



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315489-23

Development	The construction of a house, wastewater treatment system and polishing filter, stormwater harvesting tank and soakaways, vehicular access, landscaping and ancillary site works.
Location	Crockaunadreenagh Road, Redgap, Rathcoole, Co. Dublin
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD22A/0402
Applicant(s)	Pearse McKiernan
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Pearse McKiernan
Observer(s)	None
Date of Site Inspection	21 <sup>st</sup> September 2023
Inspector	Ian Boyle

## 1.0 Site Location and Description

- 1.1. The appeal site is in the townland of Crockaunadreenagh, Redgap, Rathcoole. This is a rural area in the foothills of the Dublin Mountains, roughly 3.2km to the south of Rathcoole.
- 1.2. The land currently accommodates part of an existing equine facility with related horse training infrastructure. Training paddocks are split into sections with timber fences for equine management and the segregation of horses based on their training needs and activities. There are hedgerows and some mature trees on the boundaries of the site and the topography in the general area is hilly.
- 1.3. There is a slope downwards from the southeast (higher ground) towards the northwest (lower ground) in the direction of the N7 Motorway. The site is, therefore, on elevated ground and has wide, sweeping views of the surrounding rural countryside and further towards the built-up settlements and suburbs of Rathcoole and Newcastle.
- 1.4. The site fronts onto a narrow local road called the L6019 on its southeastern boundary. This stretch of road has several site accesses which serve single, one-off dwellings and associated farms and small plots of agricultural land.
- 1.5. The site is part of a large, overall landholding belonging to the mother of the Applicant, who lives at Hillcrest House. Hillcrest House is to the northeast of the appeal site and is accessed via an existing vehicular entrance off the L6019.
- 1.6. The site has an overall stated area of roughly 0.68ha.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a dwelling (c. 234sqm) to be used in association and to support a thoroughbred racehorse breeding facility.
- 2.2. It also includes a new vehicular access, removal of a section of existing hedgerow, installation of a packaged wastewater sewage treatment system with polishing filter, stormwater harvesting tank, well and soakaways.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority refused permission for 3 no. reasons, which are summarised as follows:

1. The proposed development is on a substandard rural road network, narrow in width and has poor vertical and horizontal alignment. The road lacks pedestrian, public lighting and drainage facilities and is saturated with one-off houses. The proposed development would endanger public safety by reason of traffic hazard.
2. The proposed development does not comply with Rural Housing Policy H16 'Management of Single Dwellings in Rural Areas' as per the South Dublin County Development Plan 2022-2028. The Applicant has not satisfactorily demonstrated the exceptional circumstances that would warrant the setting aside of Policies H16, H17 Objective 2 and Policy H18 Objective 1 to allow additional rural housing in this area. As such, the proposed development would materially contravene the objectives of the Development Plan and lead to demands for the uneconomic provision of further public services and facilities in this rural area.
3. The proposed development would represent the proliferation of further one-off housing in the Dublin Metropolitan Area and would prejudice the achievement of regional settlement strategy policy for the Eastern & Midlands Region.

[Emphasis added.]

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The site is subject to land-use zoning objective 'RU' – 'Rural Amenity', which is 'to protect and improve rural amenity and to provide for the development of agriculture'. The proposed development would constitute a one-off rural house in the countryside and is 'open for consideration'.

- The road to the south-east (front) of the site marks the boundary between the 'RU' zoned lands and lands zoned 'HA-DM' – 'To protect and enhance the outstanding natural character of the Dublin Mountains Area.'
- The proposal does not include any new equine structures and the existing equine business is managed by those residing in the adjoining dwelling (Hillcrest House).
- The site is in an area under strong urban influence and subject to the National Policies contained within 'Project Ireland 2040 National Planning Framework' and the Core Strategy and Rural Settlement Strategy as outlined in the County Development Plan. The proposed dwelling would represent the proliferation of further one-off housing in the Dublin Metropolitan Area and be against the regional settlement strategy policy for the Eastern & Midlands Region. It should therefore be refused permission.
- It is policy to focus housing into existing settlements and restrict housing in rural zoned areas (Council Policy H16), and the onus is on the Applicant to provide comprehensive evidence of their compliance with Policy H17 Objective 2 and Policy H18, Objective 1.
- Having regard to this previous reason for refusal under SD21A/0073 and notwithstanding the submissions of the Applicant, it is considered that he does not comply with Policy H16 and H17 Objective 2 and Policy H18 Objective 1 in relation to SDCC Rural Housing Policy.
- The applicant has provided details to show that they are a native of the area, and the owner and manager of an equine business dealing in the ownership, breeding and training of horses to use in racing. It is accepted that the applicant has close family ties with family and the rural community in the vicinity of the site.
- The equestrian facilities could be managed from the existing family home on the lands, or from a house within the built-up areas of Rathcoole, Saggart or Fortunestown.
- Standard conditions are sufficient to address services and drainage issues.

- The Roads Department recommend refusal as the proposed development would constitute ribbon development on a substandard rural road network which is narrow and has poor vertical and horizontal alignment. The road lacks pedestrian, public lighting and drainage facilities and is saturated with one off houses. The generation of additional traffic on this laneway, which is without adequate facilities for pedestrians and vulnerable road users, would endanger public safety by reason of a traffic hazard.
- The Landscape and Visual Assessment report (LVIA) includes an assessment from several viewpoints. However, it does not include CGI images of the proposed development itself. This could be provided by additional information.
- The Ecological Impact Assessment report includes bat and badger survey results. The report notes that although no trees have been identified as potential bat roosts within the site, the site should be examined again from the perspective of roosting bats and nesting birds before work takes place. In the event of a grant of permission, certain mitigation measures should be implemented and agreed where necessary by way of condition. These include installing lower impact lighting fixtures, sediment control, contractor briefing during construction, protection measures for trees, vegetation and hedgerows, amongst others.
- The proposed development is acceptable in terms of Screening for Appropriate Assessment (AA) and Screening for Environmental Impact Assessment (EIAR).
- Recommends permission be refused.

### 3.2.2. Other Technical Reports

Roads Department: Recommended permission be refused on the following basis:

1. The proposed development would be located on a substandard rural road network lacking pedestrian, public lighting and drainage facilities and is saturated with one off houses. The road network in the area is incapable of catering for the continuation of ribbon development. The proposed development would endanger public safety by reason of traffic hazard.

2. The generation of additional traffic on a laneway substandard in width and alignment, and without adequate facilities for pedestrians and vulnerable road users, would endanger public safety by reason of traffic hazard.

Also noted that the submitted the sightline drawing is unclear and that more detail is required regarding the existing hedgerows and visibility splay.

Water Services (Environmental Health) Department: No objection, subject to standard conditions requiring separation of the foul and surface water drainage and that all works must comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

Parks Department: Requested further information regarding landscaping, construction works, provision of a green infrastructure plan and protection of trees and hedgerows.

### 3.3. Prescribed Bodies

Uisce Éireann: No objection.

## 4.0 Planning History

*Subject Site*

Reg. Ref. SD21A/0073: The Planning Authority refused permission for a dwelling in May 2021 for four reasons, including:

- rural housing need not demonstrated,
- proposal is a traffic hazard as the road lacks pedestrian, public lighting and drainage facilities and is already saturated with one-off houses,
- generation of additional traffic on a substandard laneway, and
- non-compliance with the Regional Spatial and Economic Strategy 2019 - 2025 (RSES) and the Dublin Metropolitan Area Spatial Plan in that the proposed development would represent proliferation of further one-off housing prejudice the achievement of regional settlement strategy policy for the Eastern and Midlands Region.

The reasons are similar to those cited by the Planning Authority in their decision to refuse permission for the subject application (see Section 3.1 above).

Reg. Ref. XA.1200: The Planner's Report references an application for a 5-bed detached house which was granted permission (Page 4). However, the permission was not implemented and no house has been built on the site.

## 5.0 Policy Context

### 5.1. South Dublin County Development Plan 2022-2028

#### General

The South Dublin County Development Plan 2022-2028 ('Development Plan') was made on 22<sup>nd</sup> June 2022 and came into effect on 3<sup>rd</sup> August 2022.

#### Zoning

The subject site is zoned Objective 'RU (Rural and Agriculture)', which has the objective 'to protect and improve rural amenity and to provide for the development of agriculture.'

#### Settlement Strategy (Section 2.7)

- **Policy CS11** is to 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.
- The subject site is situated in 'an area under strong urban influence'.

#### Rural Housing Strategy (Section 6.9)

- **Policy H16** is in relation to the 'Management of Single Dwellings in Rural Areas' and seeks to 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.

- **Policy H17** is in relation to ‘Rural Housing Policy and Local Need Criteria’.
  - H17 Objective 2 is 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.
  
- **Policy H18** is in relation to ‘Rural Housing in RU Zone’.
  - H18 Objective 1 states that 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.

- **Policy H23** is in relation to ‘Rural Housing and Extension Design’ and seeks 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.
  - H23 Objective 1 seeks to 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 EPAs Code of Practice Wastewater Treatment Systems Serving Single Houses 2009 applies; and
- would not create or exacerbate ribbon or haphazard forms of development.

### **Section 12.6.9 (Rural Housing)**

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.

### **Rural Housing Design**

- A guide to Rural Housing Design is included on Pages 485 – 486 of the Development Plan.

### **Other Relevant Chapters:**

- Chapter 3: Natural, Cultural and Built Heritage
- Chapter 4: Green Infrastructure
- Chapter 6: Housing
- Chapter: 7 Sustainable Movement
- Chapter 10: Energy
- Chapter 12: Implementation and Monitoring

## **5.2. Project Ireland 2040 – National Planning Framework (NPF)**

5.2.1. National Policy Objective (NPO) 19 states it is an objective to 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.

- 5.2.2. NPO 15 seeks to support the sustainable development of rural areas by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

### **5.3. Sustainable Rural Housing Guidelines for Planning Authorities, 2005**

- 5.3.1. The Sustainable Rural Housing Guidelines note that in 'Areas under Strong Urban Influence' the objective should be, on the one hand, to facilitate the housing requirements of the rural community, as identified by the Planning Authority in the light of local conditions, while on the other hand directing urban generated development to areas zoned for new housing development in cities, towns and villages in the development plan.
- 5.3.2. These guidelines recommend against the creation of ribbon development for a variety of reasons relating to road safety, future demands for the provision of public infrastructure as well as visual impacts. Other forms of development, such as clustered development, well set back from the public road and served by an individual entrance can be used to overcome these problems in facilitating necessary development in rural areas.
- 5.3.3. Circular Letter SP 5/08 was issued after the publication of the guidelines on 30<sup>th</sup> September 2009. The letter states that all planning applications for houses in rural area, regardless of where the applicant comes from, or whether they qualify under specific criteria, must continue to be determined on the basis of proper planning and sustainable development of the area, in accordance with Development Plan policies regarding overarching environmental concerns, including the protection of natural assets, landscape, siting and design, traffic safety, etc.

### **5.4. Eastern and Midland Regional Assembly Regional Spatial & Economic Strategy (RSES) (2019-2031)**

- 5.4.1. Section 4.8 of the RSES recognises the major contribution that rural places make towards regional and national development in economic, social and environmental terms. Rural areas in the Region, including the Gaeltacht area, contribute to Ireland's

unique culture and identity, and provide significant natural resources, biodiversity, environmental qualities and landscape features.

5.4.2. The Guidelines state, that for some rural areas, urban and commuter generated development has undesirably affected the character and cohesion of these locations. Simultaneously, in less accessible rural locations, population levels have declined and it has been difficult to sustain basic services and community facilities at these locations.

5.4.3. 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 rural settlements.

5.4.4. By contrast, RPO 4.81 states that 'in rural areas outside the Rural Areas Under Strong Urban Influence local authorities shall encourage sustainable growth in areas that have experienced decline or stagnation, facilitate the provision of single houses 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. Natural Heritage Designations

5.5.1. The site is not affected, or in the vicinity, of any European Site.

5.5.2. The nearest European Site is the Glenasmole Valley SAC (Site Code: 001209), which is roughly 6.7m to the east of the subject site.

## 5.6. EIA Screening

5.6.1. Having regard to the limited nature and small scale of the proposed development, which is for a single dwelling and wastewater treatment system, and the absence of any significant environmental sensitivity in the vicinity, there is no real likelihood of

significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The main grounds of appeal are as follows:

#### Background

- The current application is a repeat submission following the Planning Authority's decision to refuse permission. However, the Applicant has sought to address the concerns and reasons for refusal under this proposal.
- The proposed development has similarities with ABP Ref. 309969, which comprised the construction of a dwelling, horse stable cubicles and a barn structure with 14 stables in Kill, Co. Dublin. The application was granted permission by the Board in October 2021.

#### Response to Refusal Reason No. 1

- The Council's Roads Department states that the sightline drawing submitted as part of the application is unclear and is more relevant to hedgerow removal than visibility from the proposed vehicular access.
- There is a trend from South Dublin County Council (SDCC) in relation to new housing in the countryside in that the rural road network is not considered able to accommodate additional traffic generated by a proposed new development. This position has not been endorsed by An Bord Pleanála in recent decisions for similar applications (for example, ABP Refs. 308500 and 309969).
- The High Court has found similar, and advises that a certain degree of practicality should be applied when considering issues of road safety. The Courts caution against planning authorities reaching unfounded opinions on road safety [Wicklow County Council -v- Fortune (No. 2) refers].

- The public road carries very little traffic and vehicles drive at a slow speed. The proposed development would not change the local traffic conditions. Conversely, forcing the Applicant to live elsewhere would result in increased vehicular trips to the horse breeding establishment, and which would need to occur several times a day.
- The appeal submission includes a traffic report and sightline drawing (drwg. no. P210304-PIN-XX-DR-D-0007-S1-P06), which demonstrates relevant design standards and sightlines can be achieved and without the required visibility being obstructed.

### Response to Refusal Reason No. 2

- The second reason for refusal indicates that the rural housing test has not been passed; this is despite the Applicant's connection to the area, long standing family home, and that the land on which he currently works, with horses, is adjacent to the appeal site.
- The Applicant complies with this policy as set out in the original planning report, under Section 8(1)(b) 'Compliance on the basis of residency' and Section (1)(c) 'Equine Employment' (and supported by the Report attachment under Appendices A-KK).
- The Planner's Report does not contest the Applicant does not work with horses, that this family does not own an extensive landholding, the submitted business plan is not authentic, or that he does not qualify for a new rural dwelling for some other reason.
- It is clear that persons with a 24/7 responsibility for horses be immediately available to care for their animals. No planning policy suggests that such applicants should be directed into a nearby town, or to live in another person's home to undertake such an occupation. [Note: the appeal submission references examples on Pages 29 – 32 of the original Planning Report submitted with the application where SDCC have permitted similar proposals for onsite housing in rural locations.]
- In summary, the Applicant satisfies the local housing need test.

### Response to Refusal Reason No. 3

- The third reason for refusal is in relation to the number of existing dwellings in the area, which represents a proliferation of one-off houses in the Dublin Metropolitan Area, and which is not consistent with the regional settlement strategy for the Eastern and Midlands Region.
- No part of the Planning Report assessment quantifies the density of rural residential development in the area, or explains why this part of the county has reached, or passed, a tipping point in terms of its ability to absorb the proposed dwelling.
- The Planning Authority has overlooked the clause at RPO 4.80 of the RSES 2019-2025 in relation to urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) where it is stated ‘...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...’.
- It is submitted that a full-time horse breeder, with personal and direct responsibility for these animals, has a definable need to live on the land which he is farming.
- The Board would not have granted permission for a similar development proposal (under ABP Ref. 309969) if it was not considered that the applicant, who is engaged in this type of work, did not satisfy the required planning policies, including at RPO 4.80.

### **6.2. Planning Authority Response**

- The Planning Authority confirms its decision.
- The issues raised in the appeal have been covered in the Planner’s Report.

## 7.0 Assessment

The main planning considerations relevant to this appeal case are:

- Traffic Hazard
- Rural Housing Need
- Ribbon Development
- Appropriate Assessment

### 7.1. Traffic Hazard

7.2. The proposed development is for the construction of a dwelling (c. 234sqm) to be used in association with a thoroughbred racehorse breeding establishment. It also includes a new vehicular access off the L6019 (Crockaunadreenagh Road), removal of a section of existing hedgerow, installation of a packaged wastewater sewage treatment system with polishing filter, stormwater harvesting tank, well and soakaways.

7.2.1. The existing equine business is managed the adjoining property, Hillcrest House, which is the current home of the Applicant and his mother. The application site forms part of a larger, overall landholding (as denoted by the blue line boundary on the Site Location Map). The surrounding area is synonymous for having links to established horse training and breeding operations and the appeal site itself is proximate to several recognised stud farms, bloodstock sales, and horse racecourses.

7.2.2. The Planning Authority's first reason for refusal is that the proposed development would be a traffic hazard as the site is on a substandard rural road network which is narrow in width and has poor vertical and horizontal alignment. It was considered also that the road lacks pedestrian, public lighting and drainage facilities and is already saturated with one-off houses.

7.2.3. I have referred to the documentation on file, including that submitted as part of the original application and appeal. A detailed Traffic and Transport Statement has been completed, by Pinnacle Consulting Engineers (dated October 2022). I note also that the Applicant proposes sightlines of 90m in each direction with a setback from the road edge at 2.4m, which is the correct design standard in this regard as per the



technical guidance. [This information is shown on Drwg. No. P210304-PIN-XX-DR-D-0007-S1-PO.]

- 7.2.4. The proposed, preferred site access is from a public road running along the southeastern boundary of the property (i.e., the L-5017). The road is relatively narrow, winding and there is no centre line marking. There are no pedestrian facilities, such as a footpath, public lighting, formal crossing points. However, this would not normally be the case, nor typically expected, in a rural context such as this, in my opinion. I note that the Applicant proposes sightlines of 90m in each direction with a setback from the road edge at 2.4m, which is the correct design standard in this regard as per the technical guidance. [This information is shown on Drwg. No. P210304-PIN-XX-DR-D-0007-S1-PO.]
- 7.2.5. This section of the road has some bends and curves in its alignment. Furthermore, and given the topography of the land, some bumps and hollows are evident along the route. I accept that this could potentially impair visibility for vehicles travelling at speed. The road surface is of a good standard, however, with no obvious potholes, exposed underlying layers, or any apparent defects, such as surface cracking, rutting or loss of aggregate. Also, during my site inspection, I observed that the flow of traffic was low with vehicles passing at relatively slow speeds.
- 7.2.6. A partial section of hedgerow running along the front of the site could potentially impede sightlines. However, this is proposed to be removed, setback from the road edge and replanted post-construction. The Applicant makes provision for this as part of their submission, and I consider that an acceptable way to address this issue would be via condition. Further, I consider that the extent of vegetation required to be removed is small, such that the proposal would avoid the unnecessary removal of large sections of hedgerow. There are no prominent physical features, such as utility structures, sheds/outbuildings, or mature trees lying within the visibility splay areas, which could otherwise pose an issue in terms of obstructing sightlines.
- 7.2.7. A Stage 1 Road Safety Audit (RSA) was commissioned by Applicant by a separate, qualified Road Safety Auditor. The RSA is appended to the rear of the Traffic and Transport Statement. It makes various recommendations to address the narrow width of the road which, at present, poses difficulties for vehicles trying to pass each

other. The RSA recommends making the proposed site entrance wide enough to act as an informal passing bay. It also recommends that two additional, dedicated pull-in bays be provided. These are shown further up the road on drwg. no. P210304-PIN-XX-DR-D-0006-SI. The Applicant is accepting of the recommendations contained within the report, and I consider that this would assist in improving the conditions of the road along this stretch.

7.2.8. Finally, I have reviewed the alternative access proposal submitted by the Applicant. However, as the preferred site access is acceptable, in my opinion, for the reasons cited above, and as the alternate access would involve an unnecessarily long and circuitous driveway running through the property, I consider that a detailed review of this secondary option is not warranted.

7.2.9. In summary, I consider that safe access and egress can be attained as part of the proposed development and that adequate sightlines are possible in each direction from the proposed (preferred) site access along Crockaunadreenagh Road. In conclusion, and in having regard to the physical condition and alignment of the road, and the information provided as part of the first party appeal, it is my opinion that the proposed development would not give rise to unacceptable traffic hazard.

### 7.3. Rural Housing Need

7.3.1. The Planning Authority's second reason for refusal is in relation to rural housing need and that the proposed development is in conflict with local planning policy regarding the 'Management of Single Dwellings in Rural Areas', as per the Development Plan (Rural Housing Policy H16). The Planning Authority also states that the Applicant has not satisfactorily demonstrated 'exceptional circumstances' which would warrant the setting aside of Policies H16, H17 Objective 2 and Policy H18 Objective 1 to allow additional rural housing in this area.

7.3.2. I note that H17 Objective 2 is to consider persons for a rural house in the RU (Rural and Agriculture) zone<sup>1</sup> based on them being an intrinsic part of the rural community where such persons have grown up or spent substantial periods of their lives. H18

---

<sup>1</sup> The site is zoned 'RU – Rural and Agriculture', where the objective is to protect and improve rural amenity and to provide for the development of agriculture.

Objective 1 states that a new dwelling within areas zoned 'RU' will only be permitted in exceptional circumstances, including where the applicant can establish a genuine need to reside in proximity to their employment, such employment being related to the rural community, or where they have close family ties with the rural community.

- 7.3.3. I note that the Applicant already resides in the local area, and lives in the adjacent house to the northeast (Hillcrest House). It is his intention to move out of Hillcrest House and into the new dwelling. The application includes sufficient information to demonstrate that he has intrinsic links with this rural area, having grown up in the locality and currently working with horses as part of an existing, established equine interest (McKiernan Equine). The application also contains details confirming he is a native of the area, is in fulltime employment with the existing horse breeding and training facility for over a decade and intends to continue the family business through developing his own stand-alone thoroughbred breeding establishment.
- 7.3.4. The Equine Business Plan, which is appended to the rear of the Planning Report as Appendix Q, contains detailed information, such as a business development plan, cost and finance plan, market research, horse breeding projections, sales projections, sales margin analysis, etc. I consider that the existing equine business, which is clearly a professional entity – likely requiring a significant amount of investment over time to bring it up to its current standard and spec – is a rural based activity. This activity contributes to the rural community and, in my opinion, is compatible with the local needs criteria for a rural area such as this. The intention of the applicant to develop his own stand-alone thoroughbred breeding establishment also means that there is a demonstratable need for him to live in proximity.
- 7.3.5. In my view, the Applicant has also provided sufficient evidence demonstrating that he was raised in the immediate area and has spent a substantial period of his life living in, and contributing to, the locality. I have examined the documentation on file, and considered the relevant rural housing policy sections of the Development Plan, as well as national policy as set out in the 'Sustainable Rural Housing Guidelines for Planning Authorities'.
- 7.3.6. Proof of address is provided in the form of various bank statements, letters from service providers and other formal correspondence. There are also letters appended to the application confirming his involvement with various sports clubs in the locality,

horse racecourses and other equine related commercial interests (vet, farrier, etc). This participation and connections with these organisations and activities have been occurring over an extended period of time.

- 7.3.7. In summary, and in having regard to the information submitted with the planning application and the appeal, I am satisfied that the Applicant complies with the provisions of H17, Objective 2 of the CDP in relation to ‘Rural Housing Policy and Local Need Criteria’ and that he has clear and established links to the area and a longstanding, personal and familial connection to it. I also consider that the proposal complies with H18 Objective 1, which is that new dwellings in areas designated under Zoning Objective ‘RU’ should only be permitted in exceptional circumstances, such as where an applicant can establish a genuine need to reside in proximity to their employment, or where they have close family ties with the rural community.

#### **7.4. Ribbon Development**

- 7.4.1. The Planning Authority’s third reason for refusal is that the proposal would lead to further proliferation of one-off housing in the Dublin Metropolitan Area. Therefore, it would prejudice the achievement of regional settlement strategy policy for the Eastern & Midlands Region, which is to support the consolidation of the town and village network and to ensure that development take place sustainably and at an appropriate scale.
- 7.4.2. I note that Section 2.7.3 of the Development Plan states that the RSES MASP (Dublin Area Strategic Plan) 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 seeks to manage the growth of areas that are under strong urban influence, in accordance with the Sustainable Rural Housing Guidelines (2005) to avoid over-development, while sustaining vibrant rural communities in line with NPO 15 and NPO 19.
- 7.4.3. The RSES, under Regional Policy Objective (RPO) 4.80, is also relevant and 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 rural settlements.

- 7.4.4. Having regard to the information on file, I consider there is a clear and reasoned requirement for the Applicant to have his permanent place of residence in proximity to this business. The operation and management of a thoroughbred racehorse breeding establishment requires fulltime management and is an operation compatible with the rural nature of the subject site and its receiving context. I consider that a grant of permission is appropriate under the provisions of the County Development Plan, and relevant national and regional planning guidelines, subject to the inclusion of a condition requiring the dwelling to be occupied solely by the Applicant, or members of his immediate family.
- 7.4.5. In terms of siting and design, Section 6.9.7 of the Development Plan emphasises the importance of new dwellings in rural areas responding appropriately and sensitively to its surrounding rural context. Chapter 12 includes standards which requires rural dwellings to be inconspicuous and compact in design, particularly in areas of high visual amenity and with a steep topography. I note that the proposed house would be well setback from the road and centrally located on a relatively spacious site (0.68ha). It benefits from the presence of mature trees and hedgerows on the property, which would assist in screening the development from the public road and wider area.
- 7.4.6. The plans and particulars included as part of the application show that the level of visual impact on the landscape would be minimal, in my opinion, and would not result in any significant physical changes or imposing structures or works being erected on the land. I note no extensive engineering works, or significant earthworks, are required to address the slope across the land and that the house would sit slightly below the level of the road. The proposal, therefore, is considered to satisfy the siting and design requirements for a new rural dwelling, as per the Rural Housing Design requirements under Chapter 12 of the Development Plan.

- 7.4.7. I further note that the site is situated in between two existing residential properties and exceeds the minimum required road frontage of 60m as specified under Section 12.6.9 of the Development Plan. Whilst I acknowledge that there is a pattern of ribbon development along the road to the northeast and southwest, I consider that the proposed development comprises rural infill development, which would not seriously exacerbate ribbon or overspill development in a manner that is haphazard, or piecemeal, or that it would contribute to extensive outwards sprawl from an existing urban centre or village. Instead, the new dwelling would sit within an existing cluster of houses and, as mentioned above, has followed good design and siting practice, such that no significant visual impacts would be incurred by the surrounding area or landscape.
- 7.4.8. In conclusion, I consider that the provision of a house, in this instance, is consistent with the core consideration of the applicant being able to demonstrate an economic and social need to live in this rural area, and that by reason of the intrinsic relationship between the rural activity proposed, and the applicant's ties to the local area, the development would not be inconsistent with rural housing policy.

## 7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and small scale of the proposed development; which is for a single dwelling, installation of a septic tank and treatment system and associated site works, and the distance from the nearest European site and intervening land uses; no Appropriate Assessment issues arise.
- 7.5.2. Therefore, 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.

## 8.0 **Recommendation**

- 8.1. I recommend that planning permission be granted for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

9.1. Having regard to the provisions of the South Dublin County Development Plan 2022-2028 and of the National Planning Framework, the nature, scale and form of the proposed development, and pattern of development in the surrounding vicinity, it is considered that the applicant satisfies the relevant policies and guidelines for a rural dwelling in this area, and that, subject to the conditions set out below, the proposed development would not seriously injure the amenities of the area, would not endanger public safety by reason of traffic hazard and would constitute an appropriate use in this rural location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p>

	<p>b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p><b>Reason:</b> To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p><b>Reason:</b> To ensure adequate servicing of the development, and to prevent pollution.</p>
5.	<p>The proposals, mitigation measures and commitments set out in the Ecological Impact Assessment (EclA) shall be implemented as part of the proposed development.</p> <p><b>Reason:</b> In the interest of clarity and the protection of the environment during the construction and operational phases of the development.</p>
6.	<p>a) The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall</p>



	<p>be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. The scheme shall include the establishment and replanting, where necessary, of hedgerows along all front, side and rear boundaries of the site, save for where the permitted vehicular entrance and pedestrian access points are located, and natural SuDS features which are to be incorporated into the proposed drainage system to addresses water quality, water quantity, and provides for amenity and biodiversity enhancement.</p> <p>b) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.</p> <p>c) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.</p> <p><b>Reason:</b> In order to screen the development and assimilate it into the surrounding rural landscape and facilitate the identification and subsequent protection of trees to be retained on the site in the interest of visual amenity.</p>
7.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of</p>

payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

[I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.]

---

Ian Boyle

Senior Planning Inspector

1<sup>st</sup> February 2024

## Appendix 1 - Form 1

### EIA Pre-Screening [EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	315489		
<b>Proposed Development Summary</b>	The proposed development comprises the construction of a dwelling (c. 234sqm) to be used in association and to support a thoroughbred racehorse breeding facility.		
<b>Development Address</b>	The appeal site is in the townland of Crockaunadreenagh, Redgap, Rathcoole.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	✓	
	<b>No</b>	No further action required	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
Yes			
No	✓		
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
	<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
No	N/A		No EIAR or Preliminary Examination required
Yes	✓	10. Infrastructure Projects	Proceed to Q.4

	<p>(b)(i) Construction of more than 500 dwelling units.</p> <p>(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p>		
--	--	--	--

<b>4. Has Schedule 7A information been submitted?</b>		
<b>No</b>	✓	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

## Form 2

### EIA Preliminary Examination

An Bord Pleanála Case Reference	315489	
Proposed Development Summary	The proposed development comprises the construction of a dwelling (c. 234sqm) to be used in association and to support a thoroughbred racehorse breeding facility.	
Development Address	The appeal site is in the townland of Crockaunadreenagh, Redgap, Rathcoole.	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development comprises the construction of a dwelling (c. 234sqm) to be used in association and to support a thoroughbred racehorse breeding facility. It also includes a new vehicular access, removal of a section of existing hedgerow, installation of a packaged wastewater sewage treatment system with polishing filter, stormwater harvesting tank, well and soakaways. The character of the surrounding area is rural with a presence of one-off dwellings on large plots.</p> <p>Given the moderate size of the proposed development, I do not consider that the demolition waste arising would be significant in a local, regional or national context.</p> <p>No significant waste, emissions or pollutants would arise during the operational phase due to the nature</p>	No.

	of the proposal, which is mix of residential and commercial land uses.	
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>The proposed development is for a single dwelling and ancillary works. It is not exceptional in the context of the existing environment.</p> <p>I do not consider there is potential for significant cumulative impacts.</p>	<p>No</p> <p>No</p>
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant</p>	<p>The application site is not within, or immediately adjoining, any protected area(s). There are no waterbodies on the site and there are no hydrological links between the subject site and any European designated site.</p> <p>The nearest European Site is the Glenasmole Valley SAC (Site Code: 001209), which is roughly 6.7m to the east of the subject site.</p> <p>There is no potential for significant ecological impacts as a result of the proposed development.</p>	<p>No</p> <p>No</p>

environmental sensitivities in the area?		
<b>Conclusion</b>		
There is no real likelihood of significant effects on the environment.  <b>EIA not required. ✓</b>		

**Inspector: Ian Boyle**

**Date: 1<sup>st</sup> February 2024**

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)