



An
Coimisiún
Pleanála

Inspector's Report PL-500028-DF

Development	Retention of a change of use of existing building (granted planning permission under Reg. Ref. No. F06A/1579) from agricultural to storage use
Location	Hollywood Great, Ballyboughal, Co. Dublin, A41 VK71
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F25A/0668E
Applicant	Donal Kennedy
Type of Application	Retention permission
Planning Authority Decision	To refuse retention permission
Type of Appeal	First Party
Appellant	Donal Kennedy
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 about 8 kilometres to the south west of Balbriggan, about 7 kilometres to the north west of Lusk and about 11 kilometres to the north of Swords. It has a stated area of 1.65 hectares. It comprises a group of structures, including farm buildings, outbuildings and polytunnels, and is situated to the south of a local road known as Sallowood View.
- 1.2. The application relates to a steel-framed building at the southern end of the group. In plan form, it measures 4.83 metres by 2.03 metres on an east-west orientation. It has a shallow pitched roof with a ridge height of 7 metres. There are large roller-shutter doors on its northern and eastern elevations. The building has a dark green finish.
- 1.3. The site is on sloping ground, which falls away to the south. It is surrounded by open fields. There is a large quarry to the north of Sallowood View.

2.0 Proposed Development

- 2.1. It is proposed to retain the use of the building for storage.

3.0 Planning Authority Decision

3.1. Decision

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

The proposed development is located on 'HA' – 'High Amenity' zoned lands under the Fingal Development Plan 2023-2029. The proposed 'storage' use to replace the agricultural use of the existing building on the site is considered to be 'Warehousing' which is a 'Not Permitted' use under the 'HA' land-use zoning objective. The proposed development would materially contravene the 'HA' land-use zoning objective; and set an undesirable precedent for other such development on 'HA' zoned lands which, both in themselves and cumulatively, would be seriously injurious to the amenity of these highly sensitive and scenic locations, and fail to protect or enhance these 'HA' zoned lands. The proposed development would also materially contravene Condition No. 4 of grant of permission Reg. Ref. F06A/1579. The proposed development would

contravene the land-use zoning objectives of the Fingal Development Plan 2023-2029 and, therefore, would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. A **planning officer's report** typed on 8th September 2025 provided the reasoning for the authority's decision. The main points were as follows:

- The size and external appearance of the building are in accordance with the permission granted for its construction but it was approved solely for agricultural purposes. The storage use is akin to a warehouse, which is a “not permitted” use in this area under the current Development Plan. The proposed change of use is therefore unacceptable in principle and would create an undesirable precedent for other such development, which would be seriously injurious to the amenity of these highly sensitive and scenic locations.
- The change of use has no undue negative impacts on the visual amenities of the area. It will not result in any amendments to existing boundary treatments or landscaping.
- No details have been provided about vehicular parking, bicycle parking, ancillary facilities for staff and staff parking. The applicant has not clarified who the operator of the storage building is and what the business entails, where the loading areas are and what are the hours of operation. He has indicated that there are an existing soakpit and wastewater treatment system and percolation area on the site which are associated with the storage building but he has provided no further details of same.

3.2.2. No other technical reports were requested.

3.3. Prescribed Bodies

3.3.1. No prescribed bodies were consulted.

4.0 Planning History

4.1. Application Site

- 4.1.1. **F/06A/1579:** On 7th February 2007, Fingal County Council granted permission to Dan and Donal Kennedy for a new agricultural steel-framed building (approximately 960 square metres). Condition 4 stated:

Shed to be used solely for agricultural purposes and not for industrial, business or commercial purposes.

Reason: *To protect the amenity of the area.*

- 4.1.2. **18/201A:** This relates to a closed file concerning a change to commercial use without planning permission.
- 4.1.3. **24/246:** This relates to an active file concerning the change of use from agricultural yard to commercial use without planning permission.

4.2. Other Sites

- 4.2.1. **F94A/0775:** On 21st February 1995, the Council granted permission to Jet Technology Centre for permanent retention of existing use, and for an extension comprising offices and work areas totalling 2,347 metres square, on land about 560 metres to the east of the application site.
- 4.2.2. **F20A/0391:** On 10th February 2021, the Council decided to grant permission to the Irish Aviation Authority for a radar and support mast and associated buildings and works about 340 metres to the east of the application site. On 20th June 2021, following a third-party appeal (**309654**), An Bord Pleanála granted permission for the development.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Sheet 2 of the Fingal Development Plan 2023-2029 indicates that the application site is subject to a HA – High Amenity zoning, whose objective is to protect and enhance high amenity areas. The vision for this zoning, set out in Section 13.5 of the Plan, is

to protect these highly sensitive and scenic locations from inappropriate development and reinforce their character, distinctiveness and sense of place. Warehousing is among the uses listed as not acceptable.

5.1.2. Warehousing is defined in Appendix 7 to the Development Plan as a building or part thereof where goods are stored or bonded prior to distribution and sale elsewhere. It may provide for the storage of commercial vehicles where this is ancillary to the warehousing function.

5.1.3. Sheet 14 of the Plan indicates that the site is in a highly sensitive landscape and in a low-lying agricultural landscape character type. Objective GINHO67 of the Plan is to ensure that development reflects and reinforces the distinctiveness and sense of place of high amenity areas, including the retention of important features or characteristics, taking into account the various elements which contribute to its distinctiveness such as geology and landform, habitats, scenic quality, settlement pattern, historic heritage, local vernacular heritage, land use and tranquillity.

5.2. National Policy

5.2.1. The National Planning Framework, First Revision, was published in April 2025. Section 5.4 states that facilitating the development of enterprises and local economies to allow for the creation of a wider variety of employment opportunities will involve capitalising on local assets. National Policy Objective 32 is to enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the diversification of the rural economy into new sectors and services.

5.3. Natural Heritage Designations

5.3.1. The application site is not within any Natura 2000 European site of nature conservation importance. The nearest Natura 2000 sites to the site are:

- Rockabill to Dalkey Island Special Area of Conservation (SAC), roughly 13 kilometres to the east of the site, designated for harbour porpoise;
- Rogerstown Estuary SAC, about 7.3 kilometres to the south east of the site, designated for estuaries, mudflats and sandflats, annuals colonising mud and sand, salt meadows, shifting dunes and fixed coastal dunes;

- Malahide Estuary SAC, about 10 kilometres to the south of the site, designated for mudflats and sandflats, annuals colonising mud and sand, salt meadows, shifting dunes and fixed coastal dunes;
- River Nanny Estuary and Shore Special Protection Area for birds (SPA), about 11 kilometres to the north of the site;
- North-west Irish Sea SPA, roughly 8 kilometres to the east of the site;
- Skerries Islands SPA, about 11 kilometres to the east of the site;
- Rogerstown Estuary SPA, about 8 kilometres to the south east of the site; and
- Malahide Estuary SPA, about 11 kilometres to the south of the site.

5.3.2. 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 Knock Lake and Bog of the Ring.

6.0 Environmental Impact Assessment Screening

6.1. The proposed development does not come within the definition of a “project” for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

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

- The appellant is a lifelong farmer who previously operated a successful mushroom growing and packing business from this site. The building in question, constructed fully in compliance with its planning permission, was used to store packed mushrooms for distribution to local and national markets. However, the Irish mushroom industry has dramatically consolidated. In the early 2000s there were over 1,500 mushroom growers; by 2025, this number has fallen to fewer than 40, with only the largest operators surviving due to supermarket supply demands and economies of scale.

- As a small-scale grower, the appellant was forced out of the market and faced a significant loss of agricultural income. In response, he sought to diversify into low-impact storage use by adapting the building. This allowed him to generate essential supplementary income while avoiding dereliction and retaining a productive use on the site.
- The current use involves storage at a modest scale without any manufacturing or retail element. No external alterations are proposed. The use is entirely internal with no change in building height, footprint, access or landscaping. There were more vans and trucks coming and going to the building when it was used for mushroom packing and storage than there are currently. The building generates minimal traffic, no emissions, no noise and no visual impact. It remains agricultural in form and scale. The development does not compromise the aims of the HA zoning – protection of visual amenity, landscape character and rural heritage.
- The National Planning Framework encourages the sustainable development of rural economies through diversification and reuse of agricultural assets. Refusing permission for a longstanding landowner to generate a modest income from an unused building runs counter to these policies. The use of the building for storage is a practical and low-impact adaptation to economic circumstances. It is not speculative or intensifying in nature. The building has no future for agricultural purpose and will lie empty and decay over time unless some use is made of it and income generated to ensure its continued upkeep.
- A precedent exists within 500 metres of the application site for a commercial use of significantly higher intensity. Under reference F94A/0775, following the expiry of a previous grant of permission for the use of a building for the maintenance of aircraft engines, a further permission was granted for that use, along with permission for an office. This commercial/industrial use continues to operate in the same townland within the same HA zoned area. Also in close proximity to the application site and in a HA area, a radar and support mast 34.4 metres in height was deemed acceptable by the planning authority and An Bord Pleanála (F20A/0391 and ABP-309654-21).

- The Commission is requested to consider this appeal under the provisions of Section 37(2)(b) of the Planning and Development Act 2000 which allows permission to be granted where the development is of strategic or national importance or there are conflicting objectives in the development plan. The development is consistent with the proper planning and sustainable development of the area.
- Given that the use is transitional, the Commission may wish to consider granting a temporary permission (for three to five years) to allow the appellant to continue the current use while exploring long-term solutions, including rezoning or relocation. This would represent a balanced and proportionate planning response that supports continuity of rural enterprise without undermining the zoning.

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.

8.0 Assessment

- 8.1. 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 proposal would materially contravene the Development Plan; and if so whether planning permission should nonetheless be granted.
- 8.2. The Fingal County Development Plan places the application site within a HA - High Amenity area. Warehousing, defined as a building or part thereof where goods are stored or bonded prior to distribution and sale elsewhere, is explicitly stated to be not permitted in this area. The appellant does not dispute that the use of his formerly agricultural building for storage is a form of warehousing, that it contravenes a condition of the 2007 planning permission for the building and that it does not comply with the HA zoning objective to protect and enhance high amenity areas.
- 8.3. In the course of my inspection, I noted that there is a small additional green structure at the south-eastern corner of the storage shed, which is not shown on the submitted drawings. I saw cars and commercial vehicles parked to the north and east of the

shed and outdoor storage of pallets and other materials. I was able to see that the interior of the shed contained plumbing supplies and racks of goods.

- 8.4. The planning officer accepted that the change of use has no undue negative impacts on the visual amenities of the area. However, in my opinion a grant of permission would create a widespread precedent not only for the use for warehousing purposes of other buildings and structures on the application site but for warehousing use in existing buildings on HA-zoned lands in Fingal generally. The precedent would be of such a magnitude as to undermine the HA zoning objective and also Objective GINHO67, which is to ensure that development reflects and reinforces the distinctiveness and sense of place of high amenity areas.
- 8.5. Based on the foregoing analysis, I conclude that the proposed development materially contravenes the HA zoning objective and Objective GINHO67. Such is the importance of these provisions that the proposal 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. By invoking some of these provisions, the appellant implicitly acknowledges that the proposed development materially contravenes the Development Plan. His argument is that despite this contravention, permission should nonetheless be granted.
- 8.6. I do not consider that any of the circumstances in Section 37(2)(b) arises in this appeal:
- The proposed development relating to only one building is not of strategic or national importance.
 - In so far as the proposed development is concerned, there are no conflicting objectives in the Development Plan. The HA zoning objective and Objective GINHO67 are both clearly stated.
 - There is no evidence to suggest that the proposal is mandated by any local authority's statutory obligations. While the latest iteration of the National Planning Framework refers in general terms to diversification of the rural economy and capitalising on local assets, it does not rule out the adoption in Development Plans of provisions aimed at protecting high amenity areas.
 - The largely undeveloped character of the area does not justify the proposed development. On the evidence presented, no permissions have been granted

in the area since the making of the Development Plan. The 30-year-old permission for commercial/industrial use in the same townland and the more recent permission for a radar mast both pre-date the current Plan.

9.0 Appropriate Assessment Screening

9.1. Having considered the nature, location and small scale of the proposed development, 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 a tributary of Ballough Stream, which flows into Rogerstown Estuary and thence into the Irish Sea. The proposed development comprises the retention of a change of use of an existing building from agricultural to storage use. 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 of the proposed development, the small scale of the building concerned, the distance from nearest water bodies and the 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 a grant of permission for the use of a former agricultural building for storage and warehousing purposes would create a widespread precedent for such use in existing buildings on zoned high amenity lands throughout Fingal. It would materially contravene the HA zoning objective, Objective GINHO67, and the Fingal County Development Plan 2023-2029 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

6th December 2025

Appendix A: Form 1 – EIA Pre-Screening

Case Reference	<i>PL-500028-DF</i>
Proposed Development Summary	<i>Retention of a change of use of existing building from agricultural to storage use</i>
Development Address	<i>Hollywood Great, Ballyboughal, Co. Dublin, A41 VK71</i>
	In all cases check box /or leave blank
<p>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</p> <p>(For the purposes of the Directive, "Project" means:</p> <ul style="list-style-type: none"> - 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"/> <i>No, No further action required.</i>

Inspector: _____

Trevor A Rue

TREVOR A RUE

Date: 6th December 2025