



An
Bord
Pleanála

Inspector's Report ABP-321739-25

Development	Removal of dwelling and construction of bungalow, a wastewater treatment system and percolation area.
Location	Lands at Nowosielec Stables, Old Sports Ground, Raheen, Brittas, Co. Dublin.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD24A/0236W
Applicant(s)	Anna and James Callaghan.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party vs Refusal
Appellant(s)	Anna and James Callaghan.
Observer(s)	None.
Date of Site Inspection	23 rd April 2025.
Inspector	Susan McHugh

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	7
3.4. Third Party Observations	8
4.0 Planning History	8
5.0 Policy Context	8
5.1. South Dublin County Development Plan 2022-2028	8
5.2. National Policy/Guidance	9
5.3. Regional Policy	11
5.4. Natural Heritage Designations	12
5.5. EIA Screening	12
6.0 The Appeal	13
6.1. Grounds of Appeal	13
6.2. Planning Authority Response	14
6.3. Observations	14
7.0 Assessment	14
7.1. Introduction	14
7.2. Compliance with Rural Housing Policy	15
7.3. Traffic Safety/Sightlines	17
7.4. Visual Impact/Landscape	19

7.5. Precedent.....	21
7.6. Material Contravention.....	22
8.0 AA Screening.....	23
9.0 Recommendation.....	23
10.0 Reasons and Considerations.....	24

Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Form 2: EIA Preliminary Examination

Appendix 3 – Form 3: Screening for Appropriate Assessment

1.0 Site Location and Description

- 1.1. The appeal site is located on a former sports ground, in the townland of Raheen, Brittas, South Co. Dublin, within an area characterised by rural, agricultural lands.
- 1.2. The subject site is located to the east of the N81 National Secondary Road (Dublin-Blessington) approx. 7km from Tallaght, Co. Dublin and approx. 10km from Blessington, Co. Wicklow. The site is located approx. 700m north of Brittas village on the eastern side of Local Road L-7377 Mount Seskin Road.
- 1.3. Mount Seskin Road has a traffic speed limit of 60km ph. The road has no pedestrian footpaths, or public lighting and has a narrow carriageway of approx. 4.5m.
- 1.4. Structures on site comprise an existing dwelling and shipping container located close to the northeastern boundary of site and is set back approx. 58 metres from the roadside boundary to the northwest.
- 1.5. Existing access to the site is located to the northwest and comprises a wide agricultural fence with no hardstanding. The roadside boundary is defined by timber post and cable fence, as are all other boundaries to the site. The site is grassed and open to the public road and surrounding fields. There are detached dwellings on adjoining lands to the west.
- 1.6. The site which is roughly rectangular in shape has a stated area of 0.64 ha. The site slopes downwards from north to south.

2.0 Proposed Development

- 2.1. Permission is sought for the following;
 - Removal of existing 'unlawful' modular dwelling, ancillary domestic outbuildings (74 sqm) and a wastewater storage facility.
 - Closure and removal of existing vehicular entrance and driveway.
 - Construction of a new house. The floor area of the proposed 2-bedroom bungalow is stated as 81sqm. The roof profile comprises a pitched roof with a ridge height of 5.05m.

- Installation of a new wastewater treatment system with percolation area. This comprises of SEPCON BAF PE6 WWTS, and 90sqm pressurised soil polishing filter.
- Creation of a new vehicular entrance and driveway. The existing post and cable boundary is to be upgraded with new boundary wall, 1.1m in height with boundary pillars rising to 1.8m in height either side of the vehicular entrance and finished in reclaimed local stone.
- Water supply – on site well.

2.2. The application was accompanied by the following

- Cover Letter - Planning Consultant
- Planning Report – Planning Consultant
- Site Characterisation and Assessment Report
- Certificate of Exemption under Part V
- Letter of consent from landowner - McNevin Design Ltd.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to **refuse** permission 19/12/2024 for 4 no. reasons as follows:

1. The proposals do not satisfy the required criteria of Policy H16 (Management of Single Dwellings in Rural Areas), H17 (Rural Housing Policy and Local Need Criteria) or H19 Objective 1 (Rural Housing in HA-Dublin Mountains) in that they do not demonstrate that there are exceptional circumstances as to why the current proposals should be supported at this location or why the proposal could not be supported in an existing settlement. At a higher level, the proposal is considered contrary to Policy Objectives NPO19, NPO33 and NPO3b of the National Planning Framework, Objective RPO4.8 of the Regional Spatial and Economic Strategy (2019) and Policies CS1 and CS11 of the South Dublin County Development Plan 2022 - 2028 which recommend that new residential development be directed to existing urban areas and that

new rural housing only be supported where there is a demonstrable social or economic justification to do so. It is not considered that the applicant has provided sufficient justification of a demonstrable economic need to reside in this rural area under urban influence to justify the setting aside of the aforementioned policies and objectives. The proposal would therefore materially contravene the South Dublin County Development Plan 2022 - 2028, would be contrary to national and regional planning policy objectives and would therefore be contrary to the proper planning and sustainable development of the area.

2. 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 and intensification of the use of this road. 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.
3. The site is located in an elevated and highly exposed location within the Dublin Mountains High Amenity Zone. It is also situated within the Athgoe and Saggart Hills Landscape Character Area (LCA) and has protected views to both the northwest and southeast. Having regard to the exposed nature of the site, the proposed development has the potential to negatively impact on this sensitive landscape and the natural beauty of the rural area, by contributing to the incremental erosion of its character, materially contravening Policy H23 and H23 Objective 1 of the South Dublin County Development Plan 2022 – 2028. The proposals would also exacerbate ribbon development having regard to the Sustainable Rural Housing Guidelines 2005, which is also harmful to the character of the landscape. The proposal is therefore contrary to the proper planning and sustainable development of the area.
4. Given the nature of the development, and the lack of information provided by the applicant to demonstrate a demonstrable economic need to reside at the application site, the proposed development would set an undesirable

precedent for other similar developments, which would independently and cumulatively, be harmful to the rural amenities of the area, present a traffic hazard and would be contrary to the proper planning and sustainable development of the area.

3.1.1. I note the reference to material contravention in reason for refusal no's 1 and 3.

3.2. Planning Authority Reports

3.2.1. The Planning Report (19/12/2024) is the basis for the planning authority decision. The planning authority refused permission for the reasons as set out.

3.2.2. Other Technical Reports

- **Roads Department:** Report dated 25/11/2024 recommends **refusal**.
'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 and intensification of the use of this road. 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.'
- **Environmental Health Officer:** Report dated 02/12/2024 recommends no objection subject to standard requirements in relation to wastewater, noise and air quality.
- **Public Realm:** Report dated 10/12/2024 recommends no objection subject to requirements in respect of landscaping and submission of a Green Infrastructure Plan.

3.2.3. The application was referred by the PA to Water Services Section and the Heritage Officer, but no reports were received.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

PA Reg. Ref. SD24A/0143: Permission **refused** 32/07/2024 for removal of existing modular dwelling and construction of 3-bedroom dormer bungalow, with associated vehicular access, wastewater treatment system with percolation area to Anna and James Callaghan.

The four no. reasons for refusal refer to non-compliance with local, regional and national rural housing policy, traffic safety, impact on landscape character and undesirable precedent.

5.0 Policy Context

5.1. South Dublin County Development Plan 2022-2028

5.1.1. The following sections of the Plan are relevant:

Policy CS1: Strategic Development Areas Prioritise housing and employment growth within the identified residential and employment growth areas set out under the Metropolitan Area Strategic Plan.

Policy CS11: Rural Areas 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

5.1.2. The subject site is in an area zoned Objective 'HA-DM' – 'To protect and enhance the outstanding natural character of the Dublin Mountains Area'. Land-Use Zoning Table 12.12 indicates that 'residential' development is open for consideration in accordance with Council policy for residential development in rural areas and it is not permitted above 350m contour. The following sections of the Plan are particularly relevant:

5.1.3. Section 6.9 (Rural Housing Strategy)

Policy H16 (Management of Single Dwellings in Rural Areas),

Policy H17 (Rural Housing Policy and Local Need Criteria) states it is policy to 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) and Circulars.

Policy H19 (Rural Housing in HA – Dublin Mountains Zone) states new dwellings within areas designated Zoning Objective ‘HA-DM’ will only be considered in exceptional circumstances. H19 Objective 1 states that all of the following criteria must be met by an applicant to be considered for a dwelling:

- The applicant is a native of the area; and
- The applicant can demonstrate a genuine need for housing in that particular area; and
- The development is related directly to the area’s amenity potential or to its use for agriculture, mountain or hill farming; and
- The development would not prejudice the environmental capacity of the area, and that it would be in keeping with the character of the mountain area.

Policy H23 (Rural Housing and Extension Design)

5.1.4. Chapter 3 (Natural, Cultural and Built Heritage)

5.1.5. Chapter 12 (Implementing and Monitoring)

- Section 12.3 (Natural, Cultural and Built Heritage)
- Section 12.6.9 (Rural Housing)

5.2. **National Policy/Guidance**

5.2.1. ‘Housing For All - a New Housing Plan for Ireland (September 2021)’ is the government’s housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland’s housing system and deliver more homes of all types for

people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- To purchase or rent at an affordable price,
- Built to a high standard in the right place,
- Offering a high quality of life.

5.2.2. Project Ireland 2040- National Planning Framework –(NPF) is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

5.2.3. NPO 3b seeks to deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

5.2.4. NPO 19 states it is an objective to ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere. In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2.5. NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

Revised National Planning Framework (April 2025)

5.2.6. NPO 28 seeks to ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

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

5.2.7. Climate Action Plan 2025 (CAP25) is the third statutory annual update to Ireland's Climate Action Plan under the Climate Action and Low Carbon Development (Amendment) Act 2021.

5.2.8. The Plan lays out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

5.2.9. Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

5.2.10. Having considered the nature of the proposal, the receiving environment, and the documentation on file, including the submissions received, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), Department of Housing, Local Government and Heritage, (hereafter referred to as 'the Compact Settlement Guidelines').

5.3. **Regional Policy**

5.3.1. The primary statutory objective of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031 (RSES) is to support

implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region. Relevant Regional Policy Objectives (RPOs) can be summarised as follows

- 5.3.2. **RPO 4.80** states that Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.4. **Natural Heritage Designations**

- 5.4.1. The nearest designated sites are the overlapping Wicklow Mountains Special Area of Conservation (SAC) (Site Code 002122), and Wicklow Mountains Special Protection Area (Site Code 004040) located c. 4.5km and 7.7km respectively to the east. The Glenasmole Valley SAC (Site Code 001209) is located 4.6km to the northeast.
- 5.4.2. The Slade of Saggart and Crooksling Glen pNHA (Site Code 000211) is located 230m to the southwest, and the Lugmore Glen pNHA (Site Code 001212) is located 3.7km to the northeast.

5.5. **EIA Screening**

- 5.5.1. Schedule 5, Part 2, Class 10 (b)(i) provides that EIA is required for the construction of more than 500 dwellings units. Class 1(a) of Part 2 (rural restructuring/hedgerow removal) provides that EIA is required where the length of field boundary to be removed is above 4km. Class (dd) of Part 2 relates to private roads exceeding 2000 metres in length. The proposed development falls significantly below these thresholds comprising a development of a single dwelling unit, limited removal of roadside boundary for new entrance and length of driveway which is approx. 58m.
- 5.5.2. Having regard to the nature and scale of the proposed development, I consider that the submission of a subthreshold EIAR is not required in this case.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party planning appeal against the planning decision of the PA to refuse permission was lodged by a planning consultant on behalf of the applicants.
- 6.1.2. The grounds of appeal are accompanied by a cover letter and report, which addresses each of the four reasons for refusal in turn.
- 6.1.3. The grounds of appeal can be summarised as follows;
- Proposed development is a repeat application on the subject site under PA Reg. Ref. SD24A/0143.
 - Submit present proposal accords with planning policy for the area.
 - Contend that PA have tacitly accept that;
 - Residential development is open for consideration on land with zoning objective 'HA-DM',
 - The design and siting of the dwelling on the site, open space provision, and density,
 - No ecological or wastewater treatment issues and that an Environmental Impact Assessment (EIA) is not warranted.
 - Assert proposed development differs materially from PA Reg. Ref. SD24A/0143, as;
 - The house is single storey rather than two storey,
 - The building has been set back further into the site relative to the front boundary, and located at a lower level on the site,
 - The site entrance has been repositioned, to allow for increased visibility.
 - Submit the current proposal addresses the PA's previous reasons for refusal under SD24A/0143.

- Assert that Rural Housing Policy which allows for natives of the area only to qualify for a house is contrary to European Union Law as articulated in the so-called *Flemish Degree* judgement.
- Invite the Board to consider the legality of policy H19 Objective 1 (and to explain why it decides not to do so if this is its decision).
- Contend that the proposal would not adversely affect road safety.

6.2. Planning Authority Response

The Planning Authority confirmed its decisions and notes issues raised in the appeal have been covered in the Chief Executive Order.

6.3. Observations

None received.

7.0 Assessment

7.1. Introduction

- 7.1.1. I would draw the attention of the Board to the planning history and unauthorised nature of the existing structure on site which it is proposed as part of the subject application to remove.
- 7.1.2. An application for permission for a similar development, by the same applicants was refused by the PA under PA Reg. Ref. SD24A/0143 less than a year ago (July 2024) for similar refusal reasons to the current application. The decision of the PA was not subject of an appeal to the Board.
- 7.1.3. The current application, which is substantially similar, albeit for a smaller dwelling (two bedroom rather than three bedroom), seeks to address the previous reasons for refusal under PA Reg. Ref. SD24A/0143. The four no. reasons for refusal are identical to the four no. reasons for refusal in the current application under appeal.

7.1.4. There have been no significant changes in planning policy, the same County Development Plan applies. The main national policy changes relate to the revised National Planning Framework and Climate Action Plan CAP 2025.

7.1.5. The main issues are those raised in the planning application and the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Compliance with Rural Housing Policy
- Traffic Safety/Sightlines
- Visual Impact/Landscape
- Precedent
- Material Contravention

7.2. Compliance with Rural Housing Policy

7.2.1. Reason for refusal no. 1 of the planning authority's decision refers to noncompliance with the rural housing policy as set out in the County Development Plan, National Planning Framework, and Regional Spatial and Economic Strategy.

7.2.2. The site is within an area zoned Objective 'HA-DM': 'To protect and enhance the outstanding natural character of the Dublin Mountains Area' in the South Dublin County Development Plan 2022-2028. Land-Use Zoning Table 12.12 indicates that 'residential' development is open for consideration in accordance with Council policy for residential development in rural areas and it is not permitted above 350m contour. The applicant states that the application site is 247 O.D and is below the 350m contour. The applicant is of the view that they meet the relevant housing policy criteria.

7.2.3. Rural Housing policy is set out in Section 6.9 of the South Dublin County Development Plan 2022-2028. This takes into consideration the Sustainable Rural Housing Guidelines for Planning Authorities, 2005, and Circular Letter SP 5/08. Policy H16 (Management of Single Dwellings in Rural Areas) states it is policy to restrict the spread of urban generated dwellings in the Dublin Mountain 'HA-DM' zone and to focus such housing into existing settlements.

- 7.2.4. Policy H17 (Rural Housing Policy and Local Need Criteria) states it is policy to 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) and Circulars. Policy H19 (Rural Housing in HA – Dublin Mountains Zone) states new dwellings within areas designated Zoning Objective ‘HA-DM’ will only be considered in exceptional circumstances. H19 Objective 1 states that all of the criteria must be met by an applicant to be considered for a dwelling.
- 7.2.5. The appellant has not submitted details to demonstrate compliance with the Rural Housing Policy. Correspondence from the agent does not outline where or for how long the appellant currently or previously resided. No details outlining where the appellant grew up, the location of the family home, whether his parents still live in the family home or whether the appellant has strong local links to the area are provided with the application or with the appeal. No details outlining the appellants employment are provided or any correspondence submitted by the appellant outlining where he has worked and for what duration in the locality.
- 7.2.6. Typically supporting documentation including correspondence detailing attendance at a local school, a Birth certificate, is submitted as part of an application demonstrating compliance with the Rural Housing Policy but is absent in this case.
- 7.2.7. Based on the dearth of documentation submitted, I consider the applicant has failed to comply with the first element of H19 Objective 1 and is not a native of this rural area.
- 7.2.8. This rural area is subject to a high level of protection through the HA-DM zoning and is under strong urban influence for new rural dwellings. While the applicant has a housing need, on the basis of the supporting information submitted and the applicant’s employment history, I consider that an exceptional need for housing at this location has not been demonstrated. I do not consider the appellants circumstances constitute a genuine need for housing at this particular area and the appellant does not therefore comply with the second element of H19 Objective 1.
- 7.2.9. In relation to the third element of H19 Objective 1, the applicant has failed to demonstrate that their employment is directly related to the area’s amenity potential or to its use for agriculture, mountain or hill farming and therefore is inconsistent with

this criterion. In my opinion, having regard to the foregoing, the applicant therefore does not comply with the third element of H19 Objective 1.

7.2.10. The fourth criterion relates to the environmental capacity of the area and the character of the mountain area. This is addressed under Section 7.4 (Visual Impact/Landscape) below.

7.2.11. I consider that the appellant does not satisfy the qualifying criteria for a rural generated house as set out in National Policy Objective 19 of the National Planning Framework or National Policy Objective 28 of the Revised National Planning Framework. These require that an economic or social need to live within rural areas under urban influence is demonstrated in facilitating the provision of rural dwellings. As the application is not considered to be appropriate under the County Development Plan 2022-2028, it is also considered to be contrary to the provisions of the National Planning Framework as regards one-off rural housing.

7.2.12. In conclusion, the applicant has not met all of the criteria as outlined in H19 Objective 1 and therefore does not come within the scope of exceptional circumstances referred to in Policy H19. The proposed development if permitted would materially contravene Zoning Objective 'HA-DM'. I therefore consider that the application would not be acceptable under the provisions of the South Dublin County Development Plan 2022-2028 in relation to the issue of rural housing policy.

7.2.13. I note the material contravention of the zoning objective and do not consider any criteria under Section 37 (2) (b) of the Planning and Development Act 2000, as amended apply.

7.3. Traffic Safety/Sightlines

7.3.1. Reason for refusal no. 2 of the planning authority's decision related to the proposed development giving rise to a traffic hazard.

7.3.2. The Planning Authority Roads Department of the PA objected to the proposed development outlining that it 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.

- 7.3.3. The Roads Department of the PA considered that the proposed development would endanger public safety by reason of traffic hazard and intensification of the use of this road. Concerns were also raised in relation to the road network in the area which is considered incapable of catering for the continuation of ribbon development.
- 7.3.4. The grounds of appeal invite the Board to adopt a certain degree of practicality when considering the adequacy of the rural road network in this area. In terms of traffic the proximity of the site to the village of Brittas which is served by the N81 National Secondary Road is noted. The appellant asks whether the characteristics of the L-7377 are so restrictive that it could not serve one new rural house.
- 7.3.5. The grounds of appeal submit that traffic speed surveys undertaken by the applicant demonstrate traffic speeds are not excessive. In terms of traffic safety, it is disputed that the proposed development would give rise to a continuation of ribbon development, or that there is a history of recorded accidents. The argument is presented that less vehicular movements would be generated by allowing the applicant to reside at the site compared to visiting the site for agricultural trips possibly several times per day.
- 7.3.6. As previously outlined in section 2.1 above, existing structures on site and the applicants landholding is served by an agricultural entrance. This entrance is located to the northwestern corner of the site directly opposite an existing vehicular entrance to a private dwelling. It is proposed to remove the existing access and provide a new vehicular entrance further to the west to serve the proposed dwelling.
- 7.3.7. Site layout drawings submitted at application stage indicate 90m sightlines (in both directions) 2m from the road edge, from the proposed vehicular entrance onto the L-7377. Drawings indicate that proposed sightlines are in accordance with Roads Design Guidance DN-GEO-03060.
- 7.3.8. The Roads section of the PA note the lack of clarity from drawings on where the existing road edge is located, and that the road to the northeast is not shown in full. The width of the access point is not shown on the layout plan and other dimensions such as setback are not provided. There is an elevation drawing showing the heights of the boundary at the access. These are shown as 1.1m high and the boundary pillars rising to 1.8m, these are above the recommended 0.9m for walls and 1.1m for pillars, to allow for forward visibility when exiting.

- 7.3.9. I have examined the drawings submitted at application stage and share the concerns raised by the Roads section of the PA. Revised drawings have not been submitted as part of the first party appeal.
- 7.3.10. Notwithstanding that the proposed development will not involve substantial volumes of traffic, given the height of the walls at the entrance, I consider that it has not been demonstrated adequate sightlines can be achieved.
- 7.3.11. While I note from my site inspection that the sightlines to the northeast and southwest are relatively unrestricted, I also note the pattern of development in the area which comprises a number of one-off houses located on the opposite side of the road. There are also a number of commercial uses in the vicinity of the site including Fox Excavations and Plant Hire, and GV Services Ltd car repair and maintenance.
- 7.3.12. More importantly I also noted that narrow width of the local road, lack of grass verge and very limited opportunities for cars to pull in to accommodate oncoming traffic. The site is within walking distance of the village of Brittas, and I am satisfied that to allow another vehicular entrance to this site would endanger public safety by reason of a traffic hazard.
- 7.3.13. Having regard to the above and in the absence of adequate sightlines being demonstrated, I consider that the proposed development as outlined at the application stage would endanger public safety by reason of traffic hazard arising from additional traffic generation at this location from the proposed development.
- 7.3.14. I am therefore of the opinion that reason for refusal 2 should be upheld.

7.4. Visual Impact/Landscape

- 7.4.1. Reason for refusal no. 3 of the planning authority's decision relates to the landscape and visual impacts of the proposed development.
- 7.4.2. The grounds of appeal dispute the PA's assertion that the site is an elevated and highly exposed location and submit that the position of the proposed property on site is not a reason for refusal.
- 7.4.3. The grounds of appeal also refer to Table 12.12 of the County Development Plan ('Zoning Objective 'HA-DM': 'To protect and enhance the outstanding natural

character of the Dublin Mountains Area') which does not exclude rural housing. Attention is further drawn to footnote (d) which states 'not permitted above 350m contour', and that the subject site is not located above the 350m contour.

- 7.4.4. The grounds of appeal note that section 6.9.3 of the County Development Plan does not prohibit new rural housing below the 350-metre contour line.
- 7.4.5. The fourth criterion for Policy H19 Objective 1 is that the development would not prejudice the environmental capacity of the area and that it would be in keeping with the character of the mountain area.
- 7.4.6. There are a number of one-off dwellings in the site vicinity with dwellings structures located to the northwest on the opposite side of Mount Seskin Road. The proposed house type is single storey in scale. External finishes are not indicated. It has a floor area of 81sqm and is low profile with a maximum ridge indicated height of 5.05 metres. The structure is located inside the front roadside boundary of the site, set back approx. 58m from the vehicular entrance to the site and the roadside boundary.
- 7.4.7. The subject site is in an area zoned Objective HA-DM, 'To protect and enhance the outstanding natural character of the Dublin Mountains Area'. The site is also located within the Athgoe and Saggart Hills Landscape Character Area of the County Development Plan 2022-2028 which is designated as an area with medium to high landscape sensitivity and a negligible to low landscape capacity.
- 7.4.8. The subject dwelling is located to the centre of the site. While I note that a landscape/visual assessment has not accompanied the application, I consider that the siting of the dwelling to the centre of the site and the absence of any established roadside vegetation/screening currently does not enable for its integration within the site and landscape at this location.
- 7.4.9. Having regard to the open nature of the landscape to the east of Mount Seskin Road, I consider that the landscape does not have the capacity to absorb the proposed development together with the absence of established roadside screen vegetation at this location and that it would alter the character of the mountain area in a negative manner.
- 7.4.10. There are also Specific Conservation Objectives to 'Protect and Preserve Significant Views' along both sides of Mount Seskin Road. I have viewed the site and the

existing structure from the significant viewpoints and the road network in the vicinity of the site. Having regard to the open and exposed nature of the site, I am of the view that the dwelling would form a visually prominent feature when viewed from significant views on the road network and would detract from the visual amenity of the area. I therefore consider that the proposed development would be contrary to the fourth element of Policy H19 Objective 1 and the outlined Conservation Objective.

- 7.4.11. Having regard to the above I am of the opinion that refusal reason no. 3 relating to landscape and visual impact should be upheld.

7.5. Precedent

- 7.5.1. Reason for refusal no. 4 refers to the proposed development which would set an undesirable precedent for other similar developments, which would independently and cumulatively, be harmful to the rural amenities of the area.
- 7.5.2. The grounds of appeal refute this claim and notes that each application is assessed on its own merits.
- 7.5.3. The first party appellant highlights 'a key difference between policy H18 ('Rural Housing in RU Zone') of the County Development Plan 2022 and policy H19 ('Rural Housing in HA – Dublin Mountains Zone'); whereas an individual who seeks consent for a one-off dwelling in most of the rural areas in South Co. Dublin can qualify on the basis of either occupation or occupancy, an applicant seeking permission in the HA-DM zone, in which the subject site is located, must be both a farmer and a native of the area.'
- 7.5.4. It is accepted by the appellant in the grounds of appeal 'that the eligibility criteria governing new homes in the Dublin Mountains are much stricter than for the rest of the land in rural South Co. Dublin', but submits that to grant planning permission in the current case would not compel the PA or the Board on appeal to issue consent for another house nearby, in circumstances where this separate dwelling might otherwise be resisted.
- 7.5.5. The grounds of appeal further assert that claims as to the precedent effect of a proposed development are most often cited by county councils in order to bolster a

refusal of permission on lightweight grounds, and that it is generally accepted that the precedent-effect argument usually carries little gravitas and can be discount.

- 7.5.6. The grounds of appeal reference previous inspectors report's on other planning appeals where the issue of precedent is cited.
- 7.5.7. In my opinion this reason for refusal has not been adequately addressed in the appeal and the reason for refusal on the matter of precedent should also be upheld by the Board.

7.6. Material Contravention

- 7.6.1. The Board will note that Reasons Numbers 1, and 3 of the decision of South Dublin County Council to refuse planning permission for the proposed development state that the proposed development would materially contravene the South Dublin Development Plan 2022-2028.

- 7.6.2. Therefore, Section 37 (2)(b) of the 2000 Planning and Development Act (as amended) applies. This states :-

(2) (b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that:

- (i) the proposed development is of strategic or national importance
- (ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of the development, and permissions granted, in the area since the making of the development plan'.

- 7.6.3. Having considered the file, and the provisions of the Plans, as outlined above, I consider that the Planning Authority's conclusion that the development materially contravenes the Plan is reasonable. In the circumstances, the Board would have to address itself to the requirements of this section in the event that it was minded to grant a permission in this case.

8.0 AA Screening

Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

- 8.1.1. I have considered the nature and scale of the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.1.2. The proposed development comprises a single dwelling house and wastewater treatment system and percolation area as described in section 2 of this report.
- 8.1.3. The subject site is not located within or adjacent to a European Site. The Wicklow Mountains SAC (Site Code 002122) is located 4.5km to the east, with the Wicklow Mountains SPA (Site Code 004040) located 7.7km to the east. The Glenasmole Valley SAC (Site Code 001209) is located 4.6km to the northeast.
- 8.1.4. Having considered the nature, scale and location of the proposed development, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. This determination is based on:
- Small scale and domestic nature of the development
 - Distance from European sites.
 - Likelihood of indirect connections to the European sites.
- 8.1.5. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.1.6. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend that permission be **refused** for the proposed development for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. Having regard to the location of the site within an area subject to Housing Policy H19 (Rural Housing in HA – Dublin Mountains Zone) Objective 1 of the South Dublin County Development Plan 2022-2028, to National Policy Objective 28 of the revised National Planning Framework, and to the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or the South Dublin County Development Plan 2022-2028 for a house at this location. The proposed development, in the absence of any identified locally based genuine need for the house, would contravene local and national housing policy and objectives, 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.
2. The subject site is in an area zoned Objective HA-DM, 'To protect and enhance the outstanding natural character of the Dublin Mountains Area' and there are Specific Conservation Objectives to 'Protect and Preserve Significant Views' along both sides of L-7377 Mount Seskin Road. It is considered that the proposed development would adversely affect the character of the mountain area and would adversely affect the significant views along L-7377 Mount Seskin Road that it is an objective to protect and preserve. The proposed development would therefore seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.
3. The proposed development would endanger public safety by reason of traffic hazard arising from additional traffic the development would generate on a substandard road at a point where sightlines are restricted in a both directions.

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.

Susan McHugh
Senior Planning Inspector

25th April 2025

Appendix 1:

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321739-25		
Proposed Development Summary	Removal of dwelling and construction of bungalow, a wastewater treatment system and percolation area.		
Development Address	Lands at Nowosielec Stables, Old Sports Ground, Raheen, Brittas, 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	√
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	√	Class 10(b)(i) of Part 2 (dwelling units) Class 1(a) of Part 2 (rural restructuring/hedgerow removal) Class 10(dd) of Part 2 relating of private roads in the form of driveways	
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	√		

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	√	<p>Class 10(b)(i) of Part 2 (dwelling units) - Less than 500 dwelling units.</p> <p>Class 1(a) of Part 2 (rural restructuring/hedgerow removal) - Length of field boundary to be removed is less than 4km.</p> <p>Class 10(dd) of Part 2 relating of private roads in the form of driveways - Private road would not exceed 2000metres in length.</p>	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	√	
Yes		

Inspector: _____

Date: _____

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321739-25
Proposed Development Summary	Removal of dwelling and construction of bungalow, a wastewater treatment system and percolation area.
Development Address	Lands at Nowosielec Stables, Old Sports Ground, Raheen, Brittas, 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>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The site is currently agricultural land. The proposed development has a total floor area of 81sqm and is not significant in size or scale. The existing house which is to be removed has a stated floor area of 74sqm. Excavation works are required for the installation of site drainage infrastructure. The use of natural resources and the production of waste, pollution and nuisance and the risk of accidents is not significant and would be typical of a project of this scale/nature.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European</p>	<p>Wicklow Mountains Special Area of Conservation (SAC) (Site Code 002122), and Wicklow Mountains Special Protection Area (Site Code 004040) are located c. 4.5km and 7.7km respectively to the east. The Glenasmole Valley SAC (Site Code 001209) is located 4.6km to the northeast.</p>

<p>sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The proposed development does not have the potential to have likely significant effects on these European Sites. This matter has been considered in a Stage 1 Appropriate Assessments which have been undertaken in relation to this appeal case.</p>
<p>Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The <u>construction</u> impacts which would arise on foot of the development reflect typical residential developments of this nature, including increased construction traffic on local roads, with an associated increase in noise/emissions, disturbance (light, dust, noise) impacts to neighbouring residential properties and fauna species, generation of construction waste materials (soil, building materials, waste from staff facilities), surface water run-off and potential for fuel / oil leaks from construction equipment. Such impacts could reasonably be controlled / managed through an agreed Construction and Environmental Management Plan.</p> <p>The proposed development does not have the potential to result in cumulative effects (in combination with the neighbouring mountain bike trails) with likely significant effects on the environment during the operational stage.</p>

Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
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)

Appendix 3

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site Case file: ABP-321739				
Brief description of project		Normal Planning appeal		
Brief description of development site characteristics and potential impact mechanisms		<p>The site comprises existing dwelling and waste water treatment system, storage containers. The site is in horticultural use and agricultural use for livestock.</p> <p>The development includes a new dwelling with a waste water treatment system and private well.</p> <p>There are no existing watercourses in the vicinity of the site.</p>		
Screening report		<p>No</p> <p>South Dublin County Council screened out the need for AA.</p>		
Natura Impact Statement		No.		
Relevant submissions		None.		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests	Distance from proposed development	Ecological connections	Consider further in screening Y/N
Wicklow Mountains SAC (002122)	<p>Mountain Heaths (wet and dry), standing waters with vegetation, grasslands, blanket bogs, rocky slopes and scree with vegetation and Old sessile oak woods.</p> <p>Otter.</p> <p><u>ConservationObjectives.rdl</u></p> <p>NPWS 2017</p>	4.5km to the east	No direct connection.	N
Glenasmole Valley SAC (Site Code 001209)	<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (* important orchid sites),</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils,</p> <p>Petrifying springs with tufa formation (Cratoneurion)</p> <p><u>CO001209.pdf</u></p>	4.6km to the northeast	No direct connection.	N

Wicklow Mountains SPA (004040)	Merlin and Peregrine. CO004040.pdf NPWS 16 th July 2024	7.7km to the east	No direct connection.	N
Due to the nature and location of the development site, I consider that the proposed development is unlikely to generate indirect impacts that could affect the nearest SACs and SPA.				
Step 3 Describe the likely effects of the project (if any, alone or in combination) on European Sites				
AA Screening Matrix				
Site name Qualifying interests		Possibility of significant effects (alone) in view of the conservation objectives of the site		
		Impacts	Effects	
Site 1		Direct: None	N/A	
Wicklow Mountains SAC [002122]		Indirect: None	Conservation objective: To maintain and/or restore the favourable conservation condition does not have the potential to be undermined.	
Otter (<i>Lutra lutra</i>) [1355]				
Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]				
Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]				
Natural dystrophic lakes and ponds [3160]				
Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]				
European dry heaths [4030]				
Alpine and Boreal heaths [4060]				

<p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [8110]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [7130]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with, <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p>		
	Likelihood of significant effects from proposed development (alone): No	
	Likelihood of significant effects occurring in combination with other plans or projects: No	
	Possibility of significant effects (alone) in view of the conservation objectives of the site: No	
	Impacts	Effects
<p>Site 2</p> <p>Glenasmole Valley SAC [001209]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p>	<p>Direct: As above</p> <p>Indirect: As above</p>	<p>N/A</p> <p>Conservation Objective; To restore the favourable conservation condition does not have the potential to be undermined.</p>

Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]		
Petrifying springs with tufa formation (Cratoneurion) [7220]		
	Likelihood of significant effects from proposed development (alone): No	
	Likelihood of significant effects occurring in combination with other plans or projects: No	
	Possibility of significant effects (alone) in view of the conservation objectives of the site: No	
	Impacts	Effects
Site 3	Direct: As above	N/A
Wicklow Mountains SPA	Indirect: As above	Conservation objectives To maintain the favourable conservation condition has the potential to be undermined.
Merlin Falco columbarius [A098]		
Peregrine Falco peregrinus [A103]		
	Likelihood of significant effects from proposed development (alone): No	
	Likelihood of significant effects occurring in combination with other plans or projects: No	
	Possibility of significant effects (alone) in view of the conservation objectives of the site: No	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
I conclude that the proposed development (alone) would not result in likely significant effects on the Wicklow Mountains SAC, Glenasmole Valley SAC and Wicklow Mountains SPA. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.		

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans and projects would not be likely to give rise to significant effects on European Sites within the Wicklow Mountains namely, Wicklow Mountains SAC and SPA, and Glenasmole Valley SAC or any other European site, in view of these sites Conservation Objectives and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Small scale and domestic nature of the development
- Distance from European sites.
- Likelihood of indirect connections to the European sites.
- Likelihood of significant effects occurring in combination with other plans or projects.