



An
Bord
Pleanála

Inspector's Report ABP-313003-22

Development	Construction of a detached single storey bungalow, vehicular entrance, secondary effluent treatment system, and all associated site works.
Location	Ringwood, Hazelhatch, Celbridge, Co. Kildare.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD21A/0338
Applicant(s)	Frank Reynolds
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party v. Decision
Appellant(s)	Frank Reynolds
Observer(s)	None.
Date of Site Inspection	6 th October, 2022
Inspector	Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located in the rural townland of Ringwood, Co. Dublin, approximately 2.7km northwest of Newcastle and 2.3km southeast of Celbridge, where it occupies an infill position within an existing pattern of linear-type development along the western side of Hazelhatch Road (directly opposite an existing 'T'-junction) on the approach to Hazelhatch Train Station c. 200m further northwest. While the surrounding landscape is primarily one of undulating rural countryside, there is a considerable concentration of piecemeal one-off housing and linear / ribbon development (typified by conventional single-storey and dormer bungalow construction) along the roadways in the area which serve to give a somewhat 'suburban' appearance to the locality.
- 1.2. The site itself has a stated site area of 0.118 hectares, is rectangular in shape, and presently comprises a vacant plot of undeveloped / greenfield land. It adjoins a conventional, single-storey detached bungalow to the southeast, a single-storey, semi-detached cottage to the northwest, and agricultural lands to the southwest with the public road to the northeast. The site perimeter is presently defined by a combination of mature hedgerow and well-maintained hedging.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a dormer-style bungalow (although the public notices refer to a single storey design) based on a principle rectangular plan with a stated floor area of 227m² and a ridge height of 6.7m. The overall design is somewhat conventional with an asymmetrical front elevation incorporating a series of front-gabled features. External finishes include a napp plaster and blue / black roof tiles / slates.
- 2.2. Access to the site will be obtained directly from the adjacent public road to the immediate northeast via a new entrance arrangement.
- 2.3. It is also proposed to install a wastewater treatment plant with pumped discharge to a soil polishing filter. Water services are available via connection to the public mains.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 15th February, 2022 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 6 No. reasons:

- The proposed development would be located at a junction on a substandard rural road network which is narrow in width, has poor vertical and horizontal alignment and lacks pedestrian, public lighting and drainage facilities, where the generation of additional traffic/turning movements on this heavily trafficked high speed road would endanger public safety by reason of a traffic hazard or obstruction of road users or otherwise.
- 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 the regional settlement strategy policy for the Eastern & Midlands Region.

- 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 and the applicant has not provided evidence of close family links in the area. The applicant has not, therefore, 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.
- 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.

- 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 Newcastle Lowlands 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 and objectives of the South Dublin County Development Plan 2016-2022 and would materially contravene the zoning objective for the area and be contrary to the proper planning and sustainable development of the area.
- This proposal constitutes undesirable ribbon development on a substandard rural road network, which will lead to a demand for the uneconomic provision of services and would set an undesirable precedent for further similar developments in the area and would be contrary to Policy H27-Objective 1 of the South Dublin County Council Development Plan 2016-2022.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

Details the site context, planning history, and the relevant policy considerations (since superseded by the adoption of the South Dublin County Development Plan, 2022-2028) before assessing the proposal in the context of the applicable 'RU' land use zoning. It proceeds to consider the submitted particulars as regards compliance with the rural housing eligibility criteria and states that the applicant has not established a need to reside in the area based on his employment nor has he adequately demonstrated why his housing need could not be facilitated in a nearby urban area. The report further states that the applicant has not provided sufficient justification to warrant the setting aside of Policy H20 of the Development Plan which aims *'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'. It is also considered that the proposed dwelling, when taken in conjunction with existing development, would contribute to an excessive level of development in a rural area lacking certain public services which is served by a substandard road network. The proposal is thus considered to be variance with NPF Objective 19 of the National Planning Framework and the settlement strategy contained in the Eastern & Midland Regional Spatial and Economic Strategy.

The report continues by referring to the site location within the medium-high value 'Newcastle Lowlands Landscape Character Area' and reiterates its concerns as regards ribbon development before stating that, on the basis of the information provided, the visual and landscape impact of the proposal would not be acceptable. It also acknowledges the traffic safety concerns raised by the Roads Dept.

The report concludes by recommending that permission be refused for the reasons stated.

3.2.2. *Other Technical Reports:*

Water Services: No objection, subject to conditions.

Roads Dept.: Recommends that permission be refused for the following reasons:

- The proposed development would be located at a junction on a substandard rural road network which is narrow in width, has poor vertical and horizontal alignment and lacks pedestrian, public lighting and drainage facilities. The generation of additional traffic / turning movements on this heavily trafficked high speed road would endanger public safety by reason of a traffic hazard.
- The proposal constitutes undesirable ribbon development on a substandard rural road network, which will lead to a demand for the uneconomic provision of services and would set an undesirable precedent for further similar development in the area.

The report subsequently sets out a series of conditions in the event of a decision to grant permission.

Environmental Health: No objection, subject to conditions.

Public Realm / Parks Dept.: No objection, subject to conditions.

3.3. Prescribed Bodies

3.3.1. *An Taisce*: States that the application should be assessed with regard to the impact on the amenity of the area and the relevant provisions of the South Dublin County Development Plan. It is also noted that the proposed development involves the construction of a dormer bungalow with 2 No. storeys.

3.3.2. *Irish Water*: No objection.

3.4. Third Party Observations

None.

4.0 Planning History

4.1. On Site:

4.1.1. PA Ref. No. S00A/0276. Was refused on 21st June, 2000 refusing Kevin & Nuala Decy outline permission for the construction of a dwelling house and biocycle treatment plant.

- The site of the proposed development is located in an area zoned in the County Development Plan with the objective, 'to protect and improve rural amenity and to provide for the development of agriculture'. It is the policy of the Planning Authority, as set out in the Development Plan Policy RH1, to restrict the spread of one off housing into the rural, mountain and high amenity zones, in order to protect the character and amenity value of such areas, and to promote the achievement of sustainable development. It is considered that the applicant has not demonstrated that the proposed development is in accordance with Council policy RH1. The proposed development would, therefore, contravene materially the zoning objective, and would be contrary to the proper planning and development of the area.
- The proposed development has inadequate road frontage; would contribute to ribbon development; would endanger public safety by reason of traffic hazard, due to additional traffic turning movements on a substandard rural road network; would lead to demands for the uneconomic provision of public services in an area where they are not proposed; would constitute an undesirable precedent for further similar development in the vicinity; and

would not be in accordance with the Council's sustainable development objectives. The proposed development would, therefore, contravene materially the zoning objective, and would be contrary to the proper planning and development of the area.

4.2. On Adjacent Sites:

- 4.2.1. PA Ref. No. SD13B/0031. Was granted on 20th May, 2013 permitting M. Charters permission for a single storey extension to the front of an existing dwelling, internal alterations to the existing dwelling and all associated site works, all at 'Fernbank', Hazelhatch, Newcastle, Co. Dublin.
- 4.2.2. PA Ref. No. SD02B/0221. Was granted on 6th December, 2002 permitting M. & C. Charters permission for the demolition of an existing garage together with two storey (ground floor and attic level) granny flat extension to the side, all at 'Fernbank', Hazelhatch, Newcastle, Co. Dublin.

4.3. On Sites in the Immediate Vicinity:

- 4.3.1. PA Ref. No. SD09A/0487. Was refused on 21st July, 2010 refusing Ms. Geraldine Sloyan permission for a single storey detached dwelling, associated effluent treatment system and the use of an existing vehicular entrance to the site off the public road at Ringwood, Hazelhatch, Newcastle, Co. Dublin.
- 4.3.2. PA Ref. No. SD06B/0789. Was granted on 29th May, 2007 permitting Denis Sloyan permission for a single storey extension to the side and rear of an existing semi-detached cottage with a new biocycle wastewater treatment system at Ringwood Cottages, Hazelhatch, Co. Dublin.
- 4.3.3. PA Ref. No. SD06A/0609. Was refused on 7th September, 2006 refusing Denis Sloyan permission for the demolition of existing single storey semi-detached dwelling and the construction of a new single storey detached 4 bedroom dwelling with off-street parking at Ringwood Cottages, Hazelhatch, Co. Dublin.

5.0 Policy and Context

5.1. National and Regional Policy

5.1.1. ***Project Ireland 2040 - The National Planning Framework (2018):***

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.

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.

5.1.2. ***Eastern and Midland Regional Spatial & Economic Strategy (RSES), 2019-2031:***

Section 4.8: '*Rural Places: Towns, Villages and the Countryside*' of the RSES states 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’.

It further states that the rural housing planning policy of local authorities should be evidence-based and accommodate rural-generated housing consistent with the settlement framework contained in the RSES and the ‘*Sustainable Rural Housing, Guidelines for Planning Authorities, 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.

In this regard, Regional Policy Objective (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.*

5.1.3. ***Sustainable Rural Housing, Guidelines for Planning Authorities, 2005:***

These Guidelines promote the development of appropriate rural housing for various categories of individual as a means of ensuring the sustainable development of rural areas and communities. Notably, the proposed development site is located in an ‘*Area under Strong Urban Influence*’ as indicatively identified by the Guidelines. In this regard, Section 6.9: ‘*Rural Housing Strategy*’ of the South Dublin County Development Plan, 2022-2028 acknowledges that the entire rural area of South Dublin is under strong urban influence.

5.2. Development Plan

5.2.1. **South Dublin County Development Plan, 2022-2028:**

Land Use Zoning:

The proposed development site is located in an area zoned as ‘*RU: Rural and Agriculture*’ with the stated land use zoning objective ‘*To protect and improve rural amenity and to provide for the development of agriculture*’.

Other Relevant Policies / Sections:

Chapter 2: Core Strategy and Settlement Strategy:

Section 2.7.3: Rural Areas:

The RSES MASP defines the entire County as being within the Dublin Metropolitan Area and as such, the rural areas of South Dublin County are under strong urban influence for housing. The Development Plan will manage the growth of areas that are under strong urban influence, in accordance with the Sustainable Rural Housing Guidelines (2005, or as may be updated) to avoid over-development, while sustaining vibrant rural communities in line with NPO 15 and NPO 19. The Development Plan reflects this by having a carefully defined Rural Settlement Strategy set out under Chapter 6: Housing.

Policy CS11: Rural Areas:

Recognise that the rural area of South Dublin County is an area under strong urban influence for housing and restrict the spread of dwellings in the Rural ‘RU’, Dublin Mountain ‘HA-DM’, Liffey Valley ‘HA-LV’ and Dodder Valley ‘HA-DV’ zones based on the criteria set out in the Rural Settlement Strategy contained within Chapter 6: Housing.

CS11 Objective 1: To implement the Rural Settlement Strategy contained in Chapter 6: Housing.

Chapter 5: Quality Design and Healthy Placemaking:

Section 5.3: Sustainable Rural Neighbourhoods:

Residential development within the rural hinterland is carefully managed through the Rural Housing Policy and Local Need Criteria in accordance with the Sustainable Rural Housing Guidelines (2005) and Circular SP 5 / 08. The policy approach promoted in this Development Plan is considered to provide a reasonable balance between the delivery of appropriate and justifiable residential development in the rural parts of the County.

Policy QDP12: Sustainable Rural Neighbourhoods:

Protect and promote the sense of place and culture and the quality, character and distinctiveness of the County's rural hinterland that makes it an attractive place to live, work and visit.

Chapter 6: Housing:

Section 6.9: Rural Housing Strategy:

NPO 19 of the National Planning Framework requires a distinction to be made between rural areas under urban influence, that is within the commuter catchment of cities and large towns and centres of employment, and elsewhere. Based on the definition under the MASP, the entire rural area of South Dublin is under strong urban influence.

Accordingly, the NPO outlines that for rural areas like South Dublin County, the Development Plan should 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. This approach follows on from the Rural Housing Guidelines (2005) and Circular SP 5 / 08. The County Development Plan seeks to strike a balance between facilitating housing for people who have a genuine need to live in rural areas of the County and that will contribute to the rural community and economy, while protecting such areas from urban generated housing and housing that would adversely impact on landscape character, environmental quality and visual amenity.

The Council acknowledges the distinctive characteristics of the rural communities of the County, supports their way of life, and through the policies of this Development Plan, will endeavour to ensure their continued existence as viable communities. This includes cognisance of the demand to provide support for dependents including

family members and older parents in rural areas through dwelling subdivision. The policy of the Council, therefore, is to restrict the spread of urban generated dwellings into rural and high amenity areas.

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.

Section 6.9.1: Rural Housing Policies and Local Need Criteria:

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.

Urban generated housing arises where the applicant has no indigenous links with the rural area, currently lives and works in the urban area and wishes to live in the rural area.

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.

H17: Objective 2: To consider persons for a rural house in the RU zone on the basis of their being an intrinsic part of the rural community where such persons have grown up or spent substantial periods of their lives, (12 years), living in the area or have moved away and who now wish to return to reside near to, or to care for, immediate family members and are seeking to build on the family landholding. Immediate family members are defined as mother, father, son, daughter, brother or sister.

Section 6.9.2: *Rural Housing in RU zone:*

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 12: 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 12: Implementation and Monitoring.

Section 6.9.6: *Rural Dwelling Occupancy:*

Policy H22: Occupancy Condition:

Conditions attached to the grants of permission for housing in Rural (RU), Dublin Mountain (HA-DM), Liffey Valley (HA-LV) and Dodder Valley (HA-DV) areas will include the stipulation that the house must be first occupied as a place of permanent residence by the applicant and / or by members of his / her immediate family, for a minimum period of seven years or such other longer period of time as is considered appropriate.

Section 6.9.7: *Rural Housing and Extension Design:*

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 less than 10) 2021 except where planning permission was granted prior to 7th June 2021 in which case the EPA’s Code of Practice Wastewater Treatment Systems Serving Single Houses 2009 applies; and
- Would not create or exacerbate ribbon or haphazard forms of development.

Chapter 12: Implementation and Monitoring:

Section 12.5: Quality Design and Healthy Placemaking

Section 12.6: Housing / Residential Development:

Section 12.6.9: Rural Housing:

The Rural Housing Strategy outlined in Section 6.9 of Chapter 6: Housing sets out the policy and objectives to meet rural housing need that will be considered for housing on lands that are designated with Zoning Objective ‘RU’, ‘HA-DM’, ‘HA-LV’ and ‘HA-DV’.

This section outlines the details which support these policies and objectives.

Applications for residential development will be assessed, on a case-by-case basis, and must establish:

- A genuine need to reside in proximity to their employment (such employment being related to the rural community); or
- That the applicant has close family ties with the rural community.

Applicants must not have already been granted planning permission for a new rural dwelling and must clearly demonstrate compliance with the above through the submission of the following information:

- Documentary evidence to show how the applicant complies with rural housing policy;
- A map showing all existing family-owned property and lands;
- A rationale as to why a particular site has been chosen for development;
- A strong justification in relation to the need for an additional dwelling in the rural area;
- How their existing or proposed business contributes to and enhances the rural area supported by evidence of investment;
- A rationale clearly detailing why a family flat is not a suitable alternative;
- A site suitability report in relation to waste treatment (See further detail below).

Note: The above list is non-exhaustive, and each application will be examined on a case-by-case basis.

For the purpose of assessing local rural housing needs criteria, the division between the High Amenity Dublin Mountain 'HA-DM' Zone and the High Amenity Dodder Valley 'HA-DV' Zone occurs at Fort Bridge, Bohernabreena with the 'HA-DM' Zone occurring to the south of the bridge and the 'HA-DV' Zone occurring to the north of the bridge.

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 clearly required to live close to family support or in a particular environment.

5.3. Natural Heritage Designations

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Grand Canal Proposed Natural Heritage Area (Site Code: 002104), approximately 360m southeast of the site.

5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, and the separation distance from the nearest sensitive location, 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

- Every development site / planning proposal should be assessed not only on stated policies and objectives, but on its individual merits. In this regard, it is suggested that the Planning Authority has not recognised the spatial characteristics / location of the application site in a transient area between Hazelhatch and Celbridge, with particular reference to the proximity of Hazelhatch train station c. 200m away.
- The surrounding area does not exhibit 'normal' rural characteristics. Indeed, the presence of public lighting and a well-maintained road network with a pedestrian footpath into Celbridge would support the assertion that the development site is situated in a semi-urban location.
- While the County Development Plan adopts a 'broad-brush' approach to the urban / rural divide and shows the site as a rural area, this is clearly not the case in reality.

- The repeated references by the case planner to a substandard road network, a lack of public services, and deficiencies in public lighting and pedestrian facilities are rejected. The area is served by a local / regional road that is used to access Hazelhatch train station and a 'Park and Ride' facility a short distance away. Moreover, the site is in an area which is considered to be well serviced by roads, footpaths and public lighting.
- This is an infill site which does not contribute to ribbon development. It is located 200m south of Hazelhatch train station and benefits from good road services, public lighting, and pedestrian links to Celbridge town.
- The applicant has a demonstratable need for a dwelling house in this area given his employment as a racehorse trainer as supported by the documentation supplied with the application.
- The Planning Authority has failed to acknowledge the positive aspects of the proposal and these would not appear to have been taken into account by the case planner.
- The proposed development site is not located along a substandard rural road. It is served by a local / regional road with public lighting and pedestrian footpaths to Hazelhatch station.
- The applicant is a full-time racehorse trainer with a significant bloodstock and lands leased for his business in the area. He has a demonstrable need to live in the area as supported by the accompanying documentation.
- The term 'exceptional need' is not defined in the County Development Plan and is entirely at the subjective opinion of the case planner.
- The assertions by the case planner as regards there being an 'excessive' level of development in the area are rejected. The lack of a quantifiable analysis of 'excessive' development does not allow for an understanding of the Council's policy.

It is a fundamental rule of planning law that the subjective opinions of planners should be easy to understand and applicable to the site so that applicants can make an informed decision prior to lodging a planning application. This has not been the case in the subject instance and it is

impossible to know when the Planning Authority will deem an area to have 'excessive' development which is unfair and unreasonable.

Notwithstanding the foregoing, the infill nature of the site would negate any opinion as regards 'excessive' development.

- The Planning Authority has failed to recognise that the 'RU' land use zoning aims '*To protect and improve rural amenity and to provide for the development of agriculture*' and that the subject proposal amounts to agriculturally-based development. Furthermore, the landscape qualities of the area have been exaggerated given that this is an infill development which will have no visual impact on the surrounding landscape.
- The proposal involves an infill site and will not contribute to ribbon development.

6.2. Planning Authority Response

- Confirms the decision to refuse permission and states that the issues raised in the appeal are addressed in the report of the case planner.

6.3. Observations

None.

6.4. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development / rural housing policy
- Overall design / visual impact
- Traffic implications

- Other issues
- Appropriate assessment

These are assessed as follows:

7.2. The Principle of the Proposed Development / Rural Housing Policy:

- 7.2.1. In terms of assessing the principle of the proposed development having regard to the applicable rural housing policy, it is of relevance in the first instance to note that the proposed development site is located in an *'Area under Strong Urban Influence'* as indicatively identified by the *'Sustainable Rural Housing, Guidelines for Planning Authorities, 2005'*. These *'Areas under Strong Urban Influence'* are described as exhibiting characteristics such as their proximity to the immediate environs or the close commuting catchments of large cities and towns (e.g. Dublin City) and will generally be under considerable pressure for the development of housing due to their proximity to these urban centres or the major transport corridors accessing them.
- 7.2.2. Following on from the foregoing, the Dublin Metropolitan Area Strategic Plan included as part of the Eastern and Midland Regional Spatial & Economic Strategy states that the entirety of the administrative area of South Dublin County Council falls within the Dublin Metropolitan Area and as such the rural areas of South Dublin County are under strong urban influence for housing. In this regard, I would draw the Board's attention to Regional Policy Objective (RPO) 4.80 of RSES which requires local authorities to manage urban generated growth in *'Rural Areas Under Strong Urban Influence'* (i.e. the commuter catchment of Dublin, large towns and centres of employment) 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. By extension, Section 6.9: *'Rural Housing Strategy'* of the South Dublin County Development Plan, 2022-2028 similarly acknowledges that the entirety of the rural area of South Dublin is under strong urban influence.
- 7.2.3. It should also be noted within *'areas under urban influence'*, the National Planning Framework (*'Project Ireland 2040: Building Ireland's Future'*) states that it will be necessary for applicants to demonstrate *'a functional economic or social requirement*

for housing need' (with National Policy Objective No. 19 stating that the provision of single housing in rural areas under urban influence is to be based on the core consideration of a demonstrable economic or social need to live in a rural area and the siting and design criteria for rural housing contained in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements).

7.2.4. The Sustainable Rural Housing Guidelines further state that the housing requirements of persons with roots or links in rural areas are to be facilitated and that planning policies should be tailored to local circumstances.

7.2.5. Considering the proliferation of one-off rural housing development observed in the wider area during the course of my site inspection, and the evidence of the continuing pressure for such development due to the site location within the Dublin Metropolitan Area, I would concur that the prevailing characteristics of the surrounding area are indicative of an '*Area under Strong Urban Influence*'.

7.2.6. Having regard to the foregoing, I would advise the Board that the proposed development site is zoned as '*RU: Rural and Agriculture*' with the stated land use zoning objective '*To protect and improve rural amenity and to provide for the development of agriculture*' and, therefore, the provisions of Policy H17: Objective 2 and Policy H18: Objective 1 of the Development Plan are applicable in this instance. By way of clarity, although the aforementioned policy objectives are separate, they both relate to the assessment of proposals for new rural housing on lands zoned as '*RU: Rural and Agriculture*'. However, while Policy H17: Objective 2 provides for '*consideration*' to be given to persons for a rural house in the 'RU' zone on the basis of their being '*an intrinsic part of the rural community*' (where such persons have grown up or spent substantial periods of their lives (12 years) living in the area or have moved away and who now wish to return to reside near to, or to care for, immediate family members and are seeking to build on the family landholding), Policy H18: Objective 1 would seem to apply a more restrictive approach by stating that new dwellings within zoning objective 'RU' 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.

7.2.7. Notably, applications for housing within areas zoned as 'RU' are also to be assessed against other relevant policy considerations and standards, including Chapter 12: '*Implementation and Monitoring*', with Section 12.6.9: '*Rural Housing*' of the Plan reiterating that applicants will be assessed on a case-by-case basis and must establish:

- A genuine need to reside in proximity to their employment (such employment being related to the rural community); or
- That the applicant has close family ties with the rural community.

7.2.8. It is further stated that applicants must not have already been granted planning permission for a new rural dwelling and must clearly demonstrate compliance with the eligibility criteria through the submission of the certain information, including the following:

- Documentary evidence to show how the applicant complies with rural housing policy;
- A map showing all existing family-owned property and lands;
- A rationale as to why a particular site has been chosen for development;
- A strong justification in relation to the need for an additional dwelling in the rural area;
- How their existing or proposed business contributes to and enhances the rural area supported by evidence of investment;
- A rationale clearly detailing why a family flat is not a suitable alternative;
- A site suitability report in relation to waste treatment.

(By way of clarity, it should be noted that the decision of the Planning Authority to refuse permission was made under the provisions of the previous South Dublin County Council Development Plan, 2016-2022 which has since been superseded by the South Dublin County Development Plan, 2022-2028).

7.2.9. In addition to the foregoing, I would suggest that it is appropriate to have regard to the provisions of the '*Sustainable Rural Housing, Guidelines for Planning Authorities*' which state that in facilitating housing intended to meet rural-generated needs eligible persons can include those working full-time or part-time in rural areas or

persons who are an *'intrinsic part of the rural community'* which are defined as follows:

'Such persons will normally have 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. Examples in this regard might include sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first homes near their family place of residence'.

(For the purposes of clarity, I would advise the Board that Circular letter PL 2/2017: *'Sustainable Rural Housing Guidelines for Planning Authorities 2005 – Local Needs Criteria in Development Plans'* clearly states that the *'Sustainable Rural Housing, Guidelines for Planning Authorities, 2005'* remain in place and thus form the current 'default' position (as supported by the National Planning Framework) pending the publication of revised guidance by the Department).

- 7.2.10. From a review of the available information, it is apparent that the applicant has sought to rely on his involvement in the equine industry (as an agricultural-related employment) with a view to establishing an economic / employment based need to reside at the location proposed. In this regard, I would refer the Board to the *'Rural Housing Compliance Statement'* provided with the application wherein it has been submitted that Mr. Reynolds is a full-time racehorse breeder and / or trainer with 55 No. horses in his ownership (as supported by copies of a number of equine passports) and that he has a leasehold interest in 20.18 acres of land directly behind the proposed development site. By way of further detail, the applicant has indicated that he is the owner of the subject site (having acquired it in 2009) and that the proposed dwelling house is intended for his use from which he will manage his horse breeding / equine operation. Notably, no reliance has been placed on any residency or familial links to the area and thus the applicant's eligibility under the applicable rural housing policies relies solely on his economic / employment need to reside at the chosen location.

- 7.2.11. Having considered the submitted particulars, while I would acknowledge the applicant's employment in the equine industry, in assessing the merits of the proposal and whether the applicant could be held to satisfy the relevant eligibility criteria, particularly in terms of having a *'functional economic or social'* housing need requirement to reside at the location proposed as per National Policy Objective No. 19 of the NPF, I would suggest that the following factors require consideration i.e. the applicant's 'housing need' and any 'specific locational need' to reside on the lands in question.
- 7.2.12. With respect to the issue of housing need, there is a notable dearth of information as regards the applicant's current housing circumstances, including the location of his present place of residence and, more particularly, the nature of his tenure (e.g. owner / occupier, rental etc.). Indeed, the copies of equine passports submitted with the application and the 'Memorandum of Lease Agreement' provided with the grounds of appeal all give the applicant's address as Hazelhatch, Celbridge, Co. Kildare, which would suggest that he is already resident in the area. It is also unclear whether the applicant has previously owned or disposed of any residential property or if the proposed dwelling will be his first home.
- 7.2.13. In relation to the suggestion that the applicant has a specific locational need to reside at the subject site, given the close proximity of Celbridge and other nearby settlements, and noting the absence of information as regards his current place of residence etc., I am not satisfied that a demonstrable need to reside at the location proposed has been established. This is compounded further by the applicant's comparative recent leasing of neighbouring lands despite having acquired the subject site in 2009. It is also notable that the leased lands would not appear to include any more permanent equine facilities and that no locational details have been provided of the applicant's current yard or stabling facilities etc. which serves to undermine any need to reside at the proposed site on a permanent basis.
- 7.2.14. Therefore, having regard to the foregoing, and in light of National Policy Objective 19 of the NPF which, for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on the core consideration of a demonstrable economic or social need to live in a rural area while having regard to the viability of smaller towns and rural settlements, it is my opinion that given the site location within the Dublin Metropolitan Area and its proximity to Celbridge and other

nearby settlements, the dearth of information as regards the applicant's current housing circumstances, and notwithstanding the submissions on file indicating his involvement in the equine industry locally, the applicant has not established that he comes within the scope of either the economic or social housing need criteria set out in the overarching national guidelines. In effect, I am unconvinced that the applicants' needs cannot be satisfactorily accommodated elsewhere, such as within Celbridge town or any of the other designated settlements in the wider area, having regard to the need to support the viability of towns and settlements as per Objective 19 of the NPF.

7.3. Overall Design / Visual Impact:

- 7.3.1. In terms of assessing the visual / landscape impact of the proposed development, it is of relevance in the first instance to note that the subject site is located within the '*Newcastle Lowlands Landscape Character Area*' as detailed in Figure 3.1: '*Landscape Character Area and Sensitivity for South Dublin County*' of the South Dublin County Development Plan, 2022-2028. This LCA is described as comprising a low-lying agricultural area with a long history of human settlement which serves as an important landscape setting for the urbanised east of the County. It is considered vulnerable to urbanising pressures and, therefore, in order to conserve its sense of place and character as a rural landscape which provides a distinct and important identity for this area of western Dublin, controls are required on urban expansion, ribbon development and other sources of erosion and fragmentation with guidance on the use of appropriate vernacular styles and treatments in new developments.
- 7.3.2. Section 3.4.3: '*Landscape*' of the Development Plan subsequently acknowledges that there may be several '*Landscape Character Types*' within the '*Landscape Character Area*' and that the capacity of each Landscape Character Type (LCT) to absorb new development will largely depend on the sensitivity of the landscape. In this regard, I would draw the Board's attention to Figure 3.2: '*Landscape Character Types and Sensitivity for South Dublin County*' from which it can be derived that the application site is located within the '*Limestone Farmlands*' LCT which is deemed to be of '*Medium*' sensitivity. A set of principles to inform development within this landscape character type is set out in Table 12.17: '*Landscape Character Types*' of the Plan as follows (as per Appendix 9: '*Landscape Character Assessment (LCA) for South Dublin County*'):

- This LCT represents a significant agricultural resource but is vulnerable to urbanising pressures.
- It represents an important agricultural and green infrastructure buffer between the heavily urbanised eastern parts of the county.
- Enhance and support the agricultural character by maintaining the integrity of this LCT.
- Controls on urban expansion, ribbon development and other types of erosion and fragmentation of landscape character.
- Its character as a rural landscape provides a distinct and important identity to this area and requires site planning guidance on the use of appropriate vernacular styles and treatments in new developments

7.3.3. In a local context, while the broader landscape is primarily characterised by low-lying rural countryside, there is a notable concentration of piecemeal one-off housing and linear / ribbon development (typified by conventional single-storey and dormer bungalow construction) along roadways in the immediate surrounds of the application site which serves to give a somewhat 'suburban' appearance to the locality. This pattern of development is likely attributable to historical development pressures exerted by the wider Dublin Metropolitan Area, with particular reference to the nearby urban centres of Celbridge and Newcastle, as well the close proximity of Hazelhatch Train Station. Indeed, the site itself occupies an infill position within an existing pattern of linear-type ribbon development which extends for an approximate distance of 130m along the western side of Hazelhatch Road. In this respect, the applicant has sought to differentiate the specifics of the site location from the wider rural area by characterising the immediate locale as 'semi-urban' given the proximity of Celbridge and Hazelhatch as well as the presence of a well-maintained road network with street lighting and a pedestrian footpath linking to Celbridge. An emphasis has also been placed on the infill nature of the site within an existing series of houses and, therefore, cognisance should be taken of the advice contained in Appendix 4: '*Ribbon Development*' of the '*Sustainable Rural Housing, Guidelines for Planning Authorities*' wherein it is stated that the extent to which a proposal could contribute to or exacerbate ribbon development will require consideration of

- The type of rural area and the circumstances of the applicant;

- The degree to which the proposal might be considered infill development; and
- The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.

7.3.4. From a review of the available information, and having conducted a site inspection, while I would accept that the overall design and layout of the proposed dwelling house is generally comparable to the surrounding pattern of development (which is typified by an abundance of conventional single-storey and dormer bungalows constructed in a linear format along the roadside), and although the wider visual impact of the construction will be somewhat limited given the broader site context, in my opinion, when taken in conjunction with the concentration of piecemeal one-off housing and linear / ribbon development along the roadways in the immediate site surrounds, the submitted proposal represents a further unwarranted erosion of the rural character of this area which will have a wider impact on the prevailing landscape quality by contributing towards its gradual suburbanisation, a continuation of urban sprawl, and an excessive density of haphazard piecemeal development. In support of such a conclusion, and while noting the infill nature of the proposal, I have had particular regard to the site location in an area under strong urban influence, the development pressures within the Dublin Metropolitan Area, the need to maintain a distinction between urban and rural areas with a view to distinguishing the development envelope of towns and villages from the surrounding rural hinterland, and my assessment that the applicant has not established a demonstrable economic or social need to live in this rural area as required by both local and national policy.

7.4. Traffic Implications:

- 7.4.1. The proposed development site will be accessed via a new entrance arrangement onto the adjacent R405 Regional Road along a section of roadway subject to a speed limit of 60kph. The entrance itself will be sited directly opposite an existing 'T'-junction where there is a break in the continuous white centreline on the approaches from the north and south to facilitate traffic turning movements.
- 7.4.2. While the decision of the Planning Authority to refuse permission has been informed by a report from the Roads. Dept. which has raised concerns as regards the generation of additional traffic / turning movements along a substandard section of

rural roadway which is purportedly characterised by a narrow and poorly aligned carriageway and a lack of pedestrian, public lighting and drainage facilities, in my opinion, a refusal of permission on such grounds would be not warranted in this instance.

7.4.3. Although I would have reservations as regards the increasing proliferation of individual site entrances along this particular stretch of roadway and the braking and traffic turning movements associated with same, and while the vertical and horizontal alignment of the roadway is not ideal, the new entrance will be positioned within a series of long established access points and I am satisfied that adequate sightlines and stopping sight distances can be achieved at this location given the applicable speed limit. Furthermore, the site is fronted by a pedestrian footpath which provides for an unbroken link (with a cycle-path along part of the route) all the way to Celbridge while a further pathway with street lighting commences a short distance away on the opposite side of the road over the bridge crossing of the railway line thereby accommodating improved pedestrian access to Hazelhatch rail station.

7.4.4. In light of the foregoing, and noting the limited scale and nature of the development along with its likely trip generation, I am satisfied that the surrounding road network has adequate capacity to accommodate the traffic impact of the proposal without detriment to public safety.

7.5. **Other Issues:**

7.5.1. *Procedural Issues:*

In my opinion, the description of the proposed development as set out in the public notices is materially inaccurate and misleading as it refers to a '*single storey bungalow*' whereas the submitted plans / drawings clearly show the proposed construction of a dormer-type dwelling with two distinct floors of accommodation.

Secondly, the address of the proposed development site has been given as '*Ringwood, Hazelhatch, Celbridge, Co. Kildare*' despite its location within Co. Dublin (and the application having been made to South Dublin County Council), although I would concede that this likely reflects its postal address.

While procedural matters, such as a determination as to the adequacy (or otherwise) of the public notices and the subsequent validation (or not) of a planning application, are generally the responsibility of the Planning Authority (which in this instance took

the view that the submitted documentation satisfied the minimum regulatory requirements), and although the Board is not empowered to correct any procedural irregularity which may have arisen during the Planning Authority's assessment of the application, I would advise the Board that Article 18(1)(b) of the Planning and Development Regulations, 2001, as amended, requires a newspaper notice to provide *'the location, townland or postal address of the land or structure to which the application relates (as may be appropriate)'* while Article 18(1)(d) requires the notice to include *'a brief description of the nature and extent of the development'*. In this regard, I am not satisfied that the description of the proposed development in particular as set out in the public notices provides for a materially accurate description or explanation of the nature of the proposed works for the benefit / notification of third parties.

The Board may wish to consider a refusal of permission having regard to the aforementioned deficiencies, although this would amount to a new issue in the context of the appeal.

7.5.2. *Wastewater Treatment & Disposal:*

The proposed development includes for the installation of a secondary wastewater treatment system and provides for treated effluent to be discharged to ground by way of pumped discharge to a soil polishing filter. On the basis of the information available, including the submitted Site Characterisation Form, the report of the Environmental Health Officer has concluded that the proposed wastewater treatment and disposal arrangements are acceptable, subject to conditions.

7.6. **Appropriate Assessment:**

- 7.6.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the reasons and considerations set out below:

9.0 Reasons and Considerations

1. Having regard to:

- a) the relevant provisions of the current South Dublin County Development Plan, 2022-2028 and the location of the site within an area zoned 'RU' where Policy 18 restricts new or replacement dwellings on the basis of a genuine rural generated need and evidence of exceptional circumstances;
- b) the location of the site within a rural area identified as being under strong urban influence in accordance with the 'Sustainable Rural Housing Guidelines for Planning Authorities' published by the Department of the Environment, Heritage and Local Government in April, 2005;
- c) Regional Policy Objective RPO 4.80 of the Eastern and Midland Regional Spatial and Economic Strategy, 2019-2031; and
- d) National Policy Objective 19 of the National Planning Framework (2018) which, for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstratable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements; and

the Board is not satisfied, on the basis of the information submitted with the application and the appeal, that the applicant has a demonstrable economic or social need to live in this specific rural area. It is considered, therefore, that the applicant does not come within the scope of housing need criteria, as set out in the Sustainable Rural Housing Guidelines and in national policy, for a house at this location. In the absence of any identified exceptional or locally based need for the house at this location, it is considered that the proposed development would result in a haphazard and unsustainable form of development, would contribute to the encroachment of random rural

development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure, and would undermine the settlement strategy set out in the South Dublin County Development Plan, 2022-2028. The proposed development would be contrary to the provisions of the South Dublin County Development Plan, 2022-2028, the Ministerial Guidelines and to the over-arching national policy, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is the policy of the planning authority as set out in the current development plan to control urban sprawl and ribbon development. This policy is considered to be reasonable. The proposed development would be in conflict with this policy because, when taken in conjunction with existing and permitted development in the vicinity of the site, it would consolidate and contribute to the build-up of ribbon development in an open rural area. This would militate against the preservation of the rural environment and the need to maintain a clear distinction between nearby urban areas and the rural hinterland, would lead to demands for the provision of further public services and community facilities, and would be detrimental to the visual amenity and rural character of the surrounding area. The proposed development would, by itself and the precedent it would set for further such development, therefore, be contrary to the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

12th November, 2022