



An
Bord
Pleanála

Inspector's Report ABP316032-23

Development

Construction of a house, stable block, new access and re-configuration of driveway and relocation of mobile home and the retention of mobile home, stable building, septic tank, well and equestrian farmyard.

Location

Wyanstown, Oldtown, Co. Dublin.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

F23A/0003.

Applicant

Ailsa Sexton.

Type of Application

Permission.

Planning Authority Decision

Refusal of permission and retention.

Type of Appeal

First Party

Appellant

Ailsa Sexton.

Observers

None

Date of Site Inspection

29th June 2023.

Inspector

Derek Daly.

1.0 Site Location and Description

- 1.1. The development is located in a rural area in the townland of Wyanstown approximately 1.3 kilometres to north of the village of Oldtown in the north of Fingal/Dublin County. The site fronts onto the R129 which defines the site's southern boundary and which has a mature hedgerow with trees. The road frontage of the site is approximately 350 metres. To the southeast of the site on the opposite (southern) side of the regional route is a cluster/ribbon of residential properties.
- 1.2. On the appeal site there is a vehicular entrance and within the site there is a stable building, a lunging ring for the schooling of horses, a mobile home and paddock area with equestrian equipment. The stated floor area of buildings on the site is stated as 286m². The existing development is located in the western area of the site which is roughly rectangular in configuration with a depth from the road of approximately 100 metres along the eastern boundary to 175 metres at the western boundary. The overall site area is stated as 4.79 hectares. With the exception of the eastern boundary which adjoins the site of a dwelling the remaining boundaries adjoin open lands. There is a watercourse located along the northern boundary of the site.

2.0 Proposed Development

- 2.1. The development as applied for is planning permission and retention permission for
- (a) the temporary relocation and temporary retention of an existing mobile home which occupies the land, for a further period of eighteen months from the date of any grant of planning permission; The mobile home is currently located to the east of the existing stables building on the site.
 - (b) the retention of an existing stable building rectangular in floor area which is a modern building with a pitch roof with a maximum ridge height of 7500mm, containing 10 stable cubicles and a toilet. The retention of a lunging ring.
 - (c) the retention of an existing septic tank and the provision of a new percolation area located in the northwestern area of the site;
 - (d) the retention of an existing well located to the west of the stable block;

- (e) the closure of an existing entrance and the creation of a new access, along with a slightly re-configured driveway, which, which leads to an equestrian farmyard, which is to be retained. The current entrance is located in the southwestern corner of the site and it is proposed to relocate this entrance approximately 60 metres to the east.
- (f) the erection of a partial two storey dwelling which is of modern design and construction partially flat roof and partially ridge roofed with a H shaped floor plan containing three bedrooms, a combined living/dining room. a combined kitchen/ breakfast/sitting area and ancillary hallway, utility and toilet accommodation on the ground floor and it is also proposed to construct an office at first floor level. The office section is located over an archway and adjoins to the south the proposed new stable block and will have a maximum height of 7500mm corresponding to the height of the stable blocks. The single storey section of the dwelling has a maximum ridge roof height of 4825mm. The dwelling will be to the north of existing and proposed stable blocks and has a stated floor area of 286m².
- (g) erection of new stable block with a maximum height to roof ridge of 7500mm with 8 cubicles and this property for equine purposes located to the east of the existing stable block will be L-shaped in floor footprint with a courtyard between the existing and proposed stable blocks. The stated floor area of the proposed additional stable block is 104m².
- (h) all associated site works including paddock fencing within the site and post and electric cabling.

2.2. Documentation included with the application in addition to drawings included;

- A planning report which outlines planning policy at national and local policy; the need for accommodation;
- details of a business plan and the applicant's equine experience
- A site characteristic form and documentation in relation to the treatment of foul effluent.

3.0 Planning Authority Decision

3.1. Decision

The decision of the Planning Authority was to refuse planning permission and retention of planning permission. Four reasons were stated. The first reason considers that the development materially contravenes the rural settlement strategy of the Fingal County Development Plan 2017-2023 with specific reference to ObjectiveRF39 of the Plan. The second reason refers to visual obtrusion and seriously injurious to the visual amenities of the area. The third reason relates to insufficient documentation submitted to justify the proposed equine use. The fourth reason refers to the mobile home on the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 28th February 2023 refers to provisions of the Fingal County Development Plan 2017-2023 and an assessment of the application under the following headings;

Principle of the development,

Compliance with Development Plan Policy,

Impact on visual and residential amenity and reference is made to a possible loss of a substantial level of the roadside boundary and that the development would be visually dominant and overly dominant at this location,

Landscape,

Access, parking and transport,

Services and drainage

Appropriate Assessment concluding insufficient information is submitted to assess this.

EIA Screening concluding no EIA is required.

3.2.2. Other department reports.

The transportation planning report requested further information on a range of matters details of sightline visibility at the proposed entrance, existing and proposed parking, a speed survey for the road, a swept path analysis.

The parks and green infrastructure report refers to the absence of a landscape plan and outlines conditions if permission is granted.

The water services report indicates no objections to the development.

4.0 Planning History

P.A. Ref. No.

No relevant planning history for the site.

The planning report accompanying the planning application refers to ABP decisions supporting consideration of the application.

5.0 Policy and Context

5.1. Development Plan

The statutory development plan is the Fingal County Development Plan (CDP) 2023-2029. The planning decision was made when the Fingal County Development Plan 2017-2023 was operable. In summary the following are provisions of the 2023 plan as they relate to the current appeal. Many of the provisions are similar to those which applied when the Planning Authority assessed the development under the 2017-2023 CDP.

In relation to the 2023-2029 CDP the site is located within the Zoning Objective 'RU' RURAL with the objective 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.

In chapter 1 of the plan there is stated strategic objective to;

Create a competitive environment in which to do business. Promote, support and enable sustainable and economic development, enterprise and employment generation. Focus in particular on areas which are accessible by public and

sustainable modes of transport. Enable settlements and rural areas to become self-sustaining through innovation and diversification of the rural economy.

The appeal site is not located within a designated settlement as defined in the settlement strategy as outlined in chapter 2 of the CDP and in relation to Rural Clusters and Rural Area it is noted that rural areas within Fingal are categorised as being under strong urban influence, a key challenge is to ensure a balance between facilitating those with a genuine need to reside in rural Fingal while managing urban generated demand. Fingal's Rural Housing Policy is based on requirements for a demonstrable economic or social need to live in a rural area and ensure that siting and design adhere to statutory guidelines and design criteria. This approach follows on from the Rural Housing Guidelines 2005. Policy CSP46 – Rural Settlement Strategy reflects this which, states *respond to rural-generated housing need by means of a rural settlement strategy which directs the demand where possible to Rural Villages and Rural Clusters and permit housing development in the countryside only for those people who have a genuine housing need in accordance with the Council's Rural Housing Policy and where sustainable drainage solutions are feasible.*

Chapter 3 refers to Sustainable Placemaking and Quality Homes and in section 3.5.15 Housing in Rural Fingal and in policies SPQHP45, SPQHP45 and SPQHP50 relating to rural settlement. There are also an objective SPQHO55 in relation to the Preservation of roadside hedging and trees. Section 3.5.15.3 refers to Fingal Rural Settlement Strategy Rural Generated Housing Need and that rural-generated housing needs are considered to be the housing needs of people who have long standing existing and immediate family ties, or occupations which are functionally related to the rural areas of the County. Among those identified are

Persons who are 'a bona fide' applicant, as defined in Table 3.5 paragraph (iv), and who have a demonstrated commitment to set up a rural-related business and who may not already live in the area, nor have family connections there, or be engaged in particular employment or business classified with the local needs criteria. The applicant must have a clearly demonstrated need to live in the rural area to ensure the functioning of the business.

In table 3.4 within the Zoning Objective 'RU' RURAL zoning among those eligible for permission are employment related to the community.

In Objective SPQHO80 which relates to Family Farm Criteria there are criteria outlined for equestrian farms, which includes depending on the type of equestrian farm, current horse training licences issued by the Irish Turf Club, racing licences, documentation demonstrating that the farm is a recognised teaching school, records of bloodstock sales, details of stud production for the preceding three years or equine identification documents.

Table 3.5 outlines Criteria for Eligible Applicants from the Rural Community for Planning Permission for New Rural Housing and iv refers to a *'bona fide' applicant who may not already live in the area, nor have family connections there or be engaged in particular employment or business classified with the local needs criteria, subject to the following considerations: Such applicants will be required to satisfy the Council of their long-term commitment to operate a full-time business from their proposed home in a rural area, as part of their planning application. The applicant will outline within a submitted Business Plan how their business will contribute to and enhance the rural community and will demonstrate to the satisfaction of the Council that the nature of their employment or business is compatible with, and addresses and satisfies local needs, and will protect and promote the rural community.*

Chapter 7 relates to Employment and Economy and in sections 7.2.6 the Council supports existing rural employment and commercial enterprises and will promote and encourage appropriately scaled enterprises and 7.5.3 Rural Economy Rural Fingal the Council supports existing rural employment and commercial enterprises and will promote and encourage appropriately scaled enterprises. Objective EEO82 refers to Support and encourage the development and expansion of the equine industry in the County, including supporting equine related activities of an appropriate size and at suitable locations.

Chapter 13 relates to land use zoning. Within the RU zoning equine or equestrian facilities are not specifically listed in permitted or not permitted uses and the CDP states that uses which are neither 'Permitted in Principle' nor 'Not Permitted' will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and

objectives of the Development Plan. I would note that among permitted use classes are Agricultural Buildings, Agri-Tourism, Boarding Kennels and Veterinary Clinics which are related to rural type enterprise and residential is also a permitted use.

Chapter 14 relates to Development Management Standards and section 14.12.2 outlines Design Criteria for Housing in the Countryside and section 14.12.3 Design Guidelines for Rural Dwellings including access, surface and wastewater treatment and landscaping. Section 14.12.8 refers to New Housing for the rural community other than those actively engaged in farming and new dwellings will also be considered in areas which have an RU or GB zoning objective for members of the rural community who are not involved in farming. Applications must demonstrate full compliance with all relevant requirements set out under Chapter 3 and Table 3.5: Criteria for Eligible Applicants from the Rural Community for Planning Permission for New Rural Housing including category (iv) as stated in table 3.5. section 14.15.5 outlines requirements in relation to Agricultural Development.

5.2. National Guidance

5.2.1. Sustainable Rural Housing Guidelines for Planning Authorities April 2005

The guidelines refer to the need for a development plan approach and to having similar defined the rural area types as set out in the NSS within the development plan. The Guidelines differentiate between rural and urban-generated housing.

The guidelines refer to rural generated housing; to sustaining and renewing rural communities; to accommodating people of a rural area in their area of origin and in section 2.4 to tailoring policies to local circumstances.

Section 3.2.3 refers to rural generated housing and there is reference to “persons who are an intrinsic part of the rural community” and also reference in this regard to “members of an established rural community, and persons who wish to return to reside near other family members or to care for elderly family members”. There is in addition reference to working in rural areas including full and part time farming and other persons whose work predominantly takes place within rural areas.

The guidelines indicate, however, that having defined rural generated housing needs, the development plan should make very clear that subject to satisfying normal considerations the planning authority will look favourably upon an applicant’s proposal for an individual house in a rural area where that applicant comes within the

development plan definition of need. Chapter 4 outlines the criteria to be assessed in determining applications in rural areas.

5.2.2. In summary, the Guidelines provide that people who are part of the rural community should be facilitated by the planning system in all rural areas and to take a positive approach to applications from such persons in the areas referred to, in circumstances where permission might otherwise be refused.

5.2.3. Circular SP 5/08

Rural Housing Policies and 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.

Reference is made to Local Need Criteria Policies and Practices and that the overarching consideration for the local need assessment criteria in relation to residency, blood-line, local employment and agricultural activities must be that objectives and provisions in development plans and their application in the development management processes do not discriminate against planning applicants wishing to establish a full-time home-based business in an area in favour of those who are deemed to qualify as “locals” through the particular local need assessment criteria, which are adopted by the members of each Council.

The circular also states that a bone fide applicant who may not already live in the area, nor have family connections there or be engaged in a particular employment or business classified within the local needs criteria, should be given due consideration within the proper planning and sustainable development objectives for the area subject to the following considerations:

- such applicants may reasonably be required to satisfy the planning authority of their commitment to operate a full-time business from their proposed home in a rural area, as part of their planning application, in order, for example, to discourage commuting to towns or cities;
- that they outline how their business will contribute to and enhance the rural community; and
- that they satisfy the planning authority that the nature of their employment or business is compatible with those specified in the local needs criteria for rural

areas so as to discourage applicants whose business is not location dependent (e.g. telesales or telemarketing).

5.3. **Natural Heritage Designations.**

None relevant.

5.4. **EIA Screening**

5.5. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

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

- The reasons for refusal are limited in scope, highly subjective, do not rely on a breach of any measurable control such as a development standard.
- The final reason for refusal which relates to the appellant's mobile home can be instantly dispensed through the imposition of a condition as part of a planning permission requiring its removal.
- This land can physically and functionally accommodate built development and this equine and residential development would not adversely affect amenity.
- There are no third party objection to the development.

6.1.2. In relation to the issue of the first reason for refusal Rural Housing Policy and table RF03 which relates to criteria for eligible applicants in the rural community

- At no point did the Council question the accuracy of the documentation presented.
- The first issue raised in page 15 of the planning report refers to it is not entirely clear which specific category of the Rural Settlement Strategy the

applicant seeks to qualify for a house and in response to this the appellant contends that the importance of the equine/equestrian sector in the rural economy is recognised in the CDP and that the facility will enhance the rural economy.

- The planning authority appear to be unaware of existing equestrian activity on the site and clearly indicative of her intention to operate a commercial business on this landholding and equestrian operations contrary to the view expressed by the planning authority contribute to the rural economy.
- The reason for refusal is at variance with established thinking in so far as the location of agricultural developments in the open countryside are concerned.

6.1.3. In relation to the second reason for refusal

- The claim that the development would be visually intrusive and overly dominant is inconsistent with the floorspace involved, the height of the subject buildings and their distance from the road.
- The planning report observes that the land is governed by the RU objective rather than Greenbelt (GB) or High Amenity (HA) designations.
- The site is not located in a sensitive area and that it can accommodate the development.
- The equine accommodation would involve 390m² and this is not an unduly large facility and reference is made to the what structures are permissible under the provisions of Classes 6 and 9 of Schedule 2 of the Planning and Development Regulations 2001.
- The height of the existing and proposed equestrian building would be 7.5 metres and the proposed house 4.5 metres which would not be excessive in the open countryside.

6.1.4. In relation to the third reason for refusal the justification of the proposal is plainly within the purview of the appellant as set out in appendix 1 (business plan (of the planning report submitted with the planning application.

6.1.5. The appeal primarily concerns the issue of whether the appellant can live beside the horses for which she has direct and personal control.

6.1.6. All technical matters are addressed.

6.1.7. The pivotal issue on which this appeal should turn is whether the appellant has a sufficient commitment to a small scale full time equestrian business on this land and the appellant can find no reason to opine that she does not satisfy Circular SP5/08 of the Fingal CDP 2017-2023.

6.2. **Planning Authority Response**

The planning authority in a response indicate they have no further comments other than requesting the Board endorse its decision and if the appeal is successful provision be made for a financial contribution.

7.0 **Assessment**

7.1. The main issues in this appeal are the principle of the development, compliance with National Guidance and Development Plan Policy, impact on visual and residential amenity and service matters specific to the site including access and drainage. Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

The issues are addressed under the following headings:

- The principle of the development,
- Policy compliance,
- Impact on visual and residential amenity,
- Services
- Appropriate Assessment

7.2. **The principle of the development.**

7.2.1. The development comprises of two distinct developments a new stable block and retention of an existing stable block and related infrastructure associated with an equestrian business on the site and a proposed dwelling. The appellant has stated in the submission as part of the planning application that both components are interrelated as the nature of the business requires the operator of the equestrian business to reside in close proximity to the business. The two components are

interlinked in the Planning Authority's assessment and determination of the application and reason no. 1 primarily cites rural housing policy and in doing so also refers to the non-residential component of the application.

- 7.2.2. In relation to the stable/equestrian use the applicant in submitted documentation made as part of the application details of a business which involves breeding a small number of high quality foals and to bring them through to show jumping grades and also the training and schooling of show jumpers and the applicant's equine experience in this regard.
- 7.2.3. In relation to the housing of horses I would note that in Part 3 Exempted Development Rural in relation to agricultural structures class 6 refers to works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage are permitted with the provision that no such structure shall be used for any purpose other than the purpose of agriculture. The housing of horses is recognised as agricultural. This particular business may not be strictly agriculture in the traditional sense but equine activities are part of the broader agricultural activity. It would also be reasonable to consider that the nature of the activity is more of a rural based activity and more appropriately located in a rural area rather than a being located within or adjoining a built up area. The principle of stables and an equine business in a rural area such as the current appeal proposal can be considered on the appeal site.
- 7.2.4. The planning authority do appear to accept that the principle of the stables could be considered but having assessed the development in conjunction with the principle of permitting a dwelling in the rural area as the prime consideration do not accept based on the documentation that a rural house can be permitted based on the determination of non-compliance with table 3.5(iv) of the CDP that *such applicants will be required to satisfy the Council of their long-term commitment to operate a full-time business from their proposed home in a rural area, as part of their planning application. The applicant will outline within a submitted Business Plan how their business will contribute to and enhance the rural community and will demonstrate to the satisfaction of the Council that the nature of their employment or business is*

compatible with, and addresses and satisfies local needs, and will protect and promote the rural community.

7.2.5. In relation to the principal of a dwelling in the rural area dwelling houses are a permitted use in the RU zoning but the CDP does outline criteria under which a dwelling is considered and these are outlined in section 5.1. Any assessment would also consider standards as stated in Development Management but the principle of a dwelling subject to such provisions can be considered on the appeal site.

7.3. Policy compliance

7.3.1. In relation to rural housing national policy is largely as set out in the Sustainable Rural Housing Guidelines for Planning Authorities April 2005 which largely differentiates between rural and urban-generated housing and the need for a planned approach. The CDP also refers to the 2005 guidelines. The 2005 guidelines refers to rural generated housing and there is reference to “persons who are an intrinsic part of the rural community” and also reference in this regard to “members of an established rural community, and persons who wish to return to reside near other family members or to care for elderly family members”. There is in addition reference to working in rural areas including full and part time farming and other persons whose work predominantly takes place within rural areas. The guidelines were largely to address established members of the rural areas and in particular children who wished to live in the area they grew up and provide a mechanism to favourably consider residential development in particular in areas under strong urban influence which would apply in relation to the appeal site.

7.3.2. Circular SP 5/08 addressed in particular the overarching consideration for the local need assessment criteria and that their application in the development management processes should not discriminate against planning applicants wishing to establish a full-time home-based business in an area in favour of those who are deemed to qualify as “locals” through the particular local need assessment criteria. The circular also states that a bone fide applicant who may not already live in the area, nor have family connections there or be engaged in a particular employment or business classified within the local needs criteria, should be given due consideration within the proper planning and sustainable development objectives for the area subject to the following considerations which include that such applicants may reasonably be

required to satisfy the planning authority of their commitment to operate a full-time business from their proposed home in a rural area, as part of their planning application, in order, for example, to discourage commuting to towns or cities; that they outline how their business will contribute to and enhance the rural community; and that they satisfy the planning authority that the nature of their employment or business is compatible with those specified in the local needs criteria for rural areas so as to discourage applicants whose business is not location dependent.

- 7.3.3. Although the current CDP reflects the matters raised in the circular the Planning Authority did not consider based on the information submitted that an exception to the strict provisions on rural housing was warranted.
- 7.3.4. The appellant in the grounds of appeal the reasons stated the refusal to be highly subjective, the development does not rely on a breach of any measurable control such as a development standard, it would appear that the Planning Authority in the planning report accept the principle of the development and at no point did the Council question the accuracy of the documentation presented.
- 7.3.5. The grounds of appeal also contend when the planning report refers to it is not entirely clear which specific category of the Rural Settlement Strategy the applicant seeks to qualify for a house and in grounds of appeal the response to this the appellant contends is that the importance of the equine/equestrian sector in the rural economy is recognised in the CDP and that the facility will contribute to and enhance the rural economy. If there were matters not addressed the planning authority could have resolved them through the further information process.
- 7.3.6. The national guidance and subsequent circular and the provisions of the CDP I consider do provide for consideration for a dwelling to a person with no strong local ties to the area in circumstances as outlined in table 3.5(iv) of the CDP. The provisions of table 3.5 and other provisions as they relate to housing in the countryside as stated in the plan are reasonable in the context of the site being within an under strong urban influence with the onus on the applicant to demonstrate why a positive consideration for a dwelling would be considered.
- 7.3.7. Having reviewed the documentation as submitted and that as such applicants are required to satisfy the Council of their long-term commitment to operate a full-time business from their proposed home in a rural area, the applicant submitted a

Business Plan and other documentation demonstrating long association to the equine industry and that the nature of their employment or business is compatible with, and addresses and satisfies local needs, and will protect and promote the rural community. It is not clear as to how the documentation is deficient and the planning authority did have an opportunity to request further information. I therefore consider that the appellant has complied with national and CDP policy and subject to meeting development management standards the equine business to the retained and proposed is acceptable.

- 7.3.8. In relation to the proposed dwelling, I also consider that given that residing adjacent or in close proximity to a animals related business in general is an accepted practice in the Irish context and subject to meeting development management standards the proposal for a dwelling in the proposed location is acceptable and would not be contrary to the CDP or national guidance.

7.4. Impact on visual and residential amenity

- 7.4.1. In relation the issue of residential amenity the site is located in a rural area and although there are dwelling in the vicinity given the separation distance, I do not consider that the development adversely impacts on residential amenity.
- 7.4.2. In relation to visual amenity the existing development is currently well screened from the road by an established roadside hedgerow and is only visible at the current entrance to the site. the buildings proposed are of the same maximum height as existing buildings on the site and the proposed buildings will be approximately 36 metres from the roadside boundary and further set back than the existing stable building. The proposed buildings will be a maximum of 8.5 metres in height and will not be visually obtrusive in the landscape which has no visually sensitive designation.
- 7.4.3. The primary visual impact will arise from the relocation of the entrance and the creation of a new entrance will result in the loss of a section of established hedgerow vegetation and trees compensated to a lesser degree with the closure of the existing entrance. It is however necessary to provide for a safe access onto a public road and the loss can be mitigated by new planting along the roadside boundary and by an overall landscape plan for the site.

7.5. Services

- 7.5.1. As already indicated it is proposed construct a new entrance and close the existing entrance. The road fronts onto a regional route where the 80kph speed limit applies and is a straight section of carriageway with good vertical and horizontal alignment. I note the report of the transportation planning section which requested further information on a range of matters but given the alignment an entrance to comply with the requirements as set out in that report can be constructed meeting sightline requirements with an appropriate swept path. Internally parking to meet requirements can be satisfactorily provided and these matters can be addressed by condition. It can also be conditioned that advanced signage can be required advising of the entrance.
- 7.5.2. In relation to domestic waste water management this provides for the existing continued use of a septic tank. The requirements for the septic tank and an associated percolation area were the subject of a site characteristic assessment with test results indicating the required area for percolation discharge after treatment to groundwater based on current standards for assessment of such proposals which is based on the current standard and guidance the EPA's Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses (pe≤10), (2021). Based on the site assessment a percolation area with 108 metres of piped distribution area is proposed based on the tests carried out and the site has adequate area to accommodate this percolation in accordance with the guidance.
- 7.5.3. In relation to other waste generated details are submitted in relation to the disposal of used bedding by collection and composting with a contractor and proposals are in place for manure and soiled water storage in accordance with EC (Good Agricultural Practice for the Protection of Waters) Regulations 2017 SI No 605 of 2017.

7.6. **Appropriate Assessment Screening**

Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom, the nature of receiving environment and the distance from any European site and the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

8.0 Recommendation

8.1. I recommend that permission be granted.

9.0 Reasons and Considerations

Having regard to the nature, scale and design of the proposed development and its location in a rural area, the provisions of the Fingal County Development Plan 2023-2029, National Guidance as stated in the Sustainable Rural Housing Guidelines for Planning Authorities April 2005 and Circular SP 5/08 Rural Housing Policies and 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, its location and relationship to existing development in the vicinity, it is considered that the proposed development would not seriously injure the visual or residential amenities of the rural area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	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 particulars. Reason: In the interest of clarity.
2.	(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. Prior to commencement of development, the applicant shall enter into a written agreement with the planning

	<p>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>Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and in the interest of the proper planning and sustainable development of the area.</p>
3.	<p>The existing dwelling shall be occupied as a single residential unit and shall not be used for any commercial use or for the carrying out of any trade.</p> <p>Reason: In the interest of clarity.</p>
4.	<p>The non residential buildings shall be used solely for use as stables and not for any other use without a prior grant of planning permission.</p> <p>Reason: In the interest of clarity</p>
5.	<p>Details of the external finishes of the proposed development dwelling and stable building shall be submitted to, and agreed in writing with, the planning authority within two months of the date of this order.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>Within two months of the date of this order the applicant shall submit to and agree with the planning authority pay to the planning authority a landscaping scheme in relation to the site.</p> <p>This scheme shall include the following:</p> <p>(a) A plan to scale of not less than 1:500 showing;</p> <p>(i) Existing trees, hedgerows, specifying which are proposed for retention as features of the site landscaping,</p> <p>(ii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as</p>

	<p>mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder including supplementary hedgerow along the northeastern boundary of the site.</p> <p>(b) A timescale for implementation.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interests of visual amenity</p>
7.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works. Surface water arising from the new access shall be disposed of within the site and not discharge onto the public road.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution</p>
8.	<p>(a) The proposed percolation area effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 5th day of January, 2023, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.</p> <p>Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(b) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the percolation area effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.</p>

	Reason: In the interest of public health
9.	<p>Waste arising from the equine activity and associated stable buildings shall be disposed in accordance with the details submitted to the planning authority on the 5th day of January, 2023, and manure and soiled water storage shall be maintained and disposed of in accordance with EC (Good Agricultural Practice for the Protection of Waters) Regulations 2017 SI No 605 of 2017.</p> <p>Reason: In the interest of public health</p>
10.	<p>The existing mobile home on the site shall not be relocated to the location indicated on the submitted drawings and shall be removed from the site within six months of the date of this order.</p> <p>Reason: In the interests of visual amenity</p>
11.	<p>The proposed entrance to the site shall be constructed in accordance with the detailed requirements of the planning authority for such works and the existing entrance closed, removed and cease to operate when the new entrance is commissioned. The road side frontage of the existing entrance shall be planted with a hedgerow to complement the existing roadside hedgerow and carried out within an agreed timescale with the planning authority. The applicant shall also submit to and agree with the planning authority details relating to the provision of advances warning signs in relation to the proposed new entrance.</p> <p>Reason: in the interests of traffic safety.</p>
12.	<p>The applicant/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 payment.</p>

Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

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.

Derek Daly

Planning Inspector

13th July 2023