



An
Bord
Pleanála

Inspector's Report ABP-319917-24

Development

Construction of a house with car parking, private amenity space and associated wastewater treatment system, percolation area and surface water soakaway, single-storey stable structure, alterations to entrance to the south and associated site works.

Location

Redgap Foliage Farm, Bolger's Lane, Hillsbrook, Rathcoole, Co. Dublin

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD24A/0058

Applicant(s)

Rory and Louise Ormond

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First

Appellant(s)

Rory and Louise Ormond

Observer(s)

None.

Date of Site Inspection

23rd August 2024

Inspector

Ciaran Daly

1.0 Site Location and Description

- 1.1. The site consists of an agricultural field of part rectangular and part irregular form to the rear and the width of the site reduces towards the front section adjacent to the public road. The subject elevated site, between levels 190m and 210m, is surrounded by hedgerow on three sides, a fence along the rear boundary adjacent to another field, with mature trees also located along the roadside boundary, and by hedging on the two other sides adjacent to the dwelling located to the south-east. There is an existing agricultural entrance with wooden fencing located adjacent to the public road and the site slopes downhill somewhat from the entrance towards the rear with the slope increasing towards the rear. Located close to the entrance is an existing shed, tillage planting area and polytunnel.
- 1.2. Located close to the site entrance on the western side there is an existing modest sized agricultural shed (stated area 36sqm.) and polytunnel as well as a planting area with a small shed also located to the rear of this area. On my visit, I observed that the remainder of the field consisted of grass.
- 1.3. The subject site is located in a rural area c.1.7km from Rathcoole village. There are single detached dwellings located on either side of the front of the site along Bolger's Lane. The pattern of development to the northern side of Bolger's Lane could be described as ribbon development in that the road is largely fronted by detached dwellings on their own plots with two sites on this side of the road having not been developed for housing. On the opposite side of the road there are a number of houses backing onto Bolger's Lane and also two houses that are accessed from the road although they are more setback from the road. Bolger's Lane slopes uphill from the north-west towards the south-east.

2.0 Proposed Development

- 2.1. Construction of a split level single storey dwelling (261sqm) with car parking, private amenity space, wastewater treatment system, stables with 4 no. stalls (64sqm), enhancement of existing agricultural entrances with alterations to increase visibility and associated works. The existing shed is to remain in place although this is not a part of the proposal.

2.2. It is also noted that, as part of the first party appeal, an alternative design option has been submitted for a revised layout of the development.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for the following 5 no. reasons:

1. The failure to satisfy exceptional circumstances for a rural dwelling on the basis of genuine need to reside in close proximity to rural employment or community which contrary to policy. Material contravention cited.
2. Excess scale of the property given the site's elevated position in a Landscape Character Area with impact on the landscape and contribution to ribbon development, it would materially contravene policy objectives.
3. Endangerment of public safety by reason of a traffic hazard due to location on a substandard rural road network incapable of catering for the continuation of ribbon development.
4. The removal/modification of hedgerow above the 120m contrary is contrary to NBCH11 Objective 5 of the Development Plan and insufficient natural SUDS measures that would enhance the biodiversity of the site contrary to the RU zoning objective.
5. Given lack of evidence of economic need to reside at the site, an undesirable precedent would be set for other similar developments and cumulative harm to rural amenities.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The South Dublin County Council Planning Report provides the detailed rationale for the decision reached. Section 12.6.9 of the Development Plan is referenced and it is stated that no close or family ties have been stated and in relation to evidencing a genuine need to reside near their employment, the applicant's case in relation to the current use of the site or exceptional circumstances is not considered to meet the

requirements. It was considered that accommodation in Rathcoole or other surrounding areas would cater for the needs of the business.

The scale of the dwelling was considered excessive, and further visual impact information was recommended to be sought. The elevated position of the site was considered to be an issue. Alteration and loss of boundary hedgerow was considered to merit refusal given NCBH11 Objective 5. Issues were raised in relation to lack of contours and information regarding required groundworks and alteration of the entrance was not deemed acceptable. The EHO requested further information in relation to the wastewater treatment proposal.

In relation to drainage, additional information was recommended to be requested. Issues were also noted in relation to the lack of a piped water network with no response received from Irish Water.

The principle of the stables building was deemed acceptable.

Pre-planning case PP066/23 was referred in relation to consultation on a new single storey dwelling house and stables.

3.2.2. Other Technical Reports

EHO: No site assessment – further information recommended.

Roads: Refused recommended due to traffic hazard.

3.3. Prescribed Bodies

Irish Water: No response received.

An Taisce: No response received.

3.4. Third Party Observations

No submissions/observations were received.

4.0 Planning History

While there is no planning history for the subject site, the below decisions are relevant to the application and which can be summarised as follows:

SD18A/0011: Outline Permission refused by the Planning Authority and on appeal (ABP ref. ABP-301367-18) at Redgap and Coolmine for a dwelling house, new access and wastewater treatment system. ABP reason for refusal related to zoning issues related to failure to comply with exceptional circumstances criteria for rural housing.

SD17A/0046: Permission refused by the Planning Authority at Coolmine for a dwelling house and on site treatment system. Reasons for refusal related to failure to demonstrate exceptional circumstances for a rural house in this area, further ribbon development in contravention of the zoning objective, endangerment of public safety by reason of a traffic hazard, detract from the rural character of the site, proliferation of further rural housing in the metropolitan area and would set an undesirable precedent.

SD10A/0236: Permission refused by the Planning Authority and on appeal by (ABP ref.: PL06S.237847) at Foxfield, Redgap, for split level single storey/part dormer dwelling. ABP reasons for refusal can be summarised as relating to issues including inadequate road frontage distance/separation, endangerment of public safety by reason of a traffic hazard and issues related to wastewater treatment and ground water vulnerability.

5.0 Policy Context

5.1. National Policy

National Planning Framework Project Ireland 2040 (NPF)

- 5.1.1. The NPF includes National Policy Objective (NPO) 19 which seeks to facilitate rural housing in rural areas under urban influence based on economic or social need to live in an area and siting and design criteria per guidelines and plans having regard to the viability of smaller towns and rural settlements.

Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES)

- 5.1.2. RPO 4.80 of the RSES seeks that Local Authorities manage urban generated growth in Rural Areas under Strong Urban Influence (commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by providing single

houses in the countryside based on demonstrable economic or social need to live in a rural area.

Sustainable Rural Housing Guidelines for Planning Authorities, 2005

- 5.1.3. These guidelines seek that people from rural areas are facilitated by the planning system in all rural areas, including those under strong urban influence. Circular Letter 5/08 was also issued. The Guidelines give examples including farmers (and their sons and daughters) or other persons taking over or running farms and persons who have spent substantial periods of their lives living in rural areas and are building their first homes. Ribbon development is not favoured in the Guidelines (see Appendix 4 thereof).

5.2. Development Plan

- 5.2.1. The South Dublin County Development Plan 2022 – 2028 (the CDP) contains the relevant local policies pertaining to the proposed development. The site is located in an area zoned under Objective RU which it states is to *“To protect and improve rural amenity and to provide for the development of agriculture”*. Agriculture is a use listed as “permitted in principle” while Residential is listed as “open for consideration” “in accordance with Council policy for residential development in rural areas”. Residential use is listed under the *“not permitted”* uses listing.
- 5.2.2. The site is located proximate to a rural fringe primary GI corridor, above the 120m contour and within an area for aviation safeguarding. The site is located within the Athgoe and Saggart Hills Landscape Character Area (LCA). This is an LCA of Foothills type classification. Appendix 9 includes the updated Landscape Character Assessment for South Dublin.
- 5.2.3. In relation to rural housing, Policy CS11 refers to rural areas and this states that, *“Recognise that the rural area of South Dublin County is an area under strong urban influence for housing and restrict the spread of dwellings in the Rural ‘RU’, Dublin Mountain ‘HA-DM’, Liffey Valley ‘HA-LV’ and Dodder Valley ‘HA-DV’ zones based on the criteria set out in the Rural Settlement Strategy contained within Chapter 6: Housing”*.
- 5.2.4. Policy Objective NCBH11 Objective 5 states it is policy *“To ensure that intact hedgerows / trees will be maintained above the 120m contour line within the County*

ensuring that the strong rural character will not be diluted and that important heritage features and potential wildlife corridors are protected”.

- 5.2.5. Policy NCBH14 refers to enhancing and preserving the county’s landscapes. Policy NBH15 relates to preserving views and prospects. Chapter 4 deals with Green Infrastructure and GI2 Objective 4 relates to integrating areas for biodiversity for new developments.
- 5.2.6. Section 4.1 of the CDP contains a number of Green Infrastructure Objectives including GI1 Objective 4 which seeks to incorporate such infrastructure into the design and layout of new development.
- 5.2.7. Chapter 6 relates to rural housing. Policy H12 deals with steep or varying topography sites which seeks designs that minimise impacts. Policy H16 refers to the policy of restricting the spread of urban generated dwellings in the rural “RU” areas. Policy H17 refers to considering 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 in*” the Rural Housing Guidelines.
- 5.2.8. Policy H18 states that “*New or replacement dwellings within areas designated with Zoning Objective “RU” (to protect and improve rural amenity and to provide for the development of agriculture) will only be permitted in the following exceptional circumstances:*
- *The applicant can establish a genuine need to reside in proximity to their employment (such employment being related to the rural community) or*
 - *The applicant has close family ties with the rural community. The above shall also be considered in line with criteria set out under Chapter 12: Implementation and Monitoring”.*
- 5.2.9. Policy H23 seeks rural housing designs that minimise visual impact on the character and visual setting. H23 Objective 1 states detailed policy criteria in relation to rural house design in the RU zoning objective areas.
- 5.2.10. Policy EDE18 relates to the rural economy and supporting rural enterprises while protecting the rural character of the countryside.
- 5.2.11. Section 12.6.9 Rural Housing sets out the criteria in detail on which applications for rural housing will be assessed.

5.2.12. Section 12.9.6 deals with policy on Agriculture and Rural Enterprise.

5.3. Natural Heritage Designations

5.3.1. The subject site is not located adjacent to, or within, any designated site. The nearest such site is located c.2km from the Slade of Saggart and Crooksling Glen Proposed Natural Heritage Area (PNHA) (site code 000211), c. 6.85km to the north-west of Glenasmole Valley Special Area of Conservation (SAC) and PNHA (site code 001209). The Wicklow Mountains SAC and Special Protection Area (SPA) (site code 002122 and 004040) is located c. 7.39km to the south-east of the site, the Red Bog SAC and PNHA (site code 000397) is located c.8.2km to the south and the the Poulaphouca Reservoir SPA and PNHA (Proposed Natural Heritage Area) (site code 000731) is located c.9.3km to the south of the site.

5.4. EIA Screening

5.4.1. See Forms 1 and 2 attached below. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, or an EIA determination therefore is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The main points can be summarised as follows:

- The applicant has a demonstrable economic need which complies with policy including Policy H18 and H18 Objective 1 in that a clear economic and unique need to reside on the site has been demonstrated. The farm practices sustainable farming in line with national and regional policy and the development will create jobs supporting local employment within the community.
- The need to live close to ensure animal welfare and early and late hours attendance is cited. Horticultural farms do not require the same land take as other farm types such as dairy farms. The farm is key to the profitability of the

applicant's main source of income as a florist. An economic need to reside letter from the applicant's has also been submitted.

- The property scale and landscape impact are essential to accommodate the farm owners and staff with the scale justified by the operational needs outlined in the 5-year business plan and the proposal will enhance the landscape through responsible agricultural practices and land management.
- The proposal has been sensitively designed and scaled to minimise visual and residential amenity impact. The split-level courtyard design and the bedding into the site contours will reduce visual impact as demonstrated in the Landscape Impact Assessment submitted.
- The road network suitability will not be an issue as impacts will be minimised by living on the site and by including road safety measures and this will enhance rural economic viability. The road entrance can be altered and the road can be widened.
- In relation to the concerns raised on green infrastructure and biodiversity, the farm's organic practices, wildlife habitat preservation and sustainable drainage solutions enhance the site's biodiversity. Detailed tree and hedgerows assessments can be dealt with by way of condition.
- In relation to precedent and sustainable development, the proposal is unique addressing a particular operational need and it addresses the need for sustainable rural development and aligns with policy. The proximity to Rathcoole allows for the scale and density proposed consolidating development and providing much needed accommodation.
- Letters of support including that a new house would reduce anti-social behaviour at Bolger's Lane.
- An alternative Design is proposed as part of the Appal which includes the further setting back of the dwelling from the road by 93 metres and it is stated that the ridge height is thus reduced by 4m.
- The appeal documentation also includes a response to the Planning Authority's Planning Report including a refutation in relation to the Verifiable Images submitted and their suitability. The finished floor levels are clearly

marked, site contours are shown on all plans, sections and elevations, the further proliferation of development would not be possible as there only remains one other site on this side of this road and information on trees and hedgerows is provided on the drawings.

- A report from O' Reilly Oakstown Environmental in relation to the site suitability for the proposed wastewater treatment system is attached and a Site Characterisation Report and Soil Infiltration Test prepared by Trinity Green Environmental Consultants has been submitted.

6.2.Planning Authority Response

The Planning Authority's response can be summarised as follows:

- A Part V condition may be required should permission be granted.
- The South Dublin Council Development Contributions Scheme may need to be applied if permission is granted.
- The Kildare Route Project Supplementary Development Scheme is applicable with conditions required if permission is granted.
- Conditions for security should be applied for two or more residential units.

6.3.Observations

- None.

7.0 Assessment

7.1.Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, including the reports of the planning authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Compliance with Rural Housing Policy
- Visual, Landscape and Residential Amenity Impact

- Wastewater Disposal, Drainage and Water
- Roads and Traffic
- Green Infrastructure and Biodiversity
- Precedent and Sustainable Development
- Appropriate Assessment

7.2.Compliance with Rural Housing Policy

- 7.2.1. It is noted that the site is located within a rural area under strong urban influence as identified in the CDP. There are a number of one-off houses along Bolger's Lane and the site is located c.1.7km from Rathcoole main street and is within the commuting catchment of Dublin city. Policy H18 of the CDP requires for new rural dwellings in areas zoned under Objective RU, that applicants 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. No family ties to the rural community have been stated by the applicants.
- 7.2.2. In order to establish a genuine need to reside in proximity to their employment, the applicants have provided information in relation to their business stated to be in the florist business for which the farm supplies flowers/plants, that the farm practices sustainable farming in line with national and regional policy and will support job creation within the community. There is also stated to be a need to reside on site for animal welfare purposes and operational needs. Receipts have been submitted in relation to business expenses associated with the farm enterprise which relate mainly to equipment such as a shed and supplies such as seeds. The applicants assert that the size of the farm, stated to be 6.54 acres (2.65ha.) is profitable for the type of intensive farming being undertaken with a large land take not required by comparison to arable or other farms. It is asserted that while the farm is not the applicants' only source of income, it ensures the profitability of the applicants' main source of income from being a florist. The farm is intended to replace or supplementary the import of flowers from Dutch growers. The need to counter anti-social behaviour on the site is also put forward. In relation to my site visit, I noticed

that a modest sized section of the site in and adjacent to the polytunnel appeared to be in active use for growing plants/flowers. There were no animals on the site and no stables on the site on the date of my visit.

7.2.3. Section 12.6.9 of the Development Plan states:

“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”.*

I note the information submitted in the original application and the appeal documents, whereby the main florist related activity on the site is noted to be supplementary to the applicants main florist business and there is no site specific requirement to be in the subject location. I also note the absence of farm animals. IN this context, I agree with the Planning Authority assessment that a strong rationale in

relation to the need for an additional rural dwelling in this area has not been put forward with the documentary evidence and the assertions made not persuasive in this regard. There is also contradictory reference to intensive farming and organic farming of the subject site in the documents submitted. I do not consider that a farm of the modest scale presented, while appearing to be a niche enterprise in farming terms, demonstrates an exceptional requirement for rural housing on the site that could not be otherwise met from housing for the applicants and/or their employees in the existing built up area in the vicinity of the site, for example in and around the Rathcoole area. This finding is consistent with both Development Plan policy and national and regional policy objectives which seek to ensure that a rural housing need is required before new rural one-off dwellings can be permitted in order to consolidate the existing urban area including the smaller towns and villages of the city's hinterland. Accordingly, I concur with the conclusion of the Planning Authority and recommend that permission be refused in relation to this issue.

7.3. Visual, Landscape and Residential Amenity Impact

- 7.3.1. The appeal asserts that the proposed development, of the stated required scale, will enhance the landscape of the area and includes a Landscape and Visual Impact Assessment report prepared by Hughes Planning and Development Consultants. It is noted that the design of the proposed dwelling is in the rural vernacular form of three pitched roof cottage type buildings joined together and forming a courtyard that would be located at a slightly lower level than that of the public road. The ridge height would be up to 5.808m for the higher elements of the building with 3m eaves height at the higher end.

In relation to the Development Plan, Policy H23 Objective 1 states it is policy to,

“Ensure that all new rural housing and extensions within areas designated within Zoning Objectives Rural (RU), Dublin Mountain (HA-DM), Liffey Valley (HA-LV) and Dodder Valley (HA-DV);

- Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and*

- *Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and*
- *Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and*
- *Retains and reinstates (where in exceptional circumstance retention cannot be achieved) traditional roadside and field boundaries; and*
- *Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and*
- *Would comply with the EPA's Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent less than 10) 2021 except where planning permission was granted prior to 7th June 2021 in which case the EPAs Code of Practice Wastewater Treatment Systems Serving Single Houses 2009 applies; and*
- *Would not create or exacerbate ribbon or haphazard forms of development".*

Policy EDE18 relates to the rural economy and supporting rural enterprises while protecting the rural character of the countryside.

7.3.2. While I consider that some information has been provided on the drawings in relation to site levels, although not in relation to the rear of the site, and while acknowledging that the majority of the 12 no. viewpoints shown in the Landscape and Visual Impact Assessment do not give rise to significant concerns in terms of impacts on the wider landscape setting, I do consider that the ribbon pattern of development in the *immediate* vicinity of the site would be significantly visually extended (being the 5th residential access on a line of c.230m). View no.s 2 and 3 from Bolger's Lane effectively show the development of a significantly less rural form on Bolger's Lane, and I consider that this would further erode the rural character along the road, when viewed from the south, to an unacceptable degree. I note the lack of visual impact shown from Viewpoint no. 9, and having visited the site and observed its surroundings including from the rear, I consider that the visual impact assessment submitted by the applicant is incomplete, particularly from the north and north-east. Nevertheless, based on my observations I consider that the visual impact of the

proposed development when viewed from the north would be excessively visually obtrusive and out of character with the receiving landscape.

- 7.3.3. Noting the proposed height of the dwelling, with for example 3m high eaves in parts, I do not consider that the scale and bulk form of the dwelling (c.264sqm. as stated) has been sufficiently minimised in terms of height or scale, in line with policy and it is noted that the predominant bulk impact would arise from the southern and eastern elevations. Noting the elevation of the subject site and in the context of views from the north, I consider that the cumulative visual impact of the development would be excessively visually obtrusive in the rural landscape. I am not persuaded that the proposed landscaping scheme, including mixed indigenous hedgerow planting, can be relied upon to significantly mitigate the visual impact.

Alternative Design Option

- 7.3.4. The appeal documentation includes an alternative design option whereby the proposed dwelling would be further set back from the public road by 93 metres, as stated and with the ridge height reduced to 4m, as stated. An alternative Proposed Site Layout Plan drawing has been furnished in this regard. This shows the relocation of the dwelling and driveway area further back on the site in the vicinity of the 203m and 204m contour levels. It is noted that no section drawings or other level drawings are submitted in relation to this design option in terms of how it would be integrated or cut into this part of the site.
- 7.3.5. I consider this design option to be substantially different to the proposed development described in the public notices and to be lacking in design detail, such as in relation to sections and other drawings. It would also have a significantly different relationship with adjacent properties. Having regard to the concerns raised in this report in relation to visual impact on landscape character, while the visual impact from the road would be somewhat lessened, I do not consider this to be significant in terms of materially lessening the visual impact on the area. Having regard to the substantive recommended reason for refusal, it is not considered that this alternative design be considered as part of this appeal process. It should also be noted that, in any event, insufficient information has been furnished such as in relation to section drawings to enable a full assessment of its external impacts. I do

not recommend the Board consider this alternative design option for the reasons outlined above.

Boundary Works

- 7.3.6. The Planning Authority Planner's Report notes that alteration works to the site entrance, in terms of works to facilitate farming activity with some removal of hedgerow, appear to have taken place and from my site visit I would agree. Noting this and the proposed entrance works, while noting the lack of detail on the plans in relation to existing roadside boundary planting, I consider that the boundary changes would result in a significant negative visual impact. Sufficient detail has not been provided in relation to partial reinstatement of boundaries on the environment including flora, fauna and soil. Effects on ground water are separately assessed below in this report. The level of cutting into the hillside proposed appears to be not excessive not requiring significant retaining walls, embankments or cut and fill platforms. However, it is clear that the proposed dwelling would result in haphazard ribbon development with one remaining site on the northern side of the road then remaining to be developed. Accordingly, the proposed development fails to adhere to Policy H23 Objective 1 to a significant extent and I consider that the visual impact and ribbon development pattern of development that would result to be significant issues that merit refusal of permission.

Stables

- 7.3.7. In relation to the proposed stables, a 4.01m high single storey structure with 4 no. stalls, it is noted that such agricultural use is "permitted in principle" under the RU zoning objective for the land which is "*to protect and improve rural amenity and to provide for the development of agriculture*". This part of the proposed development did not feature negatively in the Planner's Report assessment although it was refused permission as a part of the totality of the proposed development. It may have been considered to be ancillary to the residential proposal although this is not clear from the decision. Noting the zoning objective for the land and the site's location in a rural area, I have no issue with the principle of the stables on the subject site. I do not consider that such agricultural use can be considered to be a significant intensification of development in such a rural area with the main purpose of such roads being to provide for agricultural uses and development.

- 7.3.8. The other substantive issue to consider is visual impact and impact on residential amenity. Having regard to Policy EDE 18 of the CDP and Section 12.9.6, noting the scale and position of the stables proposed for the site, with natural slate roof and cut stone cladding proposed for the pitched roof structure, I have no significant concerns in relation to visual impacts on the site or its immediate vicinity or on the character of the wider landscape, including the Athgoe and Saggart Hills LCA, where agricultural landscapes and buildings are an inherent feature of the landscape. Such agricultural development is consistent with the primary use of the local road network and is not deemed to be an intensification of use in this regard. Due to its scale and position, it would not result in significant overbearing or overshadowing impacts on adjacent residential amenity to the north-west and is acceptable. Accordingly, for the reasons outlined elsewhere in this report, this recommendation would require a split decision to permit the stables and refuse permission for the remainder of the proposed development.

7.4. Wastewater Disposal, Drainage and Water

Wastewater Disposal

- 7.4.1. In relation to the matter of wastewater assessment, planning permission is sought for a wastewater treatment system and percolation area associated with the dwelling. The report from the local Environmental Health Officer (EHO) requested that a site assessment and details of a wastewater treatment system be supplied. Reports have been submitted with the appeal in this regard prepared by O' Reilly Oakstown Environmental. The Oakstown BAF 6 PE system is proposed with a maximum capacity for 6 persons as 4 bedrooms are proposed (population equivalent is no. of bedrooms plus 2) and it would be located just over 11.9m from the rear of the dwelling.
- 7.4.2. The relevant guidelines in relation to such systems are the EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent ≤ 10 (2021). While a septic tank system was found to be unsuitable, a secondary treatment system and soil polishing filter or a tertiary treatment system and infiltration / treatment area were identified as suitable options. The survey and report results are noted to be consistent with Table 6.3 of the EPA guidance.

- 7.4.3. The PE was found to be 6 and the T-value less than 20 and a secondary treatment system and soil polishing filter (raised by at least 300mm) is proposed. The proposal is consistent with Table 6.2, noting the Groundwater Protection Response and that the wells in the vicinity are upgradient and over 25m away and with no public, group scheme or industrial water source noted in the vicinity. I consider it is consistent with Table E1 (Response Matrix for DWWTSs) of the EPA Code of Practice.
- 7.4.4. I am generally satisfied that the Applicant's proposals for the disposal and treatment of wastewater are acceptable. However, should the Board consider granting permission for the proposed development, I recommend the inclusion of a condition which shall require the design and installation of the proposed WWTs to comply with the EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent ≤ 10 (2021).

Drainage and Water

- 7.4.5. In relation to drainage matters, the proposal is for an on-site soak away to be located to the rear of the dwelling. It is noted that no sustainable drainage systems have been demonstrated. The Planner's Report advised that additional information could be sought in relation to this matter. Noting the proposed area of buildings and hard standing relative to the size of the site, I consider that a compliance condition would be sufficient, if permission is granted, requiring the Applicants to submit design and construction details to the Planning Authority for written agreement which comply with BRE Digest 365 "Soakaway Design".
- 7.4.6. It is noted that a new connection to the public water mains would be required and no letter from Irish Water has been furnished in this regard and no evidence of a piped water supply in the area has been supplied. The Planning Authority advised that this matter could be dealt with by condition.

7.5. Roads and Traffic

- 7.5.1. The applicants assert that road and traffic impacts will be minimised by living on the site as trips to and from it will be reduced. They note that the vehicular entrance can be widened and the roadside boundaries altered to widen the road along the site frontage and the drawing labelled '*Proposed Entrance Layout for Visibility*' shows new entrance gates, pillars and walls running the full frontage of the site on either side of the entrance.
- 7.5.2. The assertions made in relation to reduced trip generation by living on the site are noted. It is also the case that such a business would itself generate trips to and from the site in addition to the current situation. I observed a number of staff working at the site on my site visit. I am not persuaded that the proposed dwelling would significantly reduce the number of trips given the need to access the site for business purposes and by employees and given the trips that also have to be accounted for by a standard residential development.
- 7.5.3. Noting the width of Bolger's Lane and the quantum of development already located along the laneway, I consider that, notwithstanding the arguments put forward by the applicants, the laneway is not suitable for further residential development of the type envisaged. The proposed Site Layout Plan has demonstrated 50m sightlines in both directions from 2m back with respect of the vehicular entrance and it is noted that walls either side of the entrance pillars are proposed. From my site visit, I observed that the speed limit on Bolger's Lane, a minor road, is 60kph and that significant works to the roadside boundaries would be required to achieve the suggested sightlines and that these works would result in a significant loss of hedgerow in the vicinity of the site's southern border.
- 7.5.4. The Council's Roads Department recommended refusal relating to additional traffic that would be generated from residences accessing on to the laneway. This would require pedestrian and cycle facilities. It noted that there is inadequate room for two cars to pass with no public lighting and these issues would endanger public safety by reason of a traffic hazard. The Council's Planner's Report accepted this.
- 7.5.5. Having visited the site, I can confirm the inadequate road width for two cars, poor alignment, absence of facilities for pedestrians and cyclists and the absence of

public lighting. I observed moderate levels of vehicular traffic on the laneway and this appeared to be through traffic. The absence of pedestrian facilities contributes to the unsuitability of the laneway for additional residential development and I recommend that permission be refused in relation to road safety and suitability.

7.6. Green Infrastructure and Biodiversity

- 7.6.1. There are a number of policies and objectives in relation to the protection of green infrastructure and biodiversity that are relevant to the subject proposal. These include that the site is located proximate to a primary rural fringe GI corridor above the 120m contour and within the Athgoe and Saggart Hills Landscape Character Area (LCA).

“This LCA comprises foothills and hills that form a backdrop and setting for the greater Dublin area. The hills host a variety of uses including agriculture, forestry and recreation as well as important ecological services associated with their habitats. The LCA is diverse and offers access into the more strongly rural areas of the County and beyond. Long views over the lowlands and south to the Wicklow Mountains are an important characteristic. The integrity of the landscape character is derived from agriculture combined with other rural land uses including coniferous plantations. The integrity of its character, and of its value as a landscape setting have been compromised by housing developments in the area and through the use of nonvernacular styles very much in conflict with the local character”.

- 7.6.2. While the applicant refers to measures to preserve and enhance green infrastructure such as trees and hedgerows, I note a lack of specific measures in this regard and in relation to road safety, the appeal documents suggest measures to deal with overgrown hedgerows and widening of the road and the entrance changes envisage new walls on either side of the entrance for the length of the site frontage. It appears that the works shown to the entrance and the front site boundary for sightlines and road safety, would not be a proportionate response to allow the proposed development as it appears excessive removal of hedgerow and relocation of boundaries would be required with a lack of detail supplied in relation to reinstatement and plans to ameliorate such impacts. Such developments above the

120m contour would be contrary to policy NCBH11 Objective 5 and Policy GI4 of the CDP and contribute towards the grounds for refusal of the application.

- 7.6.3. Having visited the site and in relation to the Athgoe and Saggart Hills LCA, I consider that the addition of a dwelling on the site with associated hardstanding would erode the rural landscape character of the site and its contribution to the LCA with a lack of verified views from the north submitted by the applicant to adequately demonstrate otherwise. This, in my view, contributes towards the grounds for refusal in relation to visual impact.

7.7. Precedent and Sustainable Development

- 7.7.1. The unique nature of the proposal has been asserted as a reason that the proposed development would not result in an undesirable precedent for the area. Having reviewed the arguments put forward in this regard, while it does appear that the applicant's business as a florist as it relates to the subject site is not a common type of agricultural enterprise, nevertheless it is an agricultural type of use, albeit one of relatively small scale relative to other types of agricultural use. I consider that the scale and type of agricultural use, for the reasons previously outlined in this report and noting that policy does not allow for such exceptions, is not in line with the exceptional circumstances required to demonstrate a genuine need for a new rural dwelling in this location. I consider the type of agricultural use to be another sub-type of agriculture that would cumulatively further add to inappropriate and unsustainable urban generated pressure for residential development at the subject location and that this would, if permitted, result in an undesirable precedent. I recommend that permission not be permitted for these reasons.

7.8. Appropriate Assessment

- 7.8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located remote from and with no hydrological or ecological pathway to any European site.
- 7.8.2. The proposed development comprises a dwelling house and stables. Having considered the nature, scale and location of the project, I am satisfied that it can be

eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- The small scale and domestic nature of the development and lack of impact mechanisms that could significantly affect a European site,
- The nature of existing habitats on the site,
- The distance from European sites and absence of ecological pathways, such as a watercourse, to a European site,
- The Screening Determination carried out by the Planning Authority.

7.8.3. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

8.0 Recommendation

Having considered the contents of the application, the provisions of the County Development Plan, grounds of appeal and my assessment of the planning issues, I recommend a split decision in this case,

(a) GRANT permission for the construction of the single storey stable structure (64 sq.m) with 4 no. stalls, and

(b) REFUSE permission for the construction of a detached, single-storey, split level, four-bedroom dwelling with car parking, private amenity space, associated wastewater treatment system, percolation area and surface soakaway, utilisation and alterations to the existing agricultural entrance and associated works for the reasons and considerations set out hereunder:

9.0 Reasons and Considerations (1)

Having regard to the agricultural use of the subject site and the site's 'RU' zoning objective "*to protect and improve rural amenity and to provide for the development of agriculture*", it is considered that the construction of the single storey stable structure (64 square metres) with 4 no. stalls would not be visually discordant or obtrusive on the site or in the landscape, would be in keeping with the character of the area, would not result in significant negative impacts on residential amenity and would not

result in a traffic hazard. It is considered that, subject to the conditions set out below, that the proposed stables would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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. The use of the stables shall be for agricultural purposes only.
Reason: To protect the amenities of property in the vicinity.
3. All foul effluent and slurry generated by the proposed development and in and around the stables shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.
Reason: In the interest of public health.
4. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-
 - (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system, and
 - (b) all soiled waters shall be directed to a storage tank. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to

commencement of development.

Reason: In the interest of environmental protection and public health.

10.0 Reasons and Considerations (2)

It is recommended that planning permission be REFUSED for the construction of a detached, single-storey, split level, four-bedroom dwelling with car parking, private amenity space, associated wastewater treatment system, percolation area and surface soakaway, utilisation and alterations to the existing agricultural entrance and associated works, for the following reasons and considerations:

1. Having regard to the policies and objectives of the South Dublin County Development Plan 2022 – 2028, the Board is not satisfied that the applicants have demonstrated an economic or social need to live in this rural area under strong urban influence or that the housing need of the applicants could not be met in a smaller town or rural settlement. The proposed development would be contrary to sustainable development policies to restrict the spread of urban generated dwellings to protect rural landscapes and to prevent the uneconomic provision of further public services and facilities in an area where these are not proposed. The proposal would be contrary to Policy H18 and H18 Objective 1 and Policies CS11 and H16 of the County Development Plan and National Policy Objective 19 of the National Planning Framework. The agricultural type business of the applicants is not considered exceptional and it would give rise to an undesirable precedent for similar unsustainable developments in the rural areas of the county. The proposal would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Due to its scale and location on the site when combined with the other dwellings on Bolger's Lane, the proposed dwelling would extend the haphazard pattern of ribbon development along Bolger's Lane and this, combined with the visual impact of the dwelling in the wider landscape would significantly erode the rural character and setting of Bolger's Lane, the wider area and the Athgoe and Saggart Hills Landscape Character

Area. These impacts would be exacerbated by removal of roadside hedgerow above the 120m contour with negative impact on flora and fauna resulting which is contrary to NCBH11 Objective 5 of the South Dublin County Development Plan 2022 – 2028. The proposal is contrary to Policy H23 and H23 Objective 1 of the County Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The site is located on a minor road which is seriously substandard in terms of width and alignment and which lacks facilities for pedestrians, cyclists and public lighting required for residential development. The additional traffic movement generated by the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users. The proposal 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.

Ciaran Daly
Planning Inspector

2nd October 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference				
Proposed Development Summary	Construction of a house and stables			
Development Address	Redgap Foliage Farm, Bolger's Lane, Hillsbrook, Co 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	Yes	
		No	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			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)	Conclusion
No				No EIAR or Preliminary Examination required
Yes	X	500 units	Class 10(b)(i)	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Form 2 EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319917-24	
Proposed Development Summary	Construction of a house and stables	
Development Address	Redgap Foliage Farm, Bolger's Lane, Hillsbrook, Co Dublin	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development is for a dwelling house and stables in a rural area and which is connected to water services and not connected to wastewater services.</p>	<p>No</p> <p>No</p>
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>		<p>No</p> <p>No</p>
<p>Location of the Development Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant</p>	<p>No designations apply to the subject site.</p> <p>The proposed development will be connected to its own wastewater treatment plant.</p>	<p>No</p> <p>No</p>

environmental sensitivities in the area, including any protected structure?		
Conclusion		
There is no real likelihood of significant effects on the environment. EIA is not required.		

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)