



An
Bord
Pleanála

Inspector's Report

ABP-318671-23

Development	House, site entrance, septic tank with percolation area and all associated site works and retention permission for horse stables.
Location	Athgoe North, Newcastle, County Dublin.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD23A/0235
Applicant(s)	Lee Boggins & Michelle Nolan - Kissane
Type of Application	Permission
Planning Authority Decision	Refuse x 5
Type of Appeal	First Party
Appellant(s)	Lee Boggins & Michelle Nolan - Kissane
Observer(s)	None
Date of Site Inspection	18 th February 2024
Inspector	Mary Crowley

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.31ha is in a rural southwest of Newcastle village and c2 km north of the N7. The site currently contains a single storey detached dwelling. A number of horse stables are also located at the site, and it has a large area of hardstanding. The sites boundaries are comprised of mature hedgerow. The site is well screened from the surrounding area and located on a typical narrow county road without road markings. The immediate area is characterised by agricultural lands and single dwellings. A set of photographs of the site and its environs taken during the course of my site inspection is attached. These serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. **Planning permission** is sought for a new 4-bedroom dormer house (208.5sqm), with new site entrance, septic tank and percolation area together with all associated site works. The ridgeline measures 7.31m high. **Retention planning permission** is sought for horse stables (80 sqm) on site.
- 2.2. The application was accompanied by the:
- Local Needs Assessment Information
 - Site suitability Assessment
 - Arboricultural Report

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. South Dublin County Council issued a notification of decision to refuse permission for the following 5 no reasons as follows:

1) National and Regional Policy.

The National Planning Framework (NPF) 2018 contains objectives. National Policy Objective (NPO) 19 states:

'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.'

The Regional Spatial and Economic Strategy, 2019 - 2031 prepared by the Eastern and Midland Regional Assembly and specifically Regional Policy Objective 4.80, states:

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.

Having regard to the above, and taking account of the information provided, the applicant has not met the requirement of demonstrating an economic or social need to live in this rural area at the application site. The development therefore contravenes national and regional objectives in relation to rural development and, as such, would be contrary to the proper planning and sustainable development of the area.

2) Rural Housing Policy.

The proposed development would contravene the Council's Rural Housing Policy, namely Policy H17, H17 Objective 2 and H18 and H18 Objective 1 contained in the South Dublin County Development Plan 2022 - 2028. The applicant has not satisfactorily demonstrated a sufficient economic or social need for a rural house at the application site nor an exceptional circumstance justifying provision of a rural dwelling at the application site. In addition, the applicant has not provided sufficient evidence in relation to the requirements of Section 12.6.9 (Rural Housing) of the Development Plan to demonstrate compliance with rural housing policy and a justification for development at the application site. Thus the proposed development would contravene the zoning objective 'RU' - To protect and improve

rural amenity and to provide for the development of agriculture and the proper planning and sustainable development of the area.

3) Scale and Design

The dwelling, as proposed, would provide excessive accommodation of a scale incongruous with the rural location of the subject site. Contrary to the design guidance contained at Section 12.6.9 (Rural Housing) of the Development Plan, the scheme is not considered to be low scale, compact or of a typical vernacular style utilising traditional building materials. Furthermore, works proposed including the removal of existing hedgerow and the provision of a large area of hardstanding for vehicular movements would be contrary to the policies, objectives and guidance of the South Dublin County Development Plan 2022 - 2028. The proposal is contrary to Policy H23 (Rural Housing and Extension Design and H23 Objective 1 and therefore the development would be contrary to the proper planning and sustainable development of the area.

4) Traffic Hazard.

The proposed development would be located on a substandard rural road network which is narrow in width, has poor vertical and horizontal alignment, lacks pedestrian, public lighting and drainage facilities and is saturated with one-off houses. Having regard to this, the proposed development would endanger public safety by reason of traffic hazard. The road network in the area is incapable of catering for the continuation of ribbon development and as such, the proposed development would be contrary to the proper planning and sustainable development of the area.

5) Potential Unauthorised Development

From a site visit it is clear that significant works have been undertaken at the site, including the removal of hedgerow, provision of a new site entrance, construction of a detached dwelling, laying of significant areas of hardstanding and horse boxes. The application has failed to reference the full, current circumstances of the site, and complete details in relation to demolition, retention and construction have not been provided. The application is deficient in providing basic information to allow for a full assessment of the scheme. In lieu of having this information, the Planning Authority cannot have certainty in relation to the ongoing planning status of the site

and combined impact of existing works not mentioned in the application. To further consider the application at this stage would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The Case Planner having considered the scheme recommended that permission be refused for 4 no reasons relating to (1) National and Regional Policy, (2) Rural Housing Policy, (3) Scale and Design, (4) Traffic Hazard and (5) Potential Unauthorised Development. The notification of decision to refuse permission issued by SDCC reflected this recommendation.

3.2.3. Other Technical Reports

- **Roads** – Refusal recommended.
- **Public Realm** – Grant with Conditions
- **Water Services** – No objection subject to condition.
- **Environmental Health Officer** – No objection subject to conditions.

3.3. Prescribed Bodies

3.3.1. **Irish Water** – No objection subject to conditions

3.4. Third Party Observations

3.4.1. None

4.0 Planning History

4.1. No planning history has been provided with the appeal file. The following is noted from the Case Planners report and the An Bord Pleanála website:

4.2. Appeal Site

- **SD23A/0006:** Permission refused for 4 no bed dormer, new site entrance and septic tank with percolation area and all associated site works and retention for existing

horse boxes for 4 no reasons relating to (1) National and Regional Policy, (2) Rural Housing Policy, (3) Scale and Design, (4) Traffic Hazard and (5) Potential Unauthorised Development.

4.3. Adjoining Site

- **ABP 311956-21 (Reg Ref SD21A/0237)** – SDCC refused planning permission for 6 no reasons for development of a five-bedroom, dormer bungalow dwelling house with pitched roof over; foul sewer treatment system and percolation area; widen existing driveway and entrance from the public road. Following appeal to the Board permission was refused in September 2022 for the following reason as summarised:

1) Having regard to the location of the site within an area zoned 'RU', by Policy H22 Objective 1 of the South Dublin County Development Plan 2016-2022, the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities, Objective RPO 4.80 of the Eastern and Midland Regional Spatial and Economic Strategy and National Policy Objective 19 of the National Planning Framework (2018) the proposed development, in the absence of a demonstrable economic or social need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure.

- **ABP 308910-20 (Reg Ref SD20A/0245)** – SDCC refused permission for 6 no reasons for development of a house, foul sewer treatment system and percolation area, widening of existing driveway and entrance from public road. Following appeal to the Board permission was refused for a reason similar to 311956 above.

4.4. Relevant Enforcement History

- **S8645:** Alleged: installation of pre-build house, installation of septic tank, construction of shed, construction of new entrance, removal of hedge without planning permission. Live file.
- **S8272:** Alleged: Use of the land for repair and maintenance of heavy plant machinery.
- **S7911:** Alleged: The creation of an entrance on the lands as a means of access to a public road without planning permission. Live file.

5.0 Policy Context

5.1. National Policy

5.1.1. National Planning Framework

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

Policy Objective 19: *Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:*

- *In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;*
- *In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements*

5.1.2. Sustainable Rural Housing Guidelines for Planning Authorities

The Guidelines refer to persons considered as constituting those with rural generated housing needs being persons who are an intrinsic part of the rural community or working full-time or part-time in rural areas. The Guidelines refer to persons who are an intrinsic part of the community as having ‘spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes’.

5.2. Regional Policy

5.2.1. Eastern & Midland Regional Spatial & Economic Strategy 2019-2031

RPO 4.80: *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.*

5.3. Development Plan

5.3.1. The operative plan for the area is the **South Dublin County Development Plan 2022 – 2028**. The site is subject to **Zoning Objective RU** where the objective *is to protect and improve rural amenity and to provide for the development of agriculture*.

5.3.2. **Section 6.9.1 Rural Housing Policies and Local Need Criteria** sets out the following:

- **Policy H17** - Rural Housing Policy and Local Need Criteria Consider rural housing for persons who are “an intrinsic part of the rural community” or “working full-time or part-time in rural areas” as described under Section 3.2.3 (Rural generated housing) of the Sustainable Rural Housing Guidelines DEHLG (2005), Circular SP 5 / 08 Rural Housing Policies and PL 2 / 2017 Local Need Criteria in Development Plans: Conformity with Articles 43 and 56 (Freedom of Establishment and Free Movement of Capital) of the European Community Treaty
- **H17 Objective 2** - To consider persons for a rural house in the RU zone on the basis of their being an intrinsic part of the rural community where such persons have grown up or spent substantial periods of their lives, (12 years), living in the area or have moved away and who now wish to return to reside near to, or to care for, immediate family members and are seeking to build on the family landholding. Immediate family members are defined as mother, father, son, daughter, brother or sister

5.3.3. **Section 6.9.2 Rural Housing in RU zone** sets out the following:

- **Policy H18: Rural Housing in RU Zone** - New or replacement dwellings within areas designated with Zoning Objective 'RU' (to protect and improve rural amenity and to provide for the development of agriculture) will only be permitted in exceptional circumstances.
- **H18 Objective 1** - New or replacement dwellings within areas designated with Zoning Objective "RU" (to protect and improve rural amenity and to provide for the development of agriculture) will only be permitted in the following exceptional circumstances:
 - The applicant can establish a genuine need to reside in proximity to their employment (such employment being related to the rural community)
 - Or
 - The applicant has close family ties with the rural community. The above shall also be considered in line with criteria set out under Chapter 12: Implementation and Monitoring
- **Policy H23 - Rural Housing and Extension Design** Ensure that any new residential development in rural and high amenity areas, including houses and extensions are designed and sited to minimise visual impact on the character and visual setting of the surrounding landscape.
- **H23 Objective 1** - Ensure that all new rural housing and extensions within areas designated within Zoning Objectives Rural (RU), Dublin Mountain (HA-DM), Liffey Valley (HA-LV) and Dodder Valley (HA-DV);
 - Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage –
 - 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

5.3.4. **Section 12.6.9 Rural Housing** sets out the policy and objectives to meet rural housing need that will be considered for housing on lands that are designated with Zoning Objective 'RU', 'HA-DM', 'HA-LV' and 'HA-DV'.

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

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

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

Documentary evidence to show how the applicant complies with rural housing policy;

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

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

The Council will consider rural housing for persons with demonstrated exceptional health circumstances – supported by relevant documentation from a registered

medical practitioner and a disability organisation – where a person is clearly required to live close to family support or in a particular environment.

5.4. Natural Heritage Designations

- 5.4.1. The site is not located within a designated Natura 2000 site. The site is circa 8k from nearest designated site is the Rye Water Valley / Caron SAC (Site Code 001390). It is circa 9km to the Glenasmole Valley SAC (001209). It is circa 11km from the Wicklow Mountains SAC (002122). It is circa 12 km from Poulaphouca SPA (004063).

5.5. EIA Screening

- 5.5.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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

- 6.1.1. The applicants seek permission to construct a dwelling and ancillary works in a rural area of the county where one of the applicants, namely Lee Boggans, has grown up and where all his family and social network are located. Mr. Boggans and his wife have a young family and desperately need a house.
- 6.1.2. Mr. Boggans fully complies with the criteria outlined in the south Dublin County Development Plan 2022-28 to qualify for social need.
- 6.1.3. The applicants cannot simply move to a dwelling in nearby Newcastle as suggested by the Council due to reasons of affordability (the fact that they own the current site makes the possibility of a self-build house affordable) and unsuitability of housing (they have stables at their house. Insufficient weight or understanding to this aspect of the application has been given.
- 6.1.4. The concern over the scale and design of the proposed dwelling is considered to be unfounded given the acknowledgment in the SDCC Planners Report that there are

varying house designs in the area and the fact that the scale of the dwelling has been significantly reduced from the previous refusal and displays typical features of traditional rural features.

- 6.1.5. The concerns over the previous removal of a small part of the front hedgerow are considered to be unreasonable particularly as the applicants are proposing a replacement hedgerow, along with another internal hedge behind the front hedge and extensive new planting.
- 6.1.6. The concerns over the quality and safety of the road to serve the proposed new dwelling are considered unfounded as this public road currently serves other dwellings in the area without any issues. The applicants have demonstrated that the required sightlines can be achieved.
- 6.1.7. Having regard to previous works carried out on site, this was undertaken as a result of desperation, in order to get a roof over the family's head. All of these works will be removed if permission is granted and the applicants are happy to accept a condition of planning permission for this to be completed prior to occupation of the new dwelling.
- 6.1.8. The Council's grounds for refusal are unreasonable and unfounded. The applicants meet the requirements under S.28 national planning guidelines on rural housing to be an intrinsic member of the rural community and the requirements under the South Dublin County Development Plan 2022-28 for social need.
- 6.1.9. The appeal was accompanied by the following:
- Letter (dated 02/12/2014) from the Adelaide & Meath Hospital to Lee Boggins at Keelogue House, Peamount Road, Newcastle
 - Letter (dated 26/09/2017) from Hermitage Medical Clinic to Lee Boggins at Keelogue House, Peamount Road, Newcastle
 - Application (dated 15/11/2023) to enrol the applicant's son at St Finian National School NS, Newcastle for the academic year 2024 / 2025
 - Lee Boggins academic report 2009 / 2010 and 2010 / 2011 from Colastie Chilliain with an address at Keelogue House.
 - Lee Boffins Financial Report
 - Solicitors letter (date 02/09/2014) to Lee Boffins with an address at Keelogue House, Peamount Road, Newcastle.

6.2. Planning Authority Response

6.2.1. SSCC submitted the following comments:

- Conditions pertaining to Part V, Development Contributions and conditions relating to security under Section 34 (4) (g) of the Planning and Development Act 2000, as amended to be attached if granted.

6.3. Observations

6.3.1. None

6.4. Further Responses

6.4.1. None

7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- National & Regional Policy
- Rural Housing Policy
- Scale & Design
- Traffic Hazard
- Potential Unauthorised Development
- Other Issues
- Appropriate Assessment

7.2. Principle

- 7.2.1. Under the provisions of the South Dublin County Development Plan 2022-2028 the site is wholly contained within an area zoned Objective RU where the objective is *to protect and improve rural amenity and to provide for the development of agriculture* and where agriculture is permitted in principle and residential development is open for consideration in accordance with Council policy for residential development in rural areas. Accordingly, the principle of the development of a house at this location is acceptable in principle subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance. The matter of the proposed stables to be retained is discussed separately below.

7.3. National, Regional & Local Policy

- 7.3.1. SDCC in their first reason for refusal state that the applicant has not met the requirement of demonstrating an economic or social need to live in this rural area at the application site with reference to National Policy Objective (NPO) 19 and Regional Policy Objective 4.80.
- 7.3.2. SDCC in their second reason for refusal state that the proposed development would contravene the Councils Rural Housing Policy, namely Policy H17, H17 Objective 2 and H18 and H18 Objective 1 contained in the South Dublin County Development Plan 2022 – 2028 as the applicant has not demonstrated a sufficient economic or social need for a rural house at the application site nor an exceptional circumstance justifying provision of a rural dwelling at the application site.
- 7.3.3. Policy Objective (NPO) 19 facilitates the provision of single housing in the countryside based on demonstrable economic or social need to live in a rural area. Regional Policy Objective 4.80 requires 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. Policy H17 and H17 Objective 2 sets out rural housing policy and local need criteria for rural housing. Policy H18 and H18 Objective 1 sets out the necessity to demonstrate a genuine need and associated criteria.
- 7.3.4. I refer to the Local Needs Assessment Information available with the appeal file. The applicant has stated they have lived in the Newcastle community for the last 17 years, at their family home on Peamount Road and that the applicants are currently living at

the appeal site with their son who is enrolled in various classes and activities in the area. The matter of the existing dwelling is discussed further below. The applicant's business is also located on Peamount Road. While local need information has been supplemented with evidence of horse breeding and care, and feed supply associated with same; the applicant has not provided any evidence of connections to work intrinsically linked to the rural area such as farming. Accordingly, the difficulty arises in relation to demonstrating an economic or social need to live at this site.

- 7.3.5. Establishing horse stables, a dwelling and other works on site does not of itself satisfy national or regional policy requirements and does not demonstrate that the applicant's area an "intrinsic part of the rural community" or "working full time or part time in rural areas". Further no exceptional circumstances have been demonstrated.
- 7.3.6. I agree with the Planning Authority that the business interests demonstrated on Peamount Road do not justify the requirement for constructing a new dwelling at the application site, which is 4km (as stated in the submission) away from the site. Notwithstanding the detail of the current application, it is also considered that the applicant has not provided sufficient information to justify a new dwelling at the site under Policy H17 or H17 Objective 2 and Policy H18 and H18 Objective 1. Refusal is recommended.

7.4. Scale & Design

- 7.4.1. SDCC in their third reason for refusal state that the proposed dwelling would provide excessive accommodation of a scale incongruous with the rural location of the subject site and would be contrary to the design guidance contained at Section 12.6.9 (Rural Housing) of the Development Plan and Policy H23 (Rural Housing and Extension Design and H23 Objective 1.
- 7.4.2. Policy H23 requires that any new residential development in rural areas are designed and sited to minimise visual impact on the character and visual setting of the surrounding landscape. H23 Objective 1 requires that all new rural housing in areas designated within Zoning Objectives Rural (RU) are sensitively designed and positioned.
- 7.4.3. A modest part two story part single storey dwelling is proposed on the appeal site. There is existing ribbon development along this stretch of road with a number of

dwelling of varying designs and scales located proximate to the site. Overall, I agree with the applicant that the proposed house design is simple in terms of its built form and displays traditional rural house features such as pitched roofs and gable ends. I further agree that given the extensive amount of new planting observed on day of site inspection any potential views of the dwelling from the public road will be largely mitigated. It is recommended that this reason for refusal be set aside.

7.5. Traffic Hazard

- 7.5.1. SDCC in their fourth reason for refusal state that the proposed development would be located on a substandard rural road network and that it would endanger public safety by reason of traffic hazard as the road network in the area is incapable of catering for the continuation of ribbon development.
- 7.5.2. I refer to the SDCC Roads Department Report together with my site inspection. I agree with the Roads Department that the proposed development is located on a substandard rural road network which is narrow in width, has poor vertical and horizontal alignment, lacks pedestrian, public lighting and drainage facilities and is saturated with one-off houses. In addition, the entrance and associated walls and peers have been constructed on site and of itself is a traffic hazard as it has not been demonstrated that drivers exiting the access on to the substandard rural road have adequate sightlines and therefore would endanger public safety. Site photos refer.
- 7.5.3. Having regard to the substantive issue pertaining to economic and social need as discussed above it is not intended to pursue this matter as a further reason for refusal. Enforcement is a matter for the Local Authority. See section 7.6.5 below.

7.6. Potential Unauthorised Development

- 7.6.1. SDCC in their fifth and final reason for refusal stated that it is clear that significant works have been undertaken at the site, including the removal of hedgerow, provision of a new site entrance, construction of a detached dwelling, laying of significant areas of hardstanding and horse boxes and that the Planning Authority cannot have certainty in relation to the ongoing planning status of the site and that to consider the application would be contrary to the proper planning and sustainable development of the area. The full wording for this reason for refusal is set out in Section 3.1 above.

- 7.6.2. As outlined in Section 2.0 above planning permission is sought for the construction of a new dwelling house and the retention of horse stables on site. However, as observed on day of site inspection (site photos refer) it was evident that development works have been undertaken on the site that include the provision of a new site entrance, construction of a detached dwelling, installation of significant areas of hardstanding and horse stables. I note from the Case Planners report that hedgerow has been removed although it was evident on day of site inspection that a new hedge has been planted. Site photos refer. No information has been provided with regard to existing waste disposal on the site. However, I note from the existing site layout plan that there is a septic tank on the appeal site although it is unclear if this is serving the existing dwelling on site. This lack of clarity in relation to domestic effluent disposal is itself alone a serious concern.
- 7.6.3. There is no evidence that planning permission was sought or obtained for these works. I note from the file the applicants' circumstances that led to the provision of a dwelling on this site. It is stated throughout the appeal file that all existing works will be removed in full if planning permission is obtained and that the applicant is happy to accept a condition of permission that all existing works be removed prior to occupation of the new dwelling.
- 7.6.4. I agree with the Planning Authority that the applicant has failed to reference the full, current circumstances of the site, and complete details in relation to demolition, retention and construction have not been provided. The application is deficient in providing basic information to allow for a full assessment of the scheme. I further agree that in lieu of having this information, the Planning Authority cannot have certainty in relation to the ongoing planning status of the site and combined impact of existing works not mentioned in the application. However, having regard to the substantive issue pertaining to economic and social need as discussed above it is not intended to pursue this matter as a further reason for refusal.
- 7.6.5. Any development that requires planning permission or a development which is in breach of the conditions of its planning permission is classed as 'unauthorised development'. Carrying out unauthorised development may be subject to enforcement proceedings. Enforcement is the means by which the planning authority ensures that unauthorised development becomes compliant with planning law. This is matter for the Local Authority.

7.7. Other Issues

7.8. **Development Contributions** – I refer to the South Dublin County Council Section 48 Development Contribution Scheme. It is recommended that should the Board be minded granting permission a Section 48 Development Contribution condition is attached.

7.9. Appropriate Assessment

7.10. Having regard to the nature and scale of the proposed development comprising a residential development and its distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be REFUSED for the following reason.

9.0 Reasons and Considerations

1. Having regard to the location of the site within an area zoned 'RU' in the current South Dublin County Development Plan, 2022-2028, where policy H18 restricts new or replacement dwellings on the basis of a genuine rural generated need and evidence of exceptional circumstances and, having regard to the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government, in April 2005, Objective RPO 4.80 of the Eastern and Midland Regional Spatial and Economic Strategy and National Policy Objective 19 of the National Planning Framework (2018) which seek to manage the growth of areas that are under strong urban influence to avoid overdevelopment and to ensure that the provision of single housing in rural areas under urban influence are provided based upon

demonstrable economic or social need to live in a rural area, it is considered that the applicants have not demonstrated exceptional circumstances that would justify the grant of planning permission for a dwelling at this rural location as required by Policy H18 Objective 1 of the South Dublin County Development Plan 2022-2028 and, therefore, would not be in accordance with the National Policy Objective 19 or Regional Spatial and Economic Strategy RPO 4.80. The proposed development, in the absence of a demonstrable economic or social need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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.

Mary Crowley

Senior Planning Inspector

20th February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318671		
Proposed Development Summary	House, site entrance, septic tank with percolation area and all associated site works and retention permission for horse stables		
Development Address	Athgoe North, Newcastle, County Dublin		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No X	No further action required
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?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
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]?			
		Threshold	Comment (if relevant)
No	X	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No

Preliminary Examination required

Yes

Screening Determination required

Inspector: _____

Mary Crowley SPI

Date: _____

20th February 2024