application

Permission.

### Planning Authority Decision

Refuse.

### Type of Appeal

First Party.

### Appellant(s)

John Kenny and Alienor Conlon Kenny.

### Observer(s)

N/A.

### Date of Site Inspection

24.05.2022.

### Inspector

Mary Mac Mahon.



## 1.0 Site Location and Description

- 1.1. The site is located in a rural area, circa 1 km southwest of Newcastle village, 2 km north of the N7. There is a significant degree of single dwellings on the road network in the area in general, but fewer on this road. The area where the site is located is on the lower end of this upland area, before entering Newcastle.
- 1.2. The site fronts onto the local road and there is a private lane to the rear, which the site also accesses. There is a gradual fall across the site from front to rear. The site is notable for the circular stone piers at the field entrance. There is an apiary on the site and horses grazing in the field. The site area is stated as 0.6 ha.

## 2.0 Proposed Development

- 2.1. The proposed development is for a dwelling house with a stated area of 315 square metres, served by an effluent treatment system. No information is available on the current file regarding the suitability of the wastewater treatment system. However, information is available on the history file. A trial hole of 1.6 metres was excavated. A 'T' of 25 and 'P' of 24 was recorded. Water supply is from the public mains. A second apiary is proposed. The existing stone piers are to be retained, but the existing driveway is to be widened.
- 2.2. It should be noted that no changes have been made to the proposed development from that refused under ABP308910-20.

## 3.0 Planning Authority Decision

### 3.1. Decision

Refuse for 6 no. reasons:

*1. The proposed site is located in an area zoned Objective RU in the South Dublin County Development Plan 2016-2022; Policy H22 states that 'it is the policy of the Council that within areas designated with Zoning Objective 'RU' ('to protect and improve Rural Amenity and to provide for the development of Agriculture') new or replacement dwellings will only be permitted in exceptional circumstances. On the basis of the information submitted, the applicant has not provided acceptable*

*justification for a dwelling in relation to genuine need relating to employment. The Planning Authority acknowledge the weekend/evening farm labour work carried out by the applicant to assist on the neighbouring farm. However, it is noted that the applicant's primary employment is running his own business, and he has trained as an electronic technician. The applicant has not provided adequate evidence of 'exceptional circumstances' that require them to live in this area, external to a built-up settlement. It is therefore considered that the proposed development would be contrary to the provisions of the South Dublin County Development Plan 2016 -2022 and would contravene the zoning objective for the area and, as such would be contrary to the proper planning and sustainable development of the area.*

*2. Housing Policy H20 'Management of Single Dwellings in Rural Areas', as set out in the South Dublin County Development Plan 2016-2022 states: 'It is the policy of the Council to restrict the spread of dwellings in the rural 'RU', Dublin Mountains 'HA-DM'; Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements.' The applicants have not provided sufficient justification for the setting aside of this policy in this instance. Taken in conjunction with existing residential development in the area, the proposed dwelling would contribute to excessive development in a rural area lacking certain public services and community facilities, served by a substandard road network to accommodate increased development. As such, the proposed development would materially contravene the objectives of the County Development Plan and would lead to demands for the uneconomic provision of further public services and facilities in this rural area and would therefore be contrary to the proper planning and sustainable development of the area.*

*3. The site is located in the Dublin Metropolitan Area as designated under the Regional Spatial and Economic Strategy 2019 - 2025 (RSES) and the Dublin Metropolitan Area Spatial Plan, which forms part of the RSES. The Settlement Strategy policy for the Eastern & Midlands Region supports provision of policy at local level that seeks to support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agribusiness, renewable energy, tourism and forestry enterprise. The policy further requires Local Authorities to*

*manage urban generated growth in Rural Areas Under Strong Urban Influence by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements. Finally, the settlement strategy policy supports consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the County Development Plans. The proposed development would represent the proliferation of further one-off housing in the Dublin Metropolitan Area and could prejudice the achievement of regional settlement strategy policy for the Eastern & Midlands Region.*

*4. The Dublin Metropolitan Area Spatial Plan (MASP) forms part of the Regional Economic and Spatial Strategy 2019 - 2025 for the Eastern and Midland Region. The MASP specifies as a policy objective that future development in the Dublin Metropolitan area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists. The Plan further supports the promotion and development of greenway infrastructure and facilities in the Dublin metropolitan area and the expansion and connections between key strategic cycle routes and greenways as set out in the NTA Greater Dublin Area Cycle Network Plan. The proposed development would represent the proliferation of further one-off housing in the Dublin Metropolitan Area and could prejudice the achievement of regional policy objectives contained in the Dublin Metropolitan Area Spatial Plan.*

*5. The proposed development is located in an area zoned 'RU': 'To protect and improve rural amenity and to provide for the development of agriculture'. Section 2.5.8 of the South Dublin County Development Plan, 2016-2022 states that dwellings in rural areas should respond appropriately and sensitively to its surrounding rural, mountain and/or river valley context. The applicant has not provided sufficient justification for the location of the dwelling in the Athgoe and Saggart Hills Landscape Character Area, would create ribbon development, contrary to Policy H27: Rural House and Extension Design. Therefore it is considered that the proposed development would be contrary to the provisions of the South Dublin County Development Plan 2016-2022 and would*

*materially contravene the zoning objective for the area and contrary to the proper planning and sustainable development of the area.*

*6. The proposed development would be located on a located on a substandard rural road network which is narrow in width, has poor vertical and horizontal alignment, lacks pedestrian, public lighting and drainage facilities. The proposed development therefore, would endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.*

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

#### **3.2.1. Planning Reports**

The planning report notes the zoning of the site, which is 'RU'. It states that a similar development has been refused on three occasions. The report considers that the applicants have demonstrated close family ties to the area. However, they have not demonstrated that there is an employment need to locate here, or that their current housing needs cannot be met in the current dwelling where they are living.

The application provides evidence that the applicant has worked on a farm in Mount Seskin on a part time basis near his family home. However, his main occupation is that of a security consultant, therefore there has been no need to live at this location. The applicants have not provided sufficient reason for overcoming the previous reasons for refusal.

In the absence of this, the proposed development, when taken in conjunction with the existing residential development, would be excessive on the substandard road network. It would lead to ribbon development. There would be a landscape and visual impact.

An Taisce - The proposal is the same as the last one refused and unless personal circumstances have changed, the same issues remain.

#### **3.2.2. Other Technical Reports**

Environmental Health – No objection subject to condition.

Irish Water – No objection subject to condition.

Water Services – Request additional information.

Parks and Landscape Services – No objection subject to condition.

Roads – Recommend refusal as the road is substandard and increased traffic would increase the risk of traffic hazard.

#### 4.0 Planning History

ABP208910-20 (SD20A/0245) – application for the same proposed development to the same applicants refused permission for the following reason:

*“Having regard to the location of the site within an area zoned RU in the current County Development Plan where policy Objective H22 restricts new or replacement dwellings on the basis of a genuine rural generated housing need and evidence of exceptional circumstances and, having regard to the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2006, Objective PO 4.80 of the Eastern and Midland Regional Spatial and Economic Strategy and National Policy Objective 19 of the National Planning Framework, which seek to manage the growth of areas that are under strong urban influence to avoid overdevelopment and to ensure that the provision of single housing in rural areas under urban influence are provided based upon demonstrable economic or social need to live in a rural area, it is considered that the applicants have not demonstrated exceptional circumstances which would justify the grant of planning permission for a dwelling at this rural location as required by Policy H22 Objective 1 of the South Dublin County Development Plan 2016-2022 and, therefore, would not be in accordance with the National Policy Objective 19 or Regional Spatial and Economic Objective RPO 4.80. The proposed development, in the absence of a demonstrable economic need for the house, would contribute to the encroachment of random rural development in the area and would mitigate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”*

SD19A/0155 and SD18A/0127 – same development refused for similar 7 no. reasons.

## 5.0 Policy and Context

### 5.1. National Policy

5.2. Project Ireland 2040 - The National Planning Framework (2018)

5.3. *National Policy Objective 15 Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.*

5.4. *National Policy Objective 19 Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere: In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements; In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.*

### 5.5. Regional Policy

5.6. *Regional Spatial Economic Strategy (RSES) for the Eastern and Midland Region 2019-2031 (2019)*

5.7. It notes on page 94 that:

*“A key challenge is to ensure that in planning for rural places, responses are uniquely tailored to recognise the balance required between managing urban generated demand in the most accessible rural areas, typically in proximity to Dublin and other towns, whilst supporting the sustainable growth of rural communities and economies, including those facing decline. In general, those rural places in proximity to large urban centres have experienced significant growth and urban generated pressures and*



*require levels of growth to be managed in order to ensure that there is a requisite service level for the existing population.”*

*“Local authorities’ rural housing planning policy should be evidence based and accommodate rural generated housing consistent with the settlement framework contained in this Strategy and the DEHLG Sustainable Rural Housing Guidelines, 2005, or any successor thereof, and should be accommodated within the Housing Needs Demand Assessment, reflecting the housing needs of the county as a whole.”*

5.8. RPO 4.80 states that:

*“Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and settlements.”*

#### 5.9. **Development Plan**

The *South Dublin County Development Plan, 2016-2022* applies at time of writing. However, the new development plan (2022-2028) was adopted on 22.06.2022 and will come into effect 6 weeks later (03.08.2022). The decision by the Board of An Bord Pleanála may be made after the new plan is adopted. Therefore, for clarity, I will include the current policies, and the policies as expressed in the draft development plan. My recommendation will be based on the policies in the current 2016-2022 plan.

*South Dublin County Development Plan, 2016-2022*

RU: To protect and improve rural amenity and to provide for the development of agriculture. Residential development is open to consideration, in accordance with council policy for rural housing.

Policy H20: Restrict the spread of urban generated dwellings in the Rural “RU”, Dublin Mountain ‘HA-DM’, Liffey Valley ‘HA-LV’ and Dodder Valley ‘HA-DV’ zones and to focus such housing into existing settlements.

Policy H21: It is the policy of the Council that in accordance with the Sustainable Rural Housing Guidelines DEHLG (2005) and Circular SP 5/08 Rural Housing Policies and PL 2/2017 Local Need Criteria in Development Plans: Conformity with Articles 43 and 56 (Freedom of Establishment and Free Movement of Capital) of the European Community Treaty, “persons who are an intrinsic part of the rural community” or “persons working full-time or part-time in rural areas” as described under Section 3.2.3 (Rural generated housing) of the Sustainable Rural Housing Guidelines DEHLG (2005), shall be favourably considered in relation to rural housing.

#### Policy H22 – Rural Housing in RU Zone

It is the policy of the Council that within areas designated with Zoning Objective ‘RU’ (to protect and improve rural amenity and to provide for the development of agriculture) new or replacement dwellings will only be permitted in exceptional circumstances.

H22 Objective – To consider new or replacement dwellings within areas designated with Zoning Objective ‘RU’ (to protect and improve rural amenity and to provide for the development of agriculture) where:

- The applicant can establish a genuine need to reside in proximity to their employment (such employment being related to the rural community) OR
- The applicant has close family ties with the rural community.

Table 1.9 on Housing Capacity indicates that the Metropolitan Area has a capacity of 75 rural houses and the Hinterland Area has a capacity of 25 rural houses.

#### Policy H27 Rural House and Extension Design

It is policy of the Council to ensure that any new residential development in rural and high amenity areas, including houses and extensions, are designed and sited to minimise visual impact on the character and visual setting of the surrounding landscape.

#### *Draft South Dublin County Development Plan, 2022-2028*

RU: To protect and improve rural amenity and to provide for the development of agriculture. Residential development is open to consideration, in accordance with council policy for rural housing.

#### Policy H16: Management of Single Dwellings in Rural Areas

Restrict the spread of urban generated dwellings in the Rural “RU”, Dublin Mountain ‘HA-DM’, Liffey Valley ‘HA-LV’ and Dodder Valley ‘HA-DV’ zones and to focus such housing into existing settlements in line with the Settlement Hierarchy

Rural generated housing arises where the applicant has close family links to the rural community and/or the applicant works in a type of employment intrinsic to the rural economy, which requires the applicant to live in the rural area to be close to their rural-based employment. In line with the Sustainable Rural Housing Guidelines, the Council will consider rural housing for persons with demonstrated exceptional health circumstances – supported by relevant documentation from a registered medical practitioner and a disability organisation – where a person is required to live close to family support or in a particular environment.

Policy H17: Rural Housing Policy and Local Need Criteria

Consider rural housing for persons who are “an intrinsic part of the rural community” or “working full-time or part-time in rural areas” as described under Section 3.2.3 (Rural generated housing) of the Sustainable Rural Housing Guidelines DEHLG (2005), Circular SP 5/08 Rural Housing Policies and PL 2/2017 Local Need Criteria in Development Plans: Conformity with Articles 43 and 56 (Freedom of Establishment and Free Movement of Capital) of the European Community Treaty.

H17 Objective 1: To commence a review of the Rural Housing Policy and Local Need Criteria within six months of the adoption of the Plan and to include a public consultation as part of this process.

Policy H18: Rural Housing in RU Zone

New or replacement dwellings within areas designated with Zoning Objective ‘RU’ (to protect and improve rural amenity and to provide for the development of agriculture) will only be permitted in exceptional circumstances.

H18 Objective 1: New or replacement dwellings within areas designated with Zoning Objective “RU” (to protect and improve rural amenity and to provide for the development of agriculture) will only be permitted in the following exceptional circumstances:

- The applicant can establish a genuine need to reside in proximity to their employment (such employment being related to the rural community) OR

- The applicant has close family ties with the rural community.

The above shall also be considered in line with criteria set out under Chapter 13 Implementation and Monitoring.

H18 Objective 2: To recognise that a person may have exceptional health circumstances where it is required that they live close to family support or in a particular environment. Such circumstances must be clearly supported by relevant documentation from a registered medical practitioner and a disability organisation and will be subject to criteria set out under Chapter 13 Implementation and Monitoring.

Policy H23: Rural Housing and Extension Design Ensure that any new residential development in rural and high amenity areas, including houses and extensions are designed and sited to minimise visual impact on the character and visual setting of the surrounding landscape.

H23 Objective 1: Ensure that all new rural housing and extensions within areas designated within Zoning Objectives Rural (RU), Dublin Mountain (HA-DM), Liffey Valley (HA-LV) and Dodder Valley (HA-DV);

Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and

Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and

Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and

Retains and reinstates (where in exceptional circumstance retention cannot be achieved) traditional roadside and field boundaries; and

Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and

Would comply with the EPA's Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent <10) 2021 except where planning permission was granted prior to 7th June 2021 in which case the EPAs Code of Practice Wastewater Treatment Systems Serving Single Houses 2009 applies; and

Would not create or exacerbate ribbon or haphazard forms of development.

Athgoe and Saggart Hills are considered Areas of Medium Landscape Sensitivities. It notes that “*The integrity of its character, and of its value as a landscape setting have been compromised by housing developments in the area and through the use of nonvernacular styles very much in conflict with the local character.*”

## 5.10. **Natural Heritage Designations**

5.11. The site is circa 3km from the Grand Canal, a proposed Natural Heritage Area. The site is circa 8k from nearest designated site is the Rye Water Valley / Caron SAC (Site Code 001390). It is circa 9km to the Glenasmole Valley SAC (001209). It is circa 11km from the Wicklow Mountains SAC (002122) . It is circa 12 km from Poulaphuca SPA (004063). There is no physical connection between the site and the Natura 2000 sites or the pNHA. No Appropriate Assessment issues arise, and it is not considered 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.

## 5.12. **EIA Screening**

5.13. Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment and so it can be concluded from a preliminary screening, that an Environmental Impact Assessment can be ruled out and a screening determination is not required.

## 6.0 **The Appeal**

6.1. The appellants have submitted the appeal, the grounds of which are summarised below. It is supported by enclosures, including from Inspire Child Development Centre in Naas.

## 6.2. Grounds of Appeal

- The council have refused for 6 no. reasons and the appellants refute these reasons. These reasons were considered in the previous appeal and most did not stand up to examination.
- There is no definition in the development plan as to what constitutes 'exceptional circumstances'. Precedent cases are cited where the planning authority granted planning permission for social reasons only (SD18A/0110) in the 'RU' zoning where the landscape character is High Amenity. Evidence similar to that produced by the applicants was provided in SD17A/0191 in an 'RU' zoning and was accepted.
- The applicants meet the criteria for a rural generated house at this location, under national, regional and development plan policy. They have a rural housing generated need. They have the social ties and the employment requirement - John Conlon is from Saggart, born in the family lands, which his uncle still farms. He also works part time on a farm on Mountseskin Road. Part time work in a rural area can be considered under the Sustainable Rural Housing Guidelines, 2005.
- They are an intrinsic part of the rural community. The family are living locally with the Conlons on family land (some 200 metres from the site), which has been in the family for generations and where the current three generations reside. The majority of the surrounding houses are occupied by family members.
- There are medical circumstances as their son requires additional support from the family for his care and needs to maintain his current schooling. He is a flight risk and would find difficulty coping in a suburban situation.
- The house has been designed to cater for wheelchair use, so as elderly relatives can be catered for (since the last application, an elderly relative has had a pacemaker fitted).
- The appellants have discovered that up until December, 2020, only 5 rural houses have been granted in South Dublin County Council, notwithstanding

that an allowance of up to 100 one-off houses have been calculated for in the development plan.

- The granting of planning permission for this dwelling would not prejudice any targets for compact development, cyclelanes, greenways, etc.
- The site is not used for productive agriculture purposes, but to graze horses.
- Ribbon development does not arise as there are only 3 other houses within 250 metres of the site. These houses are set back from the road and are not prominent.
- The nature of the employment work requires use of a van – whether the appellants live in an urban or rural location, they would be car dependent. Indeed, relocation to an urban area would involve greater vehicle usage on the rural road network, as the family would have to drive to both give and receive support.
- No ribbon development arises, as accepted in the previous appeal.
- No traffic hazard arises, as accepted in the previous appeal. The intensity of use of the road would remain the same as the applicants are living on the road in the family home.

### **6.3. Planning Authority Response**

No new issues arise.

## **7.0 Assessment**

- 7.1. The proposed development is essentially the same in physical terms as that which was previously refused. I note that the reasons for refusal issued by the planning authority on this occasion are unchanged from before. I can see no physical changes in the immediate environment of the site and at date of writing, there have been no policy changes. Therefore, I consider that the additional reasons for refusal by the planning authority which were discounted by An Bord Pleanála at that time, remain discounted. I will focus this assessment on the reason for refusal of planning

permission in ABP 308910-20 to assess if there has been a material change in circumstances that would warrant a reversal of that decision.

- 7.2. The planning authority, in its report, considers that the applicants need to demonstrate full time work in the rural economy, to enable consideration of both economic and social ties. The planning authority raises a second question as to whether their accommodation needs cannot be met within the current dwelling where the family is living.
- 7.3. The appellants emphasise in their appeal that the requirement for a full time occupation, relating to the rural area, is not required in policy terms. They cite other planning permissions made by the planning authority where planning permission for a rural house was granted, strictly on social and familial ties. The appellants consider that the same logic should apply to their case. One of the applicant's is a part time farm worker, and part time work in a rural area contributes to the weight of a argument for a rural dwelling.
- 7.4. I would concur that the balance of policy supports this approach – that an economic need is not necessary for applicants to come within the scope of a rural housing generated need. However, in areas which are under strong urban pressure, and the 'RU' zoned lands in South Dublin comes very clearly under this classification, 'exceptional circumstances' must also apply.
- 7.5. The circumstances set out by the appellants – that they are intimately connected to the local area, that their current living accommodation is overcrowded and that a family member would thrive in this rural environment – are, unfortunately, circumstances that are not unique, that are shared by others who make similar cases for single dwellings in rural areas under strong urban areas. These arguments are not 'exceptional' in the sense that the arguments being made for a rural house in an area under strong urban pressure are not untypical. Therefore, I do not consider that 'exceptional circumstances' have been demonstrated from a social perspective.
- 7.6. The part time employment in the rural area, which one of the appellants is engaged in, assists in the employment case for a dwelling. There would be very few full time farmers in South Dublin, as most farmers in this area would be farming on a part time basis. The need for a farm worker, working in a part time capacity, would not justify a rural dwelling in this area, that is not located on the farm where the employment takes



place. I do not consider that the case has been made in relation to the part time employment for a house at this location.

- 7.7. The keeping of bees is an agricultural use, for the purposes of food production. However, bees do not require human presence on a continual basis.
- 7.8. The main new planning issue from the last appeal is that the planning authority has granted planning permission for two no. rural dwelling houses in areas under strong urban pressure for persons with a socially rurally generated need only. I note the location of these houses were in Cruagh, in the Dublin Mountains and No. 64 Cooldrinagh Lane in Lucan. The latter was the subdivision of a plot in effectively a small settlement, as the address would indicate. The planning authority have stated that the appellants have not given sufficient information about the capacity of their current residence and its ability to be extended, or otherwise to demonstrate their housing need cannot be met there. The appellants have not provided this information on appeal. The absence of this information makes the justification of an additional dwelling in the area difficult, given the extensive housing development that has taken place in the vicinity.
- 7.9. There is an objective for the review of the Rural Housing Policy and Local Need Criteria within six months of the adoption of the development plan and it includes a public consultation process as part of this process.
- 7.10. However, I do not see a material change in circumstances from the previous appeal that would warrant a change of decision from An Bord Pleanála at this point in time.

## 8.0 Recommendation

- 8.1. I recommend that permission be refused for the proposed development.

## 9.0 Reasons and Considerations

Having regard to the location of the site within an area zoned 'RU' in the current *South Dublin County Development Plan, 2016-2022*, where policy H22 restricts new or replacement dwellings on the basis of a genuine rural generated need and evidence of exceptional circumstances and, having regard to the provisions of the *Sustainable Rural Housing Guidelines for Planning Authorities*, issued by the Department of the

Environment, Heritage and Local Government, in April 2005, Objective RPO 4.80 of the Eastern and Midland Regional Spatial and Economic Strategy and national Policy Objective 19 of the *National Planning Framework* (2018) which seek to manage the growth of areas that are under strong urban influence to avoid overdevelopment and to ensure that the provision of single housing in rural areas under urban influence are provided based upon demonstrable economic or social need to live in a rural area, it is considered that the applicants have not demonstrated exceptional circumstances that would justify the grant of planning permission for a dwelling at this rural location as required by Policy H22 Objective 1 of the *South Dublin County Development Plan 2016-2022* and, therefore, would not be in accordance with the National Policy Objective 19 or Regional Spatial and Economic Strategy RPO 4.80. The proposed development, in the absence of a demonstrable economic or social need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development, would therefore be contrary to the proper planning and sustainable development of the area.

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Mary Planning	Mac	Mahon Inspector
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28<sup>th</sup> June 2022