



An
Coimisiún
Pleanála

Inspector's Report

ACP 323117-25

Development

Replacement of an existing greenhouse (420sq.m) with a two-storey family dwelling (c190 sq.m), change of use of the site from existing market garden use, adjustment of existing established road entrance and roadside boundary to provide sightlines and access, connection to public services, landscaping and boundary works.

Location

Skerries Road, Rush. Co. Dublin.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

F25A/0392E

Applicant(s)

Janice Noone

Type of Application

Outline Permission.

Planning Authority Decision

To Refuse Outline Permission.

Type of Appeal

First Party

Appellant(s)

Janice Noone.

Observer(s)

None.

Date of Site Inspection

September 19th, 2025.

Inspector

Breda Gannon

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1.0 Site Location and Description

The site is located on Skerries Road (R128) to the northeast side of Rush, Co. Dublin. The rectangular shaped site has a stated area of 0.330 ha and accommodates an existing greenhouse towards the front of the site, with undeveloped land to the rear. The site forms a gap between two existing dwellings on the east side of the regional road. The lateral site boundaries are formed by concrete walls, and the rear boundary is undefined. The front (roadside) boundary is formed by a wall/post and rail fence and the site access is located centrally on the site frontage.

The area is residential in character. The majority of development has taken place on the west side of the regional road and includes the Golden Ridge housing scheme opposite the site. The east side of the regional road is characterised by ribbon development comprising houses of varying scale, design and finishes and an inconsistent building line. There are also areas of open ground used for agricultural purposes which provide views towards the sea to the east.

2.0 Proposed Development

- 2.1** The proposal is to remove an existing greenhouse (420m²) and construct a two-storey house (190 m²) and to change the use of the site from market garden use. It is proposed to adjust the existing road entrance and roadside boundary to provide sightlines and access. The development would be connected to existing public services.

3.0 Planning Authority Decision

3.1 Decision

The planning authority decided to refuse outline permission for the development for the following reason-

'The application site is subject to the 'HA'- 'High Amenity' land use zoning objective of the Fingal Development Plan 2023-2029. Residential development is only permitted on 'HA' zoned lands to applicants who demonstrate a defined essential

housing need based on their involvement in farming or exceptional health circumstances. The applicant is not currently living in the country, is not actively engaged in farming and has failed to demonstrate any exceptional health circumstances that would require them to live on the site. The proposed development would materially contravene Section 3.5.15.3, Objective SPQHO74 and the Rural Settlement Strategy of the Fingal Development Plan 2023-2029. The proposed development would therefore be contrary to the proper planning and sustainable development of the area’.

.3.3.2 Planning Authority Reports

3.2.1. Planning Reports

The planning officer notes that the subject site is located on ‘HA’ zoned lands where residential development is only permitted to those who have a defined essential housing need based on their involvement in farming or exceptional health circumstances. The applicant is stated to currently reside in Australia and has not lived in this country since 2010. The applicants are not actively engaged in farming and have failed to demonstrate any exceptional health circumstances that would require them to live on the subject site. The proposed development would therefore materially contravene Section 3.5.15.3 and Objective SPQHO74 and the Rural Settlement Strategy of the development plan.

Whilst the application is for outline permission only, having regard to the existing dwelling to the north and south of the site, it is considered that the provision of a dwelling on the site would have negligible impacts on the visual amenities of the area. The planning officer is also satisfied that the proposal would have negligible impacts on the residential amenities. Matters relating to sightlines/access and water services and drainage could be addressed by conditions.

The site is not located within a European site and there is no realistic pathway connecting the site to European sites in the vicinity. Having regard to the nature, scale and location of the proposed development there is no likelihood of significant effects on any European site.

3.2.2. Other Technical Reports

Water Services: No objection subject to conditions on surface water management.

Transportation: No objection subject to conditions in relation to the proposed driveway, entrance, sightlines etc.

Parks & Green Infrastructure: No objection subject to the retention of the existing hedgerows as part of an overall landscaping plan.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

No history of planning permissions or applications on the site were identified by the planning authority

5.0 Policy Context

5.1 Development Plan

The operative development plan is the **Fingal Development Plan 2023-2029**.

The site is located outside the development boundary for the town (Sheet 6B-Rush) in an area zoned 'HA' High Amenity with an objective to *'Protect and enhance high amenity areas'*.

The vision for these areas is as follows:

'Protect these highly sensitive and scenic locations from inappropriate development and reinforce their character, distinctives and sense of place. In recognition of the amenity potential of these areas opportunities to increase public access will be explored'.

Residential development is permitted in principle subject to compliance with the Rural Settlement Strategy contained in Section 3.5.15.3 of the development plan.

Objective SPQHO 74: Houses in HA Zoned Areas

Permit houses in area with zoning objectives HA, only to those who have a defined essential housing need based on their involvement in farming or exceptional health circumstances.

5.2 National Planning Framework First Revision (First Revision April 2025)

National Policy Objective 28

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

- In rural areas under urban influence, facilitate the provision of rural 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 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.

5.3. Natural Heritage Designations

The site is not located within a European site. The closest European sites are as follows:

- North-West Irish Sea SPA (Site code: 004236), located c 500m to the east.
- Rockabill to Dalkey Island SAC (Site code: 003000), located c 1.4km to the east.
- Rogerstown Estuary SAC (Site code 000208), located c 2km to the southwest
- Rogerstown Estuary SPA (Site code 004015), located c 2km to the southwest.

6.0 EIA Screening

The development is of a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended, but below threshold. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 & 2 of this report). Having regard to the location and characteristic of the proposed development and the types and characteristic of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environment impact screening and an EIAR is not required.

7.0 The Appeal

7.1 Grounds of Appeal

The following summarises the grounds of appeal:

- While the subject site falls within the 'HA' High Amenity land use zoning objective, and is governed by the requirements and restrictions imposed by this zoning, there is absolutely nothing of 'High Amenity' value in or around the site or its immediate environs.
- The site is an infill situation within an already built up area, on the side of a busy road. Its development will not create or cause any loss, diminution, negation of, nor influence upon the existing or future disposition, quality, or potential value of any amenity within the immediate environs of the proposed dwelling.
- In this particular location on the suburban edge of Rush village, previously permitted development has compromised the aspirations of the HA zoning, which seeks to retain farmlands between the zoning boundary and the seashore.
- The severe anomaly created by the existing situation on the ground around the proposed site, and the 'HA' zoning governing the proposed site,

unjustifiably prevents the sustainable and desirable infill development of a fully serviced site, to provide a home for a returning family.

7.3. Planning Authority Response

An Coimisiún is requested to uphold the Council's Rural Settlement Strategy while current 'HA' zoning remains in place.

Should the appeal be successful provisions should be made for applying the following-

- A financial contribution and/or a provision for any shortfall in open space and/or any Special Development Contributions required under the Development Contribution Scheme.
- Conditions where a tree bond or a contribution in respect of a shortfall of play provision facilities are required.

7.4. Observations

None.

8.0 Assessment

Having examined all the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site and its environs, and having regard to the relevant national and local policies and guidance, I consider the substantive issues to be considered are those raised in the appeal.

The subject site is located outside the development boundary for Rush (Map 6B). on lands to the east which are zoned 'HA'. The development plan provisions are specific in terms of the provision of housing in these areas (Section 3.5.15.3 and Objective SPQHO74). Only those who have a defined essential housing need based on their involvement in farming or exceptional health circumstances will be considered and the applicant does not satisfy either of these requirements.

The appellants content that there is no justification for the zoning provisions pertaining to the site on the basis that there is nothing of amenity value on, or, in the immediate environs of the site. Whilst I acknowledge the surrounding context

of the subject site, including the built-up nature of sections of Skerries Road, the gap formed by the site between existing development to the north and south and the concentration of development further east adjacent to the beach, the Commission is constrained by the zoning provisions of the development plan.

I would point out to the Commission that under section 37(2)(b) of the Planning and Development Act 2000 (as amended), where a planning authority refuse a development on the grounds that it materially contravenes the Development Plan, the Commission may only grant permission in certain limited circumstances 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 spatial and economic strategy 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 development should be granted having regard to the pattern of development, and permission granted, in the area since the making of the development plan.

It is my opinion that a grant of permission cannot be justified under the criteria set out under section 37(2)(b)(i) or (ii). The proposed development is clearly not of strategic or national importance, and the objectives of the development are clearly stated regarding the 'HA' zoning provisions, which excludes rural housing except in the exceptional circumstances noted above.

Regarding the provisions of section 37(2)(b)(iii), the regional spatial and economic strategy for the area supports the principle of compact growth in towns and villages. As already noted, the appeal site is located outside the development boundary for the town of Rush. For the purposes of the settlement strategy the site is located in the countryside which includes areas zoned HA. It is also recognised in the plan (Section 3.5.15) that rural Fingal can be classified an area under

‘Strong Urban Influence’ due to its location in proximity to Dublin City, major urban centres and important transport corridors and that much of the demand for one-off housing is urban generated.

Both the RSES and government policy as set out in the National Planning Framework (First Revision) with reference to RPO 4.80 and NPO 28 respectively require that a distinction is made between areas under urban influence and rural areas. In areas under urban influence housing is facilitated based on the core consideration of demonstrable economic or social need to live in a rural area. The applicant has failed to justify a need to reside in this area under the provisions of the RSES, or in accordance with Government policy set out the National Planning Framework. I would, therefore, conclude that there is no basis for a grant of permission having regard to the provisions of the RSES, Government policy or under any guidelines or policy directives issued under section 28 and section 29 respectively.

While there are pockets of residential development interspersed with undeveloped areas along this section of Skerries Road, and the subject site forms a gap site between existing dwellings, these are long established developments. I can see no evidence of any planning permissions granted or new housing erected in the vicinity since the current plan came into effect on 5th April, 2023. It is my opinion that a grant of permission cannot be justified under the criteria set out under section 37(2)(b)(iv).

Having considered the provisions of section 37(2)(b) (i), (ii), (iii) and (iv), I would conclude that the Commission is not at liberty to consider a material contravention of the development plan in the determination of this appeal.

9.0 Appropriate Assessment

I have considered the proposal to replace an existing greenhouse with a house and associated development in light of the requirements S177U of the Planning and Development Act 2000 (as amended).

The subject site is located on Skerries Road. Rush. Co Dublin.

It is located c 500 west of North-West Irish Sea SPA (Site code: 004236), c 1.4km

to the west of Rockabill to Dalkey Island SAC (Site code: 003000), c. 2km to the northeast of Rogerstown Estuary SAC (Site code 000208) and Rogerstown Estuary SPA (Site code 004015).

The proposed development comprises the construction of a house with connections to services.

No nature conservation issues were raised in the appeal. The closest European site is North-West Irish Sea SPA (Site code: 004236) which is designated for 21 bird species. Having regard to the brownfield nature of the site, the limited scale of development, the surrounding pattern of development and intervening uses, I consider that significant ex-situ effects on foraging wintering birds can be discounted.

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 effect on a European Site.

The reason for this conclusion is as follows: -.

- the limited scale and nature of the development,
- the surrounding pattern of development and intervening uses,
- the distance from the nearest European sites and lack of connections, and
- connection to public collection services.

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.

10.0 Water Framework Directive

The proposal is to construct a house and associated site works with connection to services. The subject site is in Rush, Co. Dublin. The closest water bodies are a small stream to the south and Rush North Beach to the east.

No water deterioration concerns were raised in the appeal.

I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground waterbodies in order to reach good status (meaning both good chemical and ecological status), and to prevent deterioration. Having considered the nature scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface water and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- the small scale and nature of the development consisting of a single dwelling house connected to public services.
- The separation distance from the nearest Water Bodies and lack of hydrological connections.

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration of any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

On the basis of the above assessment, I recommend that permission be refused for the development for the reasons and considerations set out below.

12.0 Reasons and Considerations

The site lies within an area zoned 'HA'- High Amenity in the Fingal County Development Plan 2023-2029 where under the provisions of Policy Objective SPQHO74 the provision of houses is restricted to those who have a defined essential housing need based on their involvement in farming or exceptional health

circumstances. Taking account of the documentation submitted in support of the application and the appeal, the Coimisiún is not satisfied that the applicant comes within the scope of the housing need criteria set out in the plan for 'HA' zoned lands and has not demonstrated a genuine need for a house in this area under the requirements of the development plan. It is considered that the proposed development would be contrary to Policy Objective SPQHO74 of the development plan and 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.

Breda Gannon
Planning Inspector

13th, October 2025

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	ACP 323117-25
Proposed Development Summary	Replacement of an existing greenhouse (420sq.m) with a two-storey family dwelling (c190 sq.m), change of use of the site from existing market garden use, adjustment of existing established road entrance and roadside boundary to provide sightlines and access, connection to public services, landscaping and boundary works.
Development Address	Skerries Road, Rush. Co. Dublin
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	✓Yes, it is a 'Project'. Proceed to Q2.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	

3 Is the proposed development of a CLASS specified in <u>Part 2</u>, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b) of Part 2, Schedule 5(i) Construction of more than 500 dwelling units (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use) Proposal is for a single dwelling house on a site of 0.033ha.
4.Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	ACP 323117-25
Proposed Development Summary	Replacement of an existing greenhouse (420sq.m) with a two-storey family dwelling (c190 sq.m), change of use of the site from existing market garden use, adjustment of existing established road entrance and roadside boundary to provide sightlines and access, connection to public services, landscaping and boundary works.
Development Address	Skerries Road, Rush. Co Dublin.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	The development has a modest footprint, comes forward as a standalone project, requires a small amount of demolition works (greenhouse), does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development (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 sites, densely populated areas, landscapes, sites of historic,	The development is located within a suburban area to the north of the town. The site is located within an area of 'High Amenity' as identified in the development plan. The site forms a gap site between two existing dwellings and extends into undeveloped ground to the rear. While the proposal is contrary to the zoning objective, it is not considered that the impact would be of such magnitude that it would significantly impact on the landscape or environmental

cultural or archaeological significance).	sensitivities in the area to trigger the need for environmental impact assessment.
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).	Having regard to the nature of the proposed development, consisting of a two-storey dwelling and associated development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	None
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)