



An
Coimisiún
Pleanála

Inspector's Report PL-500006-DF

Development	Construction of new detached two-storey dwelling house to side of existing dwelling, with new off-street parking provision for two vehicles with access from Channel Road, to include new shared vehicular entrance and revised off-street parking provision for two vehicles to existing dwelling, and associated site works
Location	Site adjacent to Padre Pio, 25 Channel Road, Co. Dublin, K56 N290
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F25A/0091E
Applicant	Michael Gillen
Type of Application	Permission.
Planning Authority Decision	To refuse permission
Type of Appeal	First Party
Appellant	Michael Gillen
Observers	None
Date of Site Inspection	5 th December 2025
Inspector	Trevor Rue

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1.0 Site Location and Description

- 1.1. The application site is in a partially built-up area to the south west of Rush. It has a stated area of 0.037 hectares and is L-shaped. It comprises land within the curtilage of, and to the north and east of, an existing bungalow which is located on the southern side of Channel Road.
- 1.2. The western part of the site consists of the front garden of the bungalow, which is bounded to the front by a low wall, and a vehicular entrance with recessed gates. There is a mature tree in the footpath in front of the bungalow.
- 1.3. The eastern part of the site consists of a driveway to the side of the bungalow and a grassed area with a smaller concreted area behind it. For most of its length the driveway is separated from the grassed area by a low wall. The grassed area is bounded to the front by a low wall and a substantial hedgerow, and to the east by a low wall beyond which is a cul-de-sac leading into a group of four houses known as Clann Beag. The southern boundary of the site is undefined.
- 1.4. There is a variety of house types in the area, including detached single-storey dwellings, dormer bungalows and two-storey houses. There are also glasshouses and undeveloped lands and fields.

2.0 Proposed Development

- 2.1. It is proposed to construct a two-storey, three-bedroom, dormer-style dwelling in the eastern part of the site, to the side of the existing bungalow. It would have a gross floor space of 124 square metres. It would be located about 2.5 metres from No. 25, about 10 metres from the neighbouring dwelling to the east and roughly 55 metres from the nearest dwelling to the south (1 Clann Beag). The rear garden would be about 15 metres in length and about 150 square metres in area.
- 2.2. The proposed dwelling would have a ridge height of 6.8 metres. External finishes would include blue/black slates and painted render to walls.
- 2.3. The existing 4-metre-wide access would be used as a shared entrance for the existing bungalow and the proposed dwelling to facilitate two car-parking spaces to the front of each residence. The front boundary wall would be reduced in height to 0.9 metres; 1.8-metre-high walls would be provided to the sides and rear and they would be

rendered and capped. A hedge would be planted inside the front garden wall of the bungalow. Two cherry-blossom trees would be planted at the southern end of the site.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 10th September 2025, Fingal County Council refused permission for the following reason:

The proposed site is located in an area zoned 'RU' – 'Rural' under the Fingal Development Plan 2023-2029. 'Residential' development on 'RU' zoned lands is subject to the requirements of the Council's Rural Settlement Strategy. Based on the information submitted with the application, the applicant has not demonstrated to the satisfaction of the Planning Authority that they have a genuine rural generated housing need as the applicant has indicated they have the consent to carry out works to the adjacent property at 'Padre Pio', 25 Channel Road, as they are the owner of this property.

The proposed development would therefore be contrary to the 'Sustainable Rural Housing Guidelines for Planning Authorities' (DoEHLG, 2005), NPO 28 of the National Planning Framework – First Revision (2025) and would materially contravene the objectives of the Fingal Development Plan 2023-2029 which relates to the Council's Rural Settlement Strategy as the applicant has not demonstrated they have a genuine, economic or social, rural generated housing need for a new dwelling on 'RU' zoned lands as they currently own a house in a rural area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. **Planning officer reports** typed on 31st March and 8th September 2025 provided the reasoning for the authority's decision. The main points were as follows:

- The application cover letter provided by the agent refers both to Michael Fearon [as client] and to Michael Gillen [as applicant]. It was stated on the application form that the applicant owns the site but the extent of his ownership shown on the submitted plan did not correspond with the Tailte Éireann record. The

application sought permission for works to the existing entrance to 25 Channel Road which were not in the applicant's ownership but no letter of consent from the landowner was submitted. The applicant was invited to comment on these matters and to submit revised plans and particulars as necessary and all necessary letters of consent from third-party landowners.

- The site is in an area zoned as RU - Rural and is subject to a specific policy relevant to the South Shore area. It is stated on the supplementary application form states that the application is made on the basis that the applicant is a member of a rural family with needs to reside close to the family home by reason of close family ties and that he has lived in the Rush area for 27 years.
- It is clear from the applicant's supporting information that he has a connection with the area. He was requested to provide verifiable documentary evidence to demonstrate that he has resided in the area for a continuous period of 10 years. Examples of the information sought included a copy of his birth certificate, tax receipts from Revenue, pay slips, utility bills and official receipts from government organisations addressed to the applicant stating his address. All documents should be complete, not partially cut off and fully legible.
- In response to this request for additional information, the applicant resubmitted documents relating to his primary and secondary schools, a post office book, letters from insurance companies, documents from a children's hospital and his driving licence.
- The applicant also submitted the following new information:
 - (i) partial copies of tax correspondence with Revenue for the years 2011 and 2019 to 2024, all of which are addressed to the appellant at an address in Quay Road, Rush. This documentation is cropped and does not show the correspondence fully and clearly;
 - (ii) a copy of a phone bill dated May 2025, sent to him at the same address; and
 - (iii) a letter from an insurance company addressed to Audrey Gillen at the same address. The applicant's name appears on a list of insured persons in the letter but no document verifying his relationship with Mrs Gillen was submitted, which could have been achieved by producing his birth certificate.

- Also in response to the request for additional information, the applicant submitted a solicitor's letter dated 25th April 2025 which refers to the sale of the application site folio and the neighbouring site folio relating to 25 Channel Road. The documentation referred to in the solicitor's letter was not submitted. However, a further check with Tailte Éireann indicated that the applicant was now the owner of both the application site and No. 25. This does not correlate with the information provided on the supplementary application form.
- The Council's Rural Settlement Strategy was established to meet genuine rural-related housing needs in those parts of the county which have the RU zoning. It was considered on the basis of the information submitted and the current Tailte Éireann registration, that the applicant has not demonstrated a genuine need for a new dwelling on RU lands.
- In regard to gross floor areas and room areas, the submitted floor plans generally comply with Development Plan standards and are acceptable. The proposed rear garden area complies with government guidelines. While the submitted plans do not clarify the remaining private open space available to No. 25, the provision is sufficient.
- While the proposed dwelling would have a higher roof ridge than the neighbouring dwellings fronting Channel Road, it would integrate visually with the existing dwellings in a satisfactory manner. No significant negative impacts on existing visual amenity are anticipated. If permission is granted, a condition requiring the painted render to be of a neutral colour should be imposed.
- No windows are proposed above ground-floor level on the side (eastern and western) elevations and the proposed separation distances are acceptable. No significant negative impacts on existing residential amenity are anticipated. If permission is granted, a condition requiring the bathroom windows to be obscured should be imposed.

3.2.2. The Council's **Water Services Department** and its **Transportation Planning Section** had no objection subject to standard conditions. The Council's **Parks Division** found the landscaping and boundary treatment proposals acceptable.

3.3. Prescribed Bodies

- 3.3.1. No report from **Uisce Éireann** was provided. However, the applicant submitted a letter from that organisation stating that water and wastewater connections to the proposed development were feasible without an infrastructure upgrade by Uisce Éireann.

4.0 Planning History

4.1. Application Site

- 4.1.1. **F05A/0680:** On 4th July 2005, the Council refused to grant permission to Anthony Kelly for a three-bedroom dwelling on the ground that he was not deemed to be in compliance with Council's policy for new housing for the rural community.
- 4.1.2. **F21A/0644:** On 28th January 2022, the Council refused to grant permission to Brian Fearon for construction of a dwelling on the grounds that (i) he had not demonstrated eligibility to be considered for a dwelling in the rural area of Fingal, (ii) car parking was inadequate, and (iii) the proposal represented overdevelopment of a restricted site.
- 4.1.3. **F22A/0443:** On 25th January 2023, the Council refused to grant permission to Brian Fearon for a new detached two-storey dwelling to the side of the existing family home, with off-street parking provision and a new shared vehicular entrance. The reason for refusal was as follows:

The Planning Authority has previously met the housing need requirements of the current applicant, in this rural area of Rush, by virtue of a grant of permission for a permanent place of residence under Planning Reference No. F05A/0646 at Site 2, Sundrive Road, Rush, Co. Dublin. It is therefore considered that the applicant, does not come within the Fingal Rural Settlement Strategy Rural Generated Housing Need set out in Section 3.5.15.3 of the Fingal Development Plan 2023-2029 whereby it is policy that 'no individual applicant will receive planning permission for more than one house'. The proposed development would therefore contravene materially the policy of the Planning Authority as set out in the Fingal Development Plan 2023-2029, and would be contrary to the proper planning and sustainable development of the area.

4.2. Nearby Sites

- 4.2.1. **F03A/0842:** On 7th April 2004, the Council granted permission to Joan McGee for demolition of a detached bungalow and erection of two dormer bungalows at The Alcove, Channel Road (about 70 metres to the west of the present application site). Both bungalows were subject to a five-year occupancy condition.
- 4.2.2. **F05A/0640:** On 3rd August 2005, the Council granted permission to Paul Fearon for a four-bedroom dormer dwelling at what is now 1 Clann Beag, subject to a five-year occupancy condition.
- 4.2.3. **F05A/0641:** On 3rd August 2005, the Council granted permission to Helen Jones for a four-bedroom dormer dwelling at what is now 3 Clann Beag, subject to a five-year occupancy condition.
- 4.2.4. **F05A/0645:** On 3rd August 2005, the Council granted permission to Keith Jones for a four-bedroom dormer dwelling at what is now 2 Clann Beag, subject to a five-year occupancy condition.
- 4.2.5. **F15A/0593:** On 13th January 2016, the Council granted permission to Gerry Fearon for a detached dormer dwelling at what is now 4 Clann Beag, subject to a seven-year occupancy condition.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Sheet 6B of the Fingal Development Plan 2023-2029 indicates that the application site is subject to a RU - Rural zoning, whose objective is to protect and promote, in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage. The vision for this zoning, set out in Section 13.5 of the Plan, is to protect and promote the value of the rural area of the county. This rural value is based on agricultural and rural economic resources; visual remoteness from significant and distinctive urban influences; and a high level of natural features. Residential use is permitted in principle, subject to compliance with the Plan's Rural Settlement Strategy.

- 5.1.2. Sheet 6B also indicates that the application site is within an area where site-specific objectives apply. These objectives are set out in Appendix 8 to the Plan. Local Objective 14 is to ensure that any new residential development in the South Shore is in compliance with the specific housing policy relevant to the South Shore area.
- 5.1.3. Section 3.5.15.3 of the Plan states that the Fingal Rural Settlement Strategy serves to meet settlement needs which are the result of a genuine rural-generated housing requirement. Urban-generated residential development in areas zoned RU, HA, GB and RC will be restricted to preserve the character of Rural Fingal and to conserve this important limited resource. Rural-generated housing needs are considered to be the housing needs of people who have longstanding existing and immediate family ties or occupations which are functionally related to the rural areas of the county and includes persons who have close family ties to the Fingal rural community as defined in Table 3.5 Paragraph (i).
- 5.1.4. Objective SPQHO81 is to permit new rural dwellings in areas which have zoning objectives RU or GB on suitable sites where the applicant meets the criteria set out in Table 3.5.
- 5.1.5. Table 3.5 of the Plan sets out criteria for eligible applicants from the rural community for planning permission for new rural housing. Paragraph (i) specifies one member of a rural family who is considered to have a need to reside close to their family home by reason of close family ties, where a new rural dwelling has not already been granted planning permission to a family member by reason of close family ties since 19th October 1999. The applicant for planning permission shall be required to provide documentary evidence that she or he is a close member of the family of the owners of the family home and that she or he has lived in the family home identified on the application or within the locality of the family home for at least 15 years.
- 5.1.6. Objective SPQHO75 of the Plan is to require that any house which is granted planning permission in areas with the zoning objective RU, HA or GB will be subject to an occupancy requirement whereby the house must be first occupied as a place of permanent residence by the applicant and/or members of his/her immediate family for a minimum period of seven years.
- 5.1.7. Section 3.5.15.8 of the Plan states that the South Shore area of Rush consists mainly of small landholdings with a mixture of market gardening and single and cluster

housing. The pattern of development is increasingly residential with a road infrastructure which is limited in terms of modern road requirements, but which forms part of the overall rural residential character of the area. Recognising the established mix of horticulture and residential land uses within this area, and the availability of water services infrastructure, the settlement strategy for housing in the open countryside will be more flexible within the area demarcated on the Plan maps.

- 5.1.8. Objective SPQHO92 of the Plan is to consider planning applications for a house located within the South Shore area of Rush from persons who have been resident for a minimum of 10 years within the South Shore area or within the development boundary of Rush or within 1 kilometre by road of either of these areas, subject to sustainable planning and consideration of climate change impacts.
- 5.1.9. Objective SPQHO93 of the Plan is to consider planning applications for a house located within the South Shore area of Rush from a mother, father, son or daughter of a resident who qualifies under Objective SPQHO92 and subject to sustainable planning and consideration of climate change impacts.
- 5.1.10. Objective SPQHO94 of the Plan is to require that any house which is granted planning permission in the South Shore area will be subject to an occupancy requirement whereby it must be first occupied as a place of permanent residence by the applicant and/or members of his/her immediate family for a minimum period of seven years.

5.2. Ministerial Guidelines

- 5.2.1. Section 3.2.3 of the **Sustainable Rural Housing** guidelines recommends that suggestions should be included in the development plan illustrating the broad categories of circumstances that would lead the planning authority to conclude that a particular proposal for development is intended to meet a rural-generated housing need. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes. Returning emigrants who lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for elderly family members, or to retire, should be also be accommodated.

5.3. National and Regional Policy

- 5.3.1. The First Revision to the **National Planning Framework** was published in April 2025. National Planning Objective 28 includes the facilitation, in rural areas under urban influence, 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. Similar provisions are to be found in Regional Planning Objective 4.80 of the **Eastern and Midland Regional Spatial and Economic Strategy**.

5.4. Natural Heritage Designations

- 5.4.1. The application site is not within any Natura 2000 European site of nature conservation importance. The nearest Natura 2000 sites to the site are:
- Rogerstown Estuary Special Area of Conservation (SAC), about 700 metres to the south east, designated for mudflats, sandflats and colonising plants, salt meadows and dunes;
 - Lambay Island SAC, about 5.8 kilometres to the south east, designated for reefs, vegetated sea cliffs, harbour porpoise and seal;
 - Rockabill to Dalkey SAC, roughly 2.7 kilometres to the east, designated for reefs and harbour porpoise;
 - Rogerstown Estuary Special Protection Area for birds (SPA), about 700 metres to the south east;
 - Lambay Island SPA, about 5.7 kilometres to the south east;
 - North-west Irish Sea SPA, roughly 2.2 kilometres to the east;
 - Rockabill SPA, about 6 kilometres to the north east; and
 - Skerries Islands SPA, roughly 6 kilometres to the north.
- 5.4.2. The application site is not in any Natural Heritage Area (NHA). The only NHA in Fingal is Skerries Islands, which is also a SPA. There are 17 proposed NHAs in Fingal, which are identified on Green Infrastructure Map 2 (Sheet 15) of the Development Plan. The nearest of these areas to the application site are Rogerstown Estuary, Lambay Island and Portrane Shore.

6.0 Environmental Impact Assessment Screening

6.1. The proposed development has been subject to preliminary examination for environmental impact assessment; please refer to Form 1 and Form 2 in Appendix 1 to this report. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, I am satisfied that there is no real likelihood of significant effects on the environment. I conclude, therefore, that the proposed development does not trigger a requirement for EIA screening and that an EIA report is not required.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The grounds of appeal may be summarised as follows:

- The solicitor's letter submitted at additional information stage confirmed the applicant's ownership of both the application site and the dwelling at 25 Channel Road. There is no outstanding third-party land interest preventing the proposed development.
- The planning application included more than sufficient information to demonstrate compliance with settlement policy. The appellant has clearly and comprehensively established long-term ties to the Rush/ South Shore area, supported by verifiable documentary evidence spanning two decades and well exceeding the 10-year threshold envisaged in the policy. The Council's dismissal of these records on grounds of cropping or incompleteness is disproportionate, as the evidence is cumulative and mutually reinforcing.
- Any residual doubts regarding residency documentation or minor plan inconsistencies could reasonably have been addressed through clarifications or by attaching conditions to a grant of permission. To require, in addition, submission of a birth certificate or alternative state documentation represents an unnecessarily restrictive interpretation of policy and does not reflect the variety of acceptable proofs referenced in planning practice. Planning decisions must be made on the balance of probability rather than absolute

proof. The evidence demonstrates beyond reasonable doubt that the appellant is a longstanding resident of Rush.

- Ownership of the adjacent dwelling [No. 25] does not negate compliance with the Rural Settlement Strategy. The policy intent is to prevent speculative applications by persons with no genuine local ties; it is not intended to penalise longstanding residents who own property in their home community. The 2005 Ministerial Guidelines recognise that returning family members and those with housing needs in the local area may justifiably apply for planning permission for dwellings even where family property exists.
- Numerous local precedents exist for dwellings on comparable RU-zoned sites in the Channel Road and Clann Beag area, within 200 metres of the application site, which collectively demonstrate that the proposed development is consistent with the pattern of sustainable development at this location.
- The applicant's proposal is consistent with the National Planning Framework and the Eastern and Midland Regional Spatial and Economic Strategy. The site is immediately adjacent to existing dwellings, within walking distance of Rush town amenities and connected to water services. The proposal therefore represents compact sequential infill rather than isolated rural sprawl. The design and scale of the proposed dwelling are appropriate to the established character of Channel Road. Issues relating to access, design, landscaping and water services have been shown to be capable of resolution by condition.

7.2.2. The appeal was accompanied by a letter from the appellant, who provided the following additional evidence:

- He confirmed that he was born in Rush and has lived there his entire life. He is employed full-time in his father's construction company and maintains longstanding personal, familial and economic ties to the area.
- He enclosed relevant documentation, including additional local needs evidence and a letter dated 19th September 2025 from his solicitor about the purchase for a five-figure sum of the site known as Clonbeg, Channel Road. The Transfer Deed refers to *"the property comprised in part of folio DN98105F & DN155638F outlined in red on the Land Registry Compliant Map attached hereto"*. That map was not submitted.

- The application site was previously the subject of a planning application by Mr Brian Fearon, which was refused (F22A/0443). Mr Fearon subsequently advertised the site for sale and the appellant bought it in good faith. He had absolutely no prior relationship with Mr Fearon and never met him until the purchase. The Council's decision appears to be based not on the appellant's personal eligibility but on the planning history relating to the site's former owner, a factor that has no relevance to the appellant's case.

7.2. Planning Authority Response

- 7.2.1. The planning authority referred to the planner's report and had no further comments. It requested the Commission to uphold its decision. If the appeal is successful, provision should be made for a financial contribution and/or any special development contributions required in accordance with the Council's Development Contribution Scheme. A condition should also be included where a tree bond is required.

8.0 Assessment

8.1. Issues

- 8.1.1. Having inspected the site and considered in detail the documentation on file for this first-party appeal, it seems to me that the main planning issues are:
- whether the applicant has demonstrated that he has a genuine rural-generated housing need;
 - whether the proposal involves a material contravention of the Development Plan and if so whether permission should nonetheless be granted; and
 - the effect of the proposed development on existing visual area and residential amenity.

8.2. Genuine Rural Generated Need

- 8.2.1. The application site is subject to the RU - Rural zoning, which applies to a substantial part of Fingal. Residential development is permissible there subject to compliance with the Rural Settlement Strategy, which is set out in Section 3.5.15.3 of the Fingal County Development Plan. Broadly in line with the Ministerial Guidelines and with national and regional planning policy, the Fingal Rural Settlement Strategy centres on

the concept of genuine rural-generated housing need. Within this concept there are two components that require careful analysis – genuine need and rural-generated.

- 8.2.2. The word “need” is capable of embracing a range of meanings. However, it seems to me that in this particular planning context, where non-rural-generated residential development is being restricted to preserve the character of Rural Fingal and conserve this important limited resource, genuine need must mean more than a desire or a want; it presupposes that there is an unmet demand.
- 8.2.3. Section 3.5.15.3 of the Plan defines “rural-generated” housing needs as the housing needs of people who have longstanding existing and immediate family ties or occupations which are functionally related to the rural areas of the county. Table 3.5 provides criteria for eligible applicants from the rural community. These criteria apply in RU-zoned areas of Fingal generally, but there is a second layer of policy that applies in the South Shore area of Rush.
- 8.2.4. The application site is subject to Local Objective 14, which is to ensure that any new residential development in the South Shore is in compliance with the specific housing policy relevant to that area. Section 3.5.15.8 of the Plan indicates that the settlement strategy for housing is more flexible within the South Shore area. I do not consider that this reference to greater flexibility means that the requirement to demonstrate genuine rural-generated housing need does not apply in the Shore Street area. In my opinion, it simply means that there is a wider range of eligible applicants.
- 8.2.5. Objectives SPQHO92 and SPQHO93 both refer to considering planning applications for a house located within the South Shore area of Rush from particular classes of persons. The use of the word “consider” may be contrasted with the word “permit” in Objective SPQH81, which applies in RU areas generally. Applicants who meet the enlarged eligibility criteria under these Objectives must still demonstrate a genuine housing need and the decision-making body must still consider whether they have such a need. The occupancy condition required by Objective SPQHO94, which echoes Objective SPQHO75, is to ensure that the dwelling is occupied in the first instance by the person who has demonstrated a genuine housing need.
- 8.2.6. The array of documentary evidence submitted – including letters from schools dating back to 2002, tax credit certificates dating back to 2011 and driving licences covering the period 2015 to 2025 – demonstrates beyond reasonable doubt that the appellant

has been resident for significantly longer than 10 years at the same address within the development boundary of Rush. He is therefore entitled to have his application considered pursuant to Objective SPQHO92 of the Development Plan.

- 8.2.7 It is hard to make out from the incomplete documentation provided by the appellant's solicitor the precise extent of the land he has purchased. However, his grounds of appeal state unequivocally that he owns the existing dwelling at 25 Channel Road. As he already has a dwelling in the South Shore area of Rush within the wider RU-zoned area, I consider that he does not have a genuine rural-generated need (or unmet demand) for another dwelling at this location. It seems to me that approving this planning application would create a widespread precedent which would undermine the operation of the Council's Rural Settlement Strategy.

8.3. Material Contravention of the Development Plan

- 8.3.1. Based on the foregoing analysis, I conclude that the proposed development materially contravenes the Fingal Rural Settlement Strategy, the RU zoning objective and Local Objective 14. Such is the importance of these provisions that the proposal also materially contravenes the Development Plan as a whole. If the Commission accepts this conclusion, then it may grant permission only if it considers that one or more of the circumstances set out in Section 37(2)(b) of the Planning and Development Act 2000, as amended, applies.
- 8.3.2. I do not consider that any of the circumstances in Section 37(2)(b) arises in this appeal:
- The proposed development consisting of only one dwelling is not of strategic or national importance.
 - The RU zoning objective and Local Objective 14 are both clearly stated and in my opinion they are not in conflict with each other.
 - There is no evidence to suggest that the proposal is mandated by any local authority's statutory obligations. It is not supported by the Ministerial guidelines or the national and regional planning policies set out above. The provisions of the guidelines relating to returning emigrants are not relevant to this application.
 - The partially built-up pattern of development in the area does not, in itself, justify the proposed development. On the evidence presented, no permissions have been granted in the area since the making of the Development Plan.

8.4. Visual and Residential Amenity

- 8.4.1. The planning authority and the Council departments it consulted were content with the layout, scale and design of the proposed dwelling, the provision for private open space, the proposals for landscaping, boundary treatments and drainage, and the proposed access arrangements. I am satisfied that the proposed development would have no significant negative impacts on existing visual or residential amenity. In the event of permission being granted, standard conditions requiring adherence to submitted plans, agreement on surface water disposal and finishes, and payment of a development contribution would be necessary. However, given my conclusions on the housing need issue, I do not consider that the application should be approved.

9.0 Appropriate Assessment Screening

- 9.1. Having considered the nature, location and modest scale of the proposed development, the nature of the receiving environment as a partially built-up area, the nature of the foreseeable emissions therefrom, the availability of public piped services to accommodate the foul effluent arising therefrom, the distance from the nearest European site and the absence of any known hydrological link between the application site and any European site, I am content on the basis of objective information that the development is not likely to have a significant effect on any European site, either alone or in combination with other plans or projects. I therefore conclude that the carrying out of an appropriate assessment under Section 177V of the Planning and Development Act 2000 is not required.

10.0 Water Framework Directive

- 10.1. The application site is located about 160 metres from an unnamed stream that flows into Rogerstown Estuary. It is about 1.1 kilometres from the Irish Sea. The proposed development comprises the construction of a new dwelling, off-street parking and a shared vehicular entrance. No water deterioration concerns were raised in the planning appeal.
- 10.2. I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive (WFD) which seek to protect and, where

necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good 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 and/or groundwater water bodies either qualitatively or quantitatively.

- 10.3. The reasons for this conclusion are the nature and modest scale of the works, the distance from the nearest water bodies and lack of known hydrological connections.
- 10.4. I conclude on the basis of objective information that the proposed development will not result in a risk of deterioration on 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

- 11.1. I recommend to the Commission that planning permission be refused.

12.0 Reasons and Considerations

- 12.1. It is considered that the information submitted with the planning application and grounds of appeal does not demonstrate that the appellant has a genuine rural-generated housing need, since it indicates that he is the owner of 25 Channel Road, a dwelling adjacent to the application site, which is in the South Shore area of Rush and within an area zoned as RU - Rural. The development proposal materially contravenes the Rural Settlement Strategy set out in Section 3.5.15.3 of the Fingal County Development Plan 2023-2029 and a grant of permission would create a widespread precedent which would undermine the operation of that strategy. The proposal also materially contravenes the RU zoning objective, Local Objective 14 and the Development Plan as a whole. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.



TREVOR A RUE

Planning Inspector

9th December 2025

Appendix A: Form 1 – EIA Pre-Screening

Case Reference	PL-50006-DF
Proposed Development Summary	Construction of new dwelling, off-street parking and shared vehicular entrance
Development Address	Adjacent to 25 Channel Road, Co. Dublin, K56 N290
In all cases check box /or leave blank	
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)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, 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?	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	State the Class and state the relevant threshold Class 10(b)(i) Threshold: 500 dwelling units
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)?	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Trevor A Rue

Date: 9th December 2025

TREVOR A RUE

Appendix B: Form 2 – EIA Preliminary Examination

Case Reference	<i>PL-50006-DF</i>
Proposed Development Summary	<i>Construction of new dwelling, off-street parking and shared vehicular entrance</i>
Development Address	<i>Adjacent to 25 Channel Road, Co. Dublin, K56 N290</i>
This preliminary examination should be read with, and in the light of, the rest of the Inspector's report attached herewith.	
Characteristics of the 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)	Briefly comment on the key characteristics of the development, having regard to the criteria listed. <i>The development has a modest footprint, comes forward as a standalone project and does not require significant demolition works or the use of substantial natural resources. It does not give rise to a significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster and is not vulnerable to climate change. It presents no risks to human health.</i>
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, cultural or archaeological significance)	Briefly comment on the location of the development, having regard to the criteria listed. <i>The application site is in a partially developed rural area removed from sensitive natural habitats and designated sites.</i>
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 characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects. <i>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, the 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 Planning and Development Act 2000.</i>

Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
<i>There is no real likelihood of significant effects on the environment.</i>	<i>EIA is not required.</i>

Inspector: Trevor A Rue

Date: 9th December 2025

TREVOR A RUE