



An
Bord
Pleanála

Inspector's Report

ABP-315777-23

Development	Construction of a single storey detached dwelling with a new vehicular access onto the R122, new wastewater treatment system and associated works
Location	Westtown, Naul, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F22A/0633
Applicant(s)	Adam Rogers
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Adam Rogers
Observer(s)	None
Date of Site Inspection	22 nd of June 2023.
Inspector	Karen Hamilton

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1.0 Site Location and Description

- 1.1. The subject site (2.26ha) is an agricultural field located along the R122 close to the village of Naul, Co. Dublin. An agricultural access runs along the north of the site.
- 1.2. The site is located between existing one-off dwellings and has a timber fence along the front of the road. The site rises slightly away from the road and adjoins a larger agricultural field to the rear (east) of the site. A section of the site runs south, along the rear of existing residential plots, connecting to a separate residential plot.

2.0 Proposed Development

- 2.1. The proposed development would comprise of:
 - Construction of a single storey, 3 no bed detached dwelling (185.4m²),
 - New vehicular access onto the R122,
 - New on-site wastewater treatment system with percolation area,
 - All other associated works.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for one reason as detailed below:

1. The proposed development would constitute ribbon development and as such would further contribute to and intensify existing ribbon development at this location. The proposal would therefore contravene materially Objective RF55 of the Fingal Development Plan 2017-2023 and the guidance set out in the “Sustainable Rural Housing, Guidelines for Planning Authorities” (DoEHLG 2005) relating to ribbon development and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Report

The report of the area planner reflects the decision to refuse permission and is summarised as follows:

Principle of development

- The site is located on RU zoning where residential development is permitted.

Compliance with the Rural Settlement Strategy

- The rural housing strategy serves to meet the needs of the rural community where there is a genuine need to live in the countryside.
- The applicant is seeking to comply with the criteria under "Close Family Ties".
- The information submitted in relation to compliance is noted.
- The permission granted to the brother under F15A/0035 is noted.
- It is considered the applicant has not demonstrated compliance with the Rural Settlement Strategy.

Development Plan Standards

- The proposal can meet with the requirements of the development plan.

Interaction & Impact on visual & rural amenity of area

- The proposed development will not adversely impact the character of the area.
- The existing front boundary comprises of timber fencing.
- Parks department require conditions on any grant of permission.

Ribbon Development

- The proposal constitutes Ribbon development.
- The definition of Ribbon development under the sustainable rural housing guidelines is noted.
- Under Objective RF55 there is a resumption against development contributing to or intensifying existing ribbon development.

- There are terms for relaxation which include a site adjoining an existing house of a member of his/her immediate family where it is clearly demonstrated no other suitable site.
- The applicant has stated recently required lands allow connection to the family home.
- It was established under F21A/0019 there was no alternative lands within the family holding.
- Although the proposal would not extend the linear ribbon development it would identify that ribbon by increasing the number of dwellings at this location.

Water Services/ Transportation considerations

- The information in the site characterisation is noted and the Water services have no objection from a foul drainage or surface water drainage point of view.
- The Transport section are satisfied with the sightlines into the site subject to some minor works.

3.2.1. Other Technical Reports

Water Services: No objection subject to conditions.

Parks and Green Infrastructure Division: No objection subject to condition.

Transport Planning Section: No objection subject to conditions.

3.3. Prescribed Bodies

Irish Water: No objection subject to conditions

3.4. Third Party Observations

None submitted.

4.0 Planning History

Reg Ref F21/0019

Permission refused for Adam Rogers for a bungalow dwelling and detached garage for reasons of non-compliance with Objective RF55 relating to ribbon development.

Reg Ref F04A/0647

Permission refused for John Collins for a single storey dwelling for non-compliance with the settlement strategy, ribbon development and inadequate drainage details for the proposal.

5.0 Policy Context

5.1. Sustainable Rural Housing, Guidelines for Planning Authorities, 2005

Appendix 4: Ribbon Development

5.2. EPA Code of Practice – Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10), 2021

5.3. Fingal Development Plan 2023-2028

The Fingal Development Plan 2017-2023 was the plan in place at the time of the planning decision (16th of January 2023). The Fingal Development Plan 2023-2029 came into effect on the 05th of April 2023 and is the plan for consideration for this appeal.

5.3.1. Zoning

The site is located on lands zoned as RU, Rural, where it is an objective to “*protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage*”.

5.3.2. Ribbon Development

Objective SPQHO53 – Ribbon Development

In areas which are subject to either the RU, GB, or HA zoning objective, presume against development which would contribute to or intensify existing ribbon development as defined by Sustainable Rural Housing, Guidelines for Planning

Authorities, 2005. A relaxation may be considered where permission is sought on the grounds of meeting the housing needs of the owner of land which adjoins an existing house of a member of his/her immediate family where it is clearly demonstrated that no other suitable site is available.

5.3.3. Rural Settlement Strategy Rural Generated Housing Need

Table 3.4: Zoning objective RU: Close Family ties are eligible for planning permission.

Objective SPQHO72 – Maximum Number of Incremental Houses in RU Zoned Areas

- Permit a maximum number of 2 who meet the relevant criteria.

Objective SPQHO75 – Houses Granted Permission in RU, HA or GB Zoned Areas

- Require those houses permitted to have an occupancy requirement.

Table 3.5: Criteria or eligible applicants from the rural community for planning permission for new rural housing:

- Close family ties where they have a need to reside close to their family home where they have lived in the family home identified on the application or within the location of the family home for at least 15 years.

5.4. Natural Heritage Designations

The site is located:

- c. 4.6km to the west of the Bog of the Ring proposed NHA
- c. 5km to the south of Cromwell's Bush Fen proposed NHA
- c. 12km to the northwest of Rogerstown Estuary SPA (site code 004015) and SAC (site code 00208) and proposed NHA.

5.5. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any 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

The grounds of appeal are submitted from the applicant in relation to the refusal of permission. The submission is summarised below:

6.1.1. Background

- The reason for refusal is stated.
- It is considered that due to the absence of any issues relating to the transport circumstances into the site, the relaxation of the ribbon standard should be applied.
- Letters of support are included with the application.
- The first party have appealed the PA decision as per Section 37 (1) (a) of the Act.

6.1.2. Site Location & Description

- The site is located close to Naul village, accessed from the R122.
- The applicant has recently purchased the site and is directly connected to family lands.
- The applicant is employed in the vicinity of the site.
- The proposal takes advantage of the natural features and the valuable biodiversity networks.

6.1.3. Planning History

- Reference is made to two previous applications, F21A/054 was withdrawn and F21A/0019 was refused.

6.1.4. Proposed development

- FCC considered the design of the proposed development acceptable.

- The proposal complies with the required standards both for the waste and development plan standards.
- The proposal integrates into the site.

6.1.5. Department reports

- There was no objection from any interdepartmental sections.
- The Transport Department considered the proposal acceptable subject to conditions on entry-splay, sightlines, and access.

6.1.6. Grounds for First Party Appeal

- Objective RF55 allows for a relaxation where the housing needs of the owner of the land adjoins an existing house of a member of his/her immediate family and it is clearly demonstrated that no other suitable site is available.
- The applicant requires to avail of this relaxation for Ribbon development.
- The applicant has purchased additional lands to provide a direct connection to his family home.
- The applicant has a keen interest in biodiversity and wants to provide an ecological network to connect to the family home.
- Vehicular access through the family home is not possible as it is a highly sensitive and in a scenic rural setting.
- Sightlines can be achieved in both directions and here is no objection from the Transport Section.
- The local authority were willing to relax the ribbon development restriction in the previous application F21A/0019 although it transpired this was in ownership of other relatives.
- The PA have incorrectly stated that the development will result in 7 no. one-off dwellings in a row. It will result in 6 no one off dwellings in a row.
- Having regard to the relaxation of terms for ribbon development in Objective RF55 and the Sustainable Rural Housing Guidelines for Planning Authorities the proposed development does not materially contravene Objective RF55.

- The proposal complies with the Rural Settlement Strategy (demonstrated in documentation submitted in Appendix 1 and with the application).

6.1.7. Conclusion

- There was no objection from the Transportation Department.
- Letters of support are included by an Inspector General from FCC confirming the applicant's employer supply's a 24-hr emergency service to the council.
- The applicant needs to be near the yard of employment, close to the site, for a quick response time.

6.1.8. Appendix 1

- A list of supporting documentation includes letters of support from surrounding residents, solicitors, applicants' attendance at schools, letters of support from sporting groups in the vicinity of the site, bank statements etc.

6.2. **Applicant Response**

The applicant is the appellant.

6.3. **Planning Authority Response**

The PA response had no further comment to make. In the event the Board grant permission it is requested that a Section 48 contribution is included.

6.4. **Observations**

None received.

7.0 **Assessment**

The Fingal Development Plan 2017-2023 was the plan in place at the time of the planning decision (16th of January 2023). The Fingal Development Plan 2023-2029 came into effect on the 05th of April 2023. I have assessed the proposal under the policies and objectives of the current development plan. This aside, the Board will note that there are no significant differences with regards to the policy and objectives for rural housing, in particular ribbon development at this site.

The main issues of the appeal can be dealt with under the following headings:

- Ribbon Development
- Other
- Appropriate Assessment

7.1. Ribbon Development

- 7.1.1. The site is a large agriculture field, with a small road frontage, located to the southwest of Naul Village. The site is accessed from the R122 and is located beside existing one-off rural dwellings which also front onto the R122.
- 7.1.2. The grounds of appeal are submitted by the applicant in relation to a refusal of permission by the PA for a one-off dwelling on the site. The one reason for refusal was based on the noncompliance with Objective RF55 of the development plan where the proposal would intensify ribbon development. The site is located along a section of the road where there is already 6 no dwellings.
- 7.1.3. The grounds of appeal reference that criteria linked to Objective RF55 of the development plan which allows ribbon development in particular circumstances where *“permission is sought on grounds of meeting housing needs of the owner of land which adjoins and existing house of a member of his/her immediate family where it is clearly demonstrated no other suitable site is available”*.
- 7.1.4. Planning permission was previous refused on the site (F21A/0019) for a similar development, also for non-compliance with Objective RF55 and ribbon development. This proposal is different, in so far as the applicant has purchased additional lands, to the rear of dwellings to the south of the site, to connect to the applicant’s family home. They now consider that the subject site, and that linear connection to the family home, allows compliance with the guidance in the relaxation of the Objective RF55.
- 7.1.5. The Board will note the development plan has changed since the planning authority decision. I note that Objective FR55 has been included now as Objective SPQHO53 and includes the same terms and criteria for ribbon development as the previous development plan. The development plan refence to ribbon development mirrors that requirement in the national guidance. The Sustainable Rural Housing, Guidelines for

Planning Authorities, 2005 recommend against the creation of ribbon development for a variety of reasons including road safety, demand for public infrastructure and visual impacts. Ribbon development is defined as 5 or more houses on any side of a given 250m of road frontage.

- 7.1.6. As stated above the subject site is located between two other one-off dwellings, along a row of the R155 where there are currently 6 dwellings. The proposal falls under that definition of ribbon development in the national guidelines and Objective SPQH053 of the development plan. In terms of the relaxation of this the policy I note the proposed site does not adjoin the existing house of a member of his/her immediate family, albeit that a proposed linear route is proposed across agricultural lands beside the site.
- 7.1.7. It is clear from the planning history on the site, which dates back to 2004 (F04A/0647 and F21/0019), that a proposed dwelling on the site would represent ribbon development. The grounds of appeal note the Transport Section did not raise any issues with the access into the site, but the Board should note that access is only one of a number of considerations when assessing the impact of ribbon development. The proliferation of dwellings along a regional route would in my opinion, have a negative visual impact on this rural area.
- 7.1.8. The site is located between two existing dwellings, the 6th along a section of the road c. 300m in length. A separate row of 6 dwellings begins after that property to the south of the site, along the same section of the R122. Upon site inspection, this continuation of dwellings along this section of the road is clear and at present the existing site provides a break for the linear connection. The proposal would not only intensify existing ribbon development, but it would also connect this entire row of dwellings leading potentially to 11 along the same stretch of road.
- 7.1.9. The Fingal development plan 2023-2029 has designated this section of R122 as having views worthy of protected. It was evident from site inspection that this route, south of Naul, has retained a lot of its rural character, particularly along the west of the R122 on the opposite side of the road from the site. The rural policy in the development plan highlights the important of protecting the rural character where compliance with Objective SPQH053 is important to prevent the erosion of the character of this area.

7.1.10. Therefore, having regard to the location of the site within a row of 5 dwellings, adjoining another row of 5 dwellings, it is considered the proposal represents ribbon development at this location. In this regard Objective SPQH053 applies to the proposed development. In terms of relaxation of this objective, based on my assessment above, the Board will note I do not consider there is any reasonable need to permit a dwelling at this location, where the site does not adjoin an immediate family member. I consider the terms of Objective SPQH053 apply and the proposal should be refused for non-compliance with the development plan.

7.2. Other

Compliance with the Rural Housing Policy

- 7.2.1. The Fingal Rural Housing Strategy supports rural housing on lands zoned as RU where there is a genuine rural-generated housing requirement. These housing needs are considered acceptable for permission who have close family ties to the Fingal rural community as defined in Table 3.5 paragraph (i).
- 7.2.2. The applicant submitted a range of documentation with the application including letters of support from residents in the vicinity of the site, local sports clubs, school attendance and reference to employment in a local tree surgery business. The same information was submitted with the grounds of appeal.
- 7.2.3. The report of the area planner notes that the applicant has not demonstrated compliance with the Rural Settlement Strategy. The report does not exactly detail what compliance is required nor has it been included as a reason for refusal.
- 7.2.4. Table 3.5 of the plan details the criteria for eligible applicants who consider they have a need to reside close to their family home by reason of close family ties. The applicant is required to provide documentary evidence that they are a close family member of the family of the owners of the family home, and they have lived in the family home on the application or within the liability for at least 15 years.
- 7.2.5. I note the applicant has stated they do not currently own a home although no details, i.e., evidence of their current residence has been submitted. I note bank statements dating back to 2014 are included with the family home address. No evidence of the applicant's current residence has been submitted with the application or grounds of appeal which I consider necessary to determine the applicants genuine need to live

in rural location. I would have concerns, having regard to the location of the site near Naul Village, in an area defined as “Strong Urban Influence” and those policies of the National, Regional and local planning guidance which aim to direct new dwellings into serviced settlements, that the applicant does not have an existing genuine rural-generated housing need to live at this location. This aside, having regard to the substantive reason for refusal detailed above, I do not consider this issue needs further consideration.

Wastewater Treatment Plant

- 7.2.6. The proposal includes a wastewater treatment system and polishing filter. The application is accompanied by a site characterisation form and the Water Services Department did not raise any issues with the proposed treatment of the site.
- 7.2.7. I note the site is in an area which is a poor aquifer and of high vulnerability. The groundwater protection response (GWPR) response was R1. The site characterisation form did not note the presence of bedrock. There was reference to the clayey topsoil and subsoil and the relatively elevated groundwater level (water table encountered at 1.2m). Table E1 (Response Matrix for DWWTSs) of the EPA Code of Practice Domestic Wastewater Treatment (Population Equivalent ≤ 10), 2021, identifies an R1 response category i.e., Acceptable subject to normal good practice (i.e., system selection, construction, operation, and maintenance in accordance with this CoP).
- 7.2.8. The T-test result was 72.11 min/25mm. A soil polishing filter is proposed along with the wastewater treatment system. The appropriate distances can be met in line with Table E2 of the EPA Code of Practice Domestic Wastewater Treatment (Population Equivalent ≤ 10), 2021., the Board will note the site is located in close proximity to other dwellings, no details of drinking wells or wastewater treatment systems are included as the applicant notes they are connected to the mains water supply. Overall, I consider the site can be serviced in line with the EPA CoP.

7.3. Appropriate Assessment

- 7.3.1. The proposed development is for a one-off hosing on the countryside. The site characterisation form indicates that all wastewater can be adequately treated onsite without any adverse impacts on the surrounding area. There are currently no

pathways between the site and any European Sites and having regard to the scale of the proposal I do not consider there is any potential for any significant effects on any European Site.

- 7.3.2. Having regard to nature, scale, and location of the proposed development it is concluded that no Appropriate Assessment issues arise as the proposed development would not 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 the proposed development is REFUSED, for the reasons and considerations listed below.

9.0 Reasons and Considerations

1. The proposed development would contribute to and intensify existing ribbon development along the regional road at this location. In this regard, the proposed development is considered to be contrary to Objective SPQHO53 of the Fingal Development Plan, 2023-2029 which sets out specific policy with respect to ribbon development. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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.

Karen Hamilton
Senior Planning Inspector

26th of June 2023