



An
Coimisiún
Pleanála

Inspector's Report PL-500446-DF-25

Development	Construction of dwelling with wastewater treatment system and all associated site works.
Location	Site at Baskin Lane, Cloghran, Co. Dublin.
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F25A/0889E
Applicant(s)	Grace Snow & Dylan O'Reilly
Type of Application	Planning Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Grace Snow & Dylan O'Reilly
Observer(s)	DAA.
Date of Site Inspection	28 th April 2026
Inspector	Dan Aspell

1.0 Site Location and Description

- 1.1.1. The site is located alone Baskin Lane, Cloghran, Co. Dublin. It comprises part of an agricultural field. The remainder of the field extends to the south, east, and south-west. There is a shed and yard to the west. Baskin Lane (L2055) is to the north. Baskin Lane football grounds are across the road to the north. The subject site does not currently have independent access from the public road. Regarding boundaries, the northern and western boundaries comprise trees and hedgerows. There are no boundaries to the southern, eastern and south-western extent of the site.

2.0 Proposed Development

- 2.1.1. The proposed development comprises a detached 2-storey house, single storey garage, wastewater treatment system & percolation area, soakaway, a vehicular access, and associated site works.
- 2.1.2. The applicant submitted an Infiltration Test report; Site Characterisation Form; Site Suitability Characterisation Form; 'Rural Housing Supporting Evidence Visual Impact Study'; Planning Statement; Architectural Design Rationale; architectural and engineering drawings, and supporting information including for local housing need.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Fingal County Council issued a notification to refuse permission for 3 no. reasons, summarised as follows:
- Reason 1: Applicant did not adequately demonstrate local need, and that the proposed dwelling would materially contravene the rural settlement strategy and Objective SPQHO71 of the Fingal County Development Plan 2023-2029;
 - Reason 2: Proposed development would set an undesirable precedent which would be harmful to the amenities of the greenbelt;
 - Reason 3: Applicant failed to demonstrate 90m visibility splays.

3.2. Planning Authority Reports

3.2.1. Planning report: The Planner report recommended refusal. I note the following:

- Principle: Residential development is permitted in principle in the GB Green Belt zoning subject to compliance with Rural Settlement Strategy;
- Design: Proposal meets all relevant design standards;
- Rural Settlement Strategy: Applicant previously refused permission on a site to the east. Report acknowledged the applicant has local links to the area. Proposal does not comply with Table 3.3 which allows for only 1 house to be permitted per existing house. Applicant's father was granted permission in 2004 (Ref. F04A/0196); granting the subject application would be contrary to Objective SPQHO71. Applicant has not demonstrated active involvement in farming to grant permission. Report understands there are no exceptional health conditions. Applicant has not satisfactorily demonstrated housing need;
- Visual / residential amenity: The visual impact assessment is not adequate and does not demonstrate the dwelling will not have a negative visual impact;
- Landscape: No landscape plan was submitted. A full plan is required;
- Noise: A standard condition for noise insulation would suffice;
- Water & drainage: Water Services state no objection subject to conditions. No objection regarding flood risk. Additional details regarding surface water/SuDS are required. No report from Uisce Eireann; a condition should be applied;
- Transportation: The sightline drawing lacks detail. Removal of hedgerow to achieve the sightlines is indicated. Replanting may be required which would need to be addressed in a landscape plan and visual impact assessment. Transportation recommended further information. Considering the overall assessment of the application refusal is recommended in this instance;
- Appropriate Assessment: No realistic pathway to European Sites;
- Summary: Based on information submitted including with the previous grant of permission for a rural dwelling to the applicant's family, it is considered the applicant has not adequately demonstrated need for an additional dwelling.

Other Technical Reports

3.2.2. Transportation: Report recommended additional information as follows:

- Access/sightlines: Report noted potential for relaxation of required offset from 2.4m to 2.0m. Existing road has a continuous white line and consequently sightlines to the west/left-hand side can be taken from the centreline of the road. The submitted sightline drawing lacks detail. A section of hedgerow to the east/right hand side on exit would need to be removed to achieve the 90m sightline. Additional information is required to clearly demonstrate the works required to achieve the sightlines, including any necessary letters of consent, and to extend the red line boundary where necessary;
- Car parking: Proposal is consistent with Development Plan;
- Landscaping / hedgerows: Recommend consultation with Parks regarding works required to hedgerow which would likely involve removal & replanting.

3.2.3. Water Services: Report recommended additional information as follows:

- Surface water: Required & proposed attenuation volumes are unclear. An acceptable SuDS system should be submitted. All areas contributing to runoff must be accounted for, and details of impermeable areas clearly defined. Details of the standard the proposed StormTech is in compliance with should be submitted, including the package manual and specifications;
- Wastewater: No objection.

3.2.4. No report from the Parks Section is on file.

3.3. **Prescribed Bodies**

3.3.1. DAA: Site is in Airport Noise Zone C. No objection in principle. Requested consideration of alignment with Noise Management Objectives; comprehensive Noise Impact Assessment; enhanced disclosure; and post-planning compliance.

3.3.2. Uisce Eireann: None.

3.4. **Third Party Observations**

3.4.1. None.

4.0 Relevant Planning History

4.1. Subject site

4.1.1. None.

4.2. Nearby sites:

4.2.1. The following applications were referenced in the Planner Report and appeal:

Lands to the east, within the same field:

4.2.2. Reg. Ref. F25A/0254E: Permission refused by Planning Authority in 2025 for new detached 2-storey house and 1-storey garage, wastewater treatment system & percolation area, soakaway, vehicular access, and associated siteworks. Permission refused for: rural housing need and linear development. (Applicant: Grace Snow).

Site approx. 1.8km to the north (Kettles Lanes):

4.2.3. Reg. Ref. F04A/0196: Permission granted by the Planning Authority in 2004 for a dormer bungalow and treatment plant. (Applicant: R. Snow).

Site approx. 75m to west (Baskin Lane):

4.2.4. Reg. Ref. F99A/0962: Permission granted by the Planning Authority in 1999 for a replacement bungalow, the demolition of existing cottage and biocycle. (Applicant: Mark Snow. Decision: 29th Sept. 1999. Final grant: 10th Nov. 1999).

5.0 Policy Context

5.1. Relevant National & Regional Policy / Ministerial Guidelines

National Biodiversity Action Plan 2023, including its Objectives and Targets

DN-GEO-03060 Geometric Design of Junctions Transport Infrastructure Ireland 2023

Design Manual for Urban Roads & Streets (DMURS) 2019

Circular PL 2/2017 Sustainable Rural Housing Guidelines 2005 Local Needs Criteria

Quality Housing for Sustainable Communities Best Practice Guidelines 2007

Sustainable Rural Housing Guidelines for Planning Authorities 2005

5.2. Development Plan

- 5.2.1. The site is zoned 'GB Green Belt' in the Fingal County Development Plan 2023-2029. There are a large number of overlapping Development Plan policies, objectives and other provisions relevant to the subject case:

Rural housing need

Rural Settlement Strategy / Rural housing policy: Policy CSP45 'Rural Housing'; Policy CSP46 'Rural Settlement Strategy'; Objective CSO81 'Rural Settlement Strategy'; Section 3.5.15 'Housing in Rural Fingal' and 3.5.15.3; Policy SPQHP45 'Rural Housing'; and Policy SPQHP46 'Rural Settlement Strategy';

Maximum number of dwellings: Section 3.5.15.3 'Fingal Rural Settlement Strategy Rural Generated Housing'; Table 3.3 'Maximum Number of Houses which will be permitted per existing house'; Table 3.4 'Who is Eligible for Planning Permission'; and SPQHO71 'Maximum Number of Dwellings under Rural Zonings'; Objective SPQHO73 'Maximum Number of Incremental Houses in HA or GB Zoned Areas'; & Objective SPQHO75 'Houses Granted Permission in RU, HA or GB Zoned Areas';

Farming families: Section 3.5.15.4 'New Housing for Farming Families'; Objective SPQHO76 'Additional Dwellings per Farm Family'; Objective SPQHO78 'Primary Residence Criteria'; 'Objective SPQHO79 'Consideration of Additional House on a Fragmented Farm'; 'Objective SPQHO80 'Family Farm Criteria'; Section 14.12.7 'New Housing for Farm Families'; & Objective DMSO44 'New Housing for Farm Families';

Rural community: Section 3.5.15.5 'New Housing for the Rural Community other than those who are Actively Engaged in Farming'; Objective SPQHO81 'RU & GB lands'; Table 3.5: 'Criteria for Eligible Applicants from the Rural Community for Planning Permission for New Rural Housing'; Section 14.12.8 'New Housing for the rural community other than those actively engaged in farming'; & Table 14.10 'Criteria for Eligible Applicants from the Rural Community for Planning permission for New Rural Housing';

Other: Objective SPQHO89 'Proximity to the Family Home'; and Objective DMSO43 'Siting of New Dwellings in a Rural Area';

Design and layout

Section 3.5.15.7 'Layout & Design for Housing in Rural Fingal'; Objective SPQHO84 'Compliance with Development Management Standards in Rural Areas'; Sections 14.12.2 'Design Criteria for Housing in the Countryside' and '14.12.3 Design Guidelines for Rural Dwellings'; & Table 14.9 'Design Guidelines Rural Dwellings';

Green belt

Policy CSP44 'Greenbelts'; Policy SPQHP49 'Preservation of Greenbelts'; Section 3.5.15.12 'Fingal's Greenbelts'; Policy SPQHP58 'Preservation of Greenbelts'; and Objective SPQHO102 'Development within the Greenbelts';

Visual impact

SPQHO85 'Visual Impact Statement for Applications in GB or HA Zoned Areas'; and DMSO42 'Housing in Greenbelt or High Amenity Zoned Land';

Landscape

Policy SPQHP55 'Layout & Design of Rural Housing'; Policy GINHP21 'Protection of Trees & Hedgerows'; Section 9.6.14 'Landscape Character Assessment'; Policy GINHP25 'Preservation of Landscape Types'; & Objective DMSO41 'New Dwellings in Rural Areas';

Hedgerows

Objective SPQHO91 'Retention of Hedgerows and Other Distinctive Boundary Treatments'; Policy GINHP21 'Protection of Trees and Hedgerows'; Section 9.6.9 'Protection of Trees and Hedgerows'; Policy GINHP22 'Tree Planting'; and Policy GINHP25 Preservation of Landscape Types;

Also Section 14.12.3 'Design Guidelines for Rural Dwellings'; Objective DMSO125 'Management of Trees and Hedgerows'; Objective DMSO134 'Site Summary of Specimen Removal, Retention and Planting'; Objective DMSO140 'Protection of Existing Landscape'; and Section 14.18.3 'Landscapes Principles for Development';

Access

Objective SPQHO54 – Vehicular entrances;

Noise

Table 8.1 'Aircraft Noise Zones'; '3.5.15.6 Housing within the Airport Noise Zones'; Objective DAO11 'Requirement for Noise Insulation'; Table 14.16: Aircraft Noise Zones; and Objective DMSO105 'Development within Airport Noise Zones'.

5.3. Natural Heritage Designations

5.3.1. Baldoyle Bay SAC and Baldoyle SPA are approx. 4.27km to the east.

6.0 Environmental Impact Assessment (EIA) screening

6.1.1. The proposed development has been subject to preliminary examination for environment impact assessment (See Form 1 & 2 Appendix 1 of this report). Having regard to the characteristics and location of the development and the types and characteristics of potential impacts, I consider that there is no real likelihood of significant effects on the environment. The development, therefore, does not trigger requirement for EIA screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of First-Party Appeal

7.1.1. A first-party appeal was received, from Grace Snow and Dylan O'Reilly, the main points of which are summarised as follows:

- General: Proposal complies with all objectives stated in the decision. Appeal states it relies on an upcoming Government policy shift allowing people to build on their land;
- Local need: Appellant states they are native / long-standing residents of the area and have provided the necessary proof including confirmation of full-time employment on the family farm. Appellants are living with their parents on Kettles Lane. The Snow family own land to the south and west of the site. Applicant is being gifted the site from family. The Snow Farming Family Partnership currently farms 850 acres of owned and leased lands in Fingal;

- Previous refusal: Applicant relocated proposed home in response to Council concerns of ribbon development in a previous application. Appeal sets out information on planning history of the area, including family members;
- Refusal reason 1: Development Plan Table 3.5 provides for exemptions on grounds of employment, need to reside in the area, connection to rural enterprise / farming in close proximity to existing family home and family. Appellant satisfied they comply in full with the policy objectives. Appeal strongly disputes that the proposal materially contravenes the Rural Settlement Strategy and Objective SPQHO71. Appellant is eligible based on close family ties and working on the family farm. Appeal lists the documents submitted in this regard;
- Reason 2: The placement, size & position of the house sits comfortably in the grain of the locality. The house and garage are orientated to Baskin Lane which is typical of the area and is grouped adjacent an existing farmhouse which sits into the grain of the countryside. Appeal states the majority of houses on Baskin Lane have plot perimeter hedges and trees, and that it is proposed to implement a landscape scheme and plot perimeter as soon as practicable to match Irish native screening trees. Site is next to a belt of trees and hedges. Over time the house will become fully integrated into the general landscape;
- Precedent: Appellant fails to understand the Council point that the proposal would set an undesirable precedent taking into account the development on lands immediately west of the site. The Council themselves developed 12 no. dwellings in this location on lands with similar 'GB' zoning. A nursing home has also been approved and constructed west of the site on Stockhole Lane;
- Reason 3: Appeal states that it includes an updated site layout plan which demonstrates how the proposal achieves maximum sightlines that correspond with DMURS and Development Plan (that is, 90m from the road edge in both directions from a 2.4m vantage point). A new entrances is proposed which will require a smaller amount of hedgerow to be removed. Any hedgerow removed will be replaced with a native hedgerow set back from boundary;
- Sightlines: Appeal states that the sightline is taken to the road edge in both directions, and that this is achievable in the eastern direction with the hedge cut back. It states it is not achievable in the western approach due to a roadside

shed. It states the shed is for equipment essential to 'the farm' and that the farmer is disinclined to relocate this and that this should be recognised. Appeal states the solution is to relax the requirement on the western approach to a sightline of 90m from a vantage point of 2.4m back from the road edge. Appeal notes the farmyard vehicle entrance has been there for 30 years (adjacent the site). Appellant welcomes a condition for a revised entrance design;

- Conclusion: Proposal is fully compliant with local, regional & national policy. Appellant states it is difficult to understand why a permission granted to their father (Ronan Snow) on Kettles Lane 21 years ago can deny the appellant the opportunity to build a family home on the family farm. Appellant will accept a condition of occupancy for any period of time.

7.1.2. The appeal includes a map of the family lands as well as a number of documents submitted with the planning application.

7.2. **Planning Authority Response**

7.2.1. The Planning Authority response made the following points:

- Planning Authority remain of the opinion that applicant has not adequately demonstrated rural housing need that complies with the Development Plan Rural Settlement Strategy, and failed to overcome previous reason for refusal;
- Based on the information submitted including the previous grant of permission for a rural dwelling to the applicant's family, it is considered the applicant has not adequately demonstrated a need for an additional rural dwelling in this location. Documentation submitted to demonstrate applicant's full-time involvement in farming is considered inadequate;
- Response requests the Commission upholds the decision, and in the event the appeal is successful to attach financial conditions.

7.3. **Observations**

7.3.1. DAA: Requests Commission consider DAA Observation to the Planning Authority.

8.0 Assessment

8.1.1. Having regard to the foregoing; having examined the application, appeal, Planning Authority reports, and all other documentation on file including all of the submissions received in relation to the appeal; and having inspected the area within and around the site; and having regard to relevant local, regional and national policies, objectives and guidance, I consider the main issues in this appeal are as follows:

- Principle of development
- Local housing need;
- Impact on green belt;
- Access;
- Related matters raised in the course of the appeal.

8.2. Principle of Development

8.2.1. The site is located within the 'GB – Greenbelt' land use zone. The land use zoning objective is "*Protect and provide for a Greenbelt*". 'Residential' is Permitted in Principle subject to compliance with the Rural Settlement Strategy. Accordingly, I consider that a dwelling is in principle acceptable in the area, subject to the considerations below, including in relation to local housing need and the Rural Settlement Strategy.

8.3. Local housing need

Decision

8.3.1. Refusal reason 1 stated generally that based on the information submitted, and having regard to the previous grant of permission under Ref. F04A/0196, the applicant did not adequately demonstrate a need for an additional rural dwelling in this location on the family landholding which would comply with the Rural Settlement Strategy. The reason stated the proposal would **materially contravene** the rural settlement strategy and Objective SPQHO71 of the Development Plan.

8.3.2. I have reviewed the Planner Report. I note the point that the proposal did not comply with Development Plan Table 3.3 which allows for only 1 house to be permitted per

existing house; in this regard the report stated that the applicant's father was granted permission in 2004 (Reg. Ref. F04A/0196) and that granting the subject application would be contrary to Objective SPQHO71. The report also stated that whilst the applicant has local links to the area, they did not demonstrate that they are actively involved in farming to grant permission.

Information submitted

- 8.3.3. The application (Grace Snow & Dylan O'Reilly) set out information of the applicant's links to the area. Information on the work of both applicants was provided. Correspondence from William Snow & Sons Ltd mixed farmers is submitted which states that Grace Snow is a farmhand, employee, and keyholder the company. Other correspondence indicating the applicant's involvement in the business are included. Payslips and confirmation of same from accountants are included.
- 8.3.4. The appeal adds a number of related points. It states the applicants are native / long-standing residents of the area and that they have provided the necessary verifiable proof including confirmation of full-time employment on the family farm. The appeal states the appellants are currently living with their parents on Kettles Lane. They state that the Snow family own land to the south and west of the site, and that the applicant is being gifted the site from family. They state that the Snow Farming Family Partnership currently farms 850 acres of owned and leased lands in Fingal. Corresponding maps are submitted with the appeal. The appellant states they comply in full with the policy objectives. The appeal strongly disputes that the proposal materially contravenes the Rural Settlement Strategy and Objective SPQHO71. The appellant states they are eligible based on close family ties and working on the family farm. The appeal lists the documents submitted in this regard.
- 8.3.5. I note in particular the appeal point that the appellant's find it difficult to understand why a permission granted to their father (Ronan Snow) on Kettles Lane 21 years ago can deny the appellant the opportunity to build a modest family home on the family farm. The appellant states they will accept a condition of occupancy for any period of time, and that this is a non-profit proposal for family use only. I have had due regard to the various provisions of the Development Plan in this regard as they are worded.

Assessment

Local need

8.3.6. As set out above there are a large number of overlapping Development Plan provisions relating to this matter. I consider the following:

- In relation to housing for farming families, I am generally satisfied the appellant provided evidence of their direct participation in running the family farm and I am satisfied they have a demonstrated need related to the working of the farm to reside on the family farm as per Objectives SPQHO76, SPQHO78, DMSO44, and SPQHO80, as well as Section 14.12.7. Information on the extent of the farm is included;
- However, in relation to Objective SPQHO80, the farm is indicated to be a mixed farm. I am generally satisfied that criteria (i) to (vi) are complied with, however I have some concern as to the extent of information provided in relation to criterion (iv). In this regard I note reference on the file to a permission applied for by Mark Snow. I address matter (criterion (iv)) further below under the heading 'Material Contravention';
- In relation to housing for the rural community other than those who are actively engaged in farming, I am generally satisfied the applicant has demonstrated that they satisfy the requirements of Objective SPQHO81 and associated Table 3.5, as well as Sections 3.5.15.5, 14.12.8, and Table 14.10 with the exception of the provisions related to rural dwellings granted permission since 1999;

I have also had regard to the Rural Housing Guidelines 2005.

8.3.7. The appellant makes the point that they satisfy the housing requirements for both farming families and the rural community other than those actively engaged in farming. Whilst it might be argued that these categories are mutually exclusive, I am satisfied the applicant generally meets the requirements of both categories, with the exception of the provisions related to additional rural dwellings granted permission since 1999; I address this matter separately below.

Material Contravention

8.3.8. Refusal reason 1 stated the proposal would **materially contravene** the rural settlement strategy and Objective SPQHO71.

8.3.9. **Section 37(2)(a)** of the Planning & Development Act 2000 as amended provides for the Board/Commission in determining an appeal to grant permission even if the development contravenes materially the development plan. Section 37(2)(b) states that where a Planning Authority has decided to refuse permission on grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph 37(2)(a) in specific circumstances. As such Sections 37(2)(a) & (b) should be applied in this case.

8.3.10. I have considered the proposed development against the criteria of subsection (b) of Section 37(2). I summarise my considerations in this regard as follows:

- (i) I do not consider the proposed development is of strategic or national importance on account of its scale and nature;
- (iii) I do not consider permission for the development should be granted having regard to the 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. In this regard, having reviewed the relevant provisions and documents in this regard I see no grounds to grant permission on this basis;
- (iv) I do not consider permission for the development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan. In this latter regard I see no significant changes to the pattern of development in the area since the making of the plan.

8.3.11. In relation to criterion (ii) (“there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned”), I have had due regard to the provisions of the Development Plan, including those relating to the rural settlement strategy (Policy CSP46 ‘Rural Settlement Strategy’; Objective CSO81 ‘Rural Settlement Strategy’; Policy SPQHP46 ‘Rural Settlement Strategy’; and Section 3.5.15.3 ‘Fingal Rural Settlement Strategy Rural Generated Housing Need’) and to Objective SPQHO71.

8.3.12. In this regard I note Section 3.5.15.3 ‘Fingal Rural Settlement Strategy Rural Generated Housing Need’ states the following:

- *“The maximum number of incremental houses which will receive planning permission within the rural area **on the basis of an existing house** is limited. Each of the rural zoning objectives has a limit to the number of incremental houses which will be permitted. Where exceptional health circumstances can be demonstrated an additional house will be considered under each of the rural zoning objectives. The maximum number of dwellings permitted under any of the above zonings will be less any additional house which has been granted planning permission since 19th October 1999. No individual applicant will receive planning permission for more than one house. The maximum number of houses permitted for each rural zoning type is shown in Table 3.3.” [emphasis added]*

Objective SPQHO71 states: *“Provide that the maximum number of dwellings permitted under any of the rural zonings will be less any additional house which has been granted planning permission to a family member since 19th October 1999”.*

- 8.3.13. My reading of the Development Plan in this regard is that in this zone a maximum of 1 additional dwelling will be permitted on the basis of an existing house (setting aside exceptional health conditions which do not appear to arise in this case).
- 8.3.14. The Planning Authority appears to have taken the view that as the applicant’s father (R. Snow) received planning permission for a dwelling within what is now the ‘GB’ zone since October 1999 (Reg. Ref. F04A/0196), then the applicant in this case cannot also receive permission.
- 8.3.15. My review of the relevant planning history indicates that the applicant in the referenced case (R. Snow) was the son of William Snow, and which, the application states, had a large landholding in the area. I see no evidence in that case, or within the subject case from either the Planning Authority or appellant, whether William Snow had a dwelling in the area. Accordingly, I do not consider the applicant or Planning Authority have clearly demonstrated whether the proposed dwelling in the subject case should be considered to be the ‘additional dwelling’ in reference to the applicant’s father’s dwelling, (R. Snow, Reg. Ref. F04A/0196), or whether the applicant’s father’s dwelling is the one to be considered as the additional dwelling, albeit the applicant’s father’s house (Reg. Ref. F04A/0196) was granted since 1999. Whilst I am not satisfied the Planning Authority has evidenced their position in this

regard, similarly the appellant has not clearly addressed this matter. In the interest of completeness, I note that the information on file refers to another dwelling in the area (applicant: Mark Snow) which was granted permission in 1999.

8.3.16. Accordingly, I consider that the applicant has not clearly demonstrated the proposed development complies with the Development Plan rural settlement strategy, specifically Objective CSO81 'Rural Settlement Strategy'; Section 3.5.15.3 'Fingal Rural Settlement Strategy Rural Generated Housing Need'; Table 3.3.'Maximum Number of Houses which will be permitted per existing house'; and Objective SPQHO71 'Maximum Number of Dwellings under Rural Zonings', or its requirements in relation to additional rural dwellings.

8.3.17. I note in this regard that within the rural settlement strategy there are a number of provisions that restrict the granting of additional rural dwellings since 1999 (Objectives SPQHO73, SPQHO76, SPQHO80, SPQHO81, and DMSO44). I have had due regard to these provisions, including as they relate to 'GB' areas, farm families, and the rural community.

8.3.18. As an aside I note Objective SPQHO79 allows for consideration of any additional house, in the case of a fragmented farm, to be located on an area of the farm not physically connected to the main portion of the farm, and which area has been in the applicant family's ownership and part of the overall active farm holding for at least three years prior to the date of application. Information in the subject case submitted by the applicant indicates that the subject farm is in a number of separate areas, however the applicant does not clearly address the provisions of this Objective.

Conclusion

8.3.19. I am satisfied the provisions of the Development Plan are reasonably clear in relation to additional rural houses, and that the applicant has not clearly demonstrated compliance with the related provisions of the Development Plan rural settlement strategy, including Objective CSO81 'Rural Settlement Strategy', Section 3.5.15.3 'Fingal Rural Settlement Strategy Rural Generated Housing Need'; Table 3.3.'Maximum Number of Houses which will be permitted per existing house'; or Objective SPQHO71 'Maximum Number of Dwellings under Rural Zonings'. Having regard to the foregoing, and to the provisions of the Planning & Development Act

Section 37(2) and the related interpretations in case law by the Courts, I am satisfied the Commission should not grant permission for the proposed development.

8.3.20. In the interests of completes below I address the outstanding matters raised in the appeal.

8.4. **Impact on green belt**

8.4.1. Refusal reason 2 stated generally that the proposed development would be harmful to the amenities of the green belt. The Planner Report stated that the submitted visual impact assessment was not adequate and did not demonstrate the dwelling would not have a negative visual impact. It also stated that a landscape plan was not submitted and that a full landscape plan was required. It further stated that full details of hedgerow removal and replanting were not clearly indicated.

8.4.2. The appellant states generally that the proposed development would sit comfortably into the locality; is typical of the area; and that the development will fully integrate into the landscape with time. I note that no landscape plan was submitted with the application or appeal.

Assessment

8.4.3. I have reviewed the submitted plans and elevations. I consider the following:

- The proposed development comprises a detached 2-storey house, single storey garage, new vehicular access, and related ancillary works. The house is to be finished in white render, stone cladding elements, and concrete roof tiles. The garage finish is not clearly stated but appears to also be render. The house and garage are to be pitched roofed. The dwelling is to be orientated to the road, with the garage to the rear. The building designs have minimal detailing;
- The mature trees and hedgerow on the western boundary would be retained. The existing hedgerow along the northern/roadside boundary of the site would be removed in full (approx. 33m) and a new hedge planted set back from the road. The submitted drawings state that replacement hedge planting would be the same species. The Visual Impact Study stated that landscaping of the plot perimeter would be Irish native screening trees and hedgerow mix. The appeal

also states that native hedge species would be planted. I do not consider that the extent of hedgerow removal outside the red line area is clearly indicated.

- 8.4.4. Regarding the proposed dwelling, I have had regard to the relevant provisions of national guidelines and the Development Plan, including Sections 3.5.15.7, 14.12.2, 14.12.3, and Table 14.9. Overall, I consider that the proposed siting, layout, scale, form and design is in principle reasonable in relation to the character and visual amenity of the green belt area, subject to standard conditions in relation to materials and finishes for the house and garage.
- 8.4.5. Regarding the submitted visual impact study, Development Plan Objectives SPQHO85 and DMSO42 require submission of a comprehensive Visual Impact Statement with applications for a house in the greenbelt zoning. Whilst a visual impact statement was submitted, I do not consider it is comprehensive or clearly illustrates the visual impact of the proposed development. In this regard the Study provides little in the way of evaluation of impact on visual amenity, landscape character, or the green belt, particularly in relation to existing and proposed hedgerows, and no consideration of related Development Plan provisions. Accordingly, I am not satisfied the proposed development has demonstrated compliance with the Development Plan Objectives SPQHO85 and DMSO42.
- 8.4.6. Regarding impact on the landscape, the site is in the Low Lying Agricultural Landscape Character Type. The Development Plan indicates that the landscape value is modest and the landscape sensitivity is low. I could characterise the surrounding area as rural and largely agricultural, however I note the sports pitches across the road and dwellings in the area. Whilst this landscape character type is of modest value and low sensitivity, field patterns and low roadside hedges form integral parts of the character of the area as indicated by the Development Plan Section 9.6.14 'Landscape Character Assessment'. Accordingly, I am not satisfied the proposed development has demonstrated compliance with Policy SPQHP55, Objective DMSO41, Policy GINHP21 and Policy GINHP25 in this regard.
- 8.4.7. Regarding hedgerows specifically, there are a large number of Development Plan provisions which generally provide for the retention of hedgerows. As set out above these include Objective SPQHO91; Policy GINHP21; Section 9.6.9; Policy GINHP22; Objective DMSO125; Objective DMSO134; and Objective DMSO140. I have also

had regard to Sections 14.12.3 and 14.18.3. Based on the available information I consider that the extent of hedgerow removal within and outside the site is not clearly indicated; is likely to be significant; and warrants further consideration. Given the foregoing I am not satisfied the proposed development has demonstrated due regard to the Development Plan in this regard, or that this matter can be satisfactorily resolved by condition.

- 8.4.8. Regarding impact on the 'GB greenbelt' zoning overall, there are a large number of Development Plan provisions generally relating to retention of the green belt. As set out above these include Policy SPQHP49; Objective SPQHO85; Section 3.5.15.12; Policy SPQHP58; Objective SPQHO102; Objective DMSO42 and the 'GB' zoning seeks to protect and provide for a green belt. Given the foregoing, I am not satisfied the overall development as proposed has demonstrated due regard to the open and rural character of the area, or the visual and natural amenities of the green belt area.
- 8.4.9. In summary, I am not satisfied the proposal is acceptable in this regard, or complies with Objectives SPQHO85 and DMSO42 in relation to the submitted visual impact study, or to Policy SPQHP55, Objective DMSO41, Policy GINHP21 and Policy GINHP25 in relation to landscape character; or Policy SPQHO91; Policy GINHP21; Section 9.6.9; Policy GINHP22; Objective DMSO125; Objective DMSO134 or Objective DMSO140 in relation to hedgerows. I have addressed the closely related matter of local housing need above.

8.5. Access

- 8.5.1. Refusal reason 3 stated generally that the application failed to demonstrate the required 90m visibility splays. The Planner and Transportation Section reports stated that additional hedgerow removal would likely be required to facilitate the sightlines indicated, which was not accounted for in the application. The Transportation Section report also stated that a 2.0m setback/'x' distance was acceptable, and that due to the presence of a continuous white line along the road outside the site that sightlines to the west/left can be taken from the road centreline. I note the Transportation Section relied on TII's DN-GEO-03060 'Geometric Design of Junctions'.
- 8.5.2. The appeal states that a revised access layout is submitted. It states that a new entrance layout is proposed which requires a smaller amount of hedgerow to be

removed. The appeal states the proposed development achieves maximum sightlines of 90m with a 2.4m setback, however also appears to state that the sightline to the east/right is achievable with hedgerows removed, and that the sightline to the west/left cannot achieve 90m visibility at a 2.4m setback due to the presence of the adjacent shed. The drawing submitted with the appeal (Drw. No. 2690 A2-05) indicates 2 no. sightlines of 90m showing a 2.4m setback. I note that layouts showing a 2.0m set back are not submitted with the application or appeal.

- 8.5.3. Review of the drawings submitted with the appeal however indicates that it is the same drawing as submitted with the application (Drw. No. 2690 A2-05, dated 30/09/2025), and accordingly, no revised layout is on the case file. The drawing indicates two 90m visibility splays from 2.4m to the roadside. One layout indicates a splay to the nearside road edge, and the other indicates a splay to the median.
- 8.5.4. Regarding the site, the road outside the site is a single lane local road. The proposed access is within the 60kmh zone. There is a solid white line outside the site. There is no existing access to the site from the road. There is a bend in the road approx. 70m to the west. The road is relatively straight to the east. The shed to the west is close to the roadside edge. There is an access associated with the shed immediately to the west of the site. The subject field boundary comprises a low hedge.

Assessment

- 8.5.5. I have had regard to the relevant provisions of the Development Plan, including Objective SPQHO54 'Vehicular entrances'.
- 8.5.6. Regarding sightlines, both visibility splays submitted indicate that almost the entire hedgerow along the site frontage would require removal to achieve the visibility splays indicated. Both splays indicate that significant hedgerow removal outside the site, to the east/right would be required, however the extent of removal is not clearly indicated, nor is the layout of any replacement planting. Those works are outside the red line area and no letter of authorisation is submitted. I also note that details of the existing hedgerow are not clearly set out. No landscape plan is provided.
- 8.5.7. I also consider there is a degree of confusion in the submitted appeal regarding the two visibility splays submitted. In the interest of completeness I note that the visibility splay to the nearside road edge requires very significant hedgerow removal outside the site to the east/right, and also appears to be obstructed by the roadside

boundary and shed to the west/left. The submitted visibility splay to the road centreline appears to be clear of the shed and roadside boundaries to the west/left, but again appears to require significant hedgerow removal to the east/right.

- 8.5.8. In the interests of clarity I note the Transportation Section stated that a 2.0m 'x' distance would be acceptable, however the plans submitted at application and appeal stage only indicate a 2.4m 'x' distance.
- 8.5.9. The Planning Authority appeal response does not address this matter.
- 8.5.10. Overall I am satisfied the information submitted at application and appeal stages does not clearly show that the sightlines indicated can be achieved without significant works outside the application boundary. Authorisation for works outside the site are not provided. In the interests of road safety I consider that permission should be refused on grounds of public safety by reason of traffic hazard on the public road for both the future residents of the dwelling as well as other road users, and the property planning and sustainable development of the area.

8.6. **Related matters raised in the course of the appeal**

Noise

- 8.6.1. I note the Observations made by DAA to the Commission and Planning Authority. The Observation to the Commission states no objection subject to consideration of a number of matters including post-planning compliance. The Planning Authority Planner Report stated that standard noise conditions would suffice. I have had regard to the provisions of the Development Plan in relation to airport noise, including Objectives DAO11 & DMSO105, and Tables 8.1 & 14.16. The site is in Airport Noise Zone C. I am satisfied impacts on the proposed dwelling by airport related noise can be satisfactorily resolved by standard noise insulation conditions.

Water services & drainage – New Issue

- 8.6.2. Matters relating to water services and drainage were not raised as part of the refusal or appeal, however I note that the Planning Authority Water Services Section stated that additional details in relation to surface water drainage / SuDS was required. I also note that no report from Uisce Eireann is on the file. The Planning Authority Planner Report stated that these matters would be addressed by condition.

- 8.6.3. The Water Services Section report stated that the required and proposed attenuation volumes are unclear and that an acceptable SuDS system and related details should be submitted. The report stated no objection in relation to wastewater.
- 8.6.4. I have reviewed the submitted Infiltration Test report; Site Characterisation Form; Site Suitability Characterisation Form; and submitted drawings. The proposed development includes significant grassed areas. Permeable paving is proposed. A wastewater treatment system, percolation area, and soakaway are proposed. Drawings of the proposed stormwater management system are provided, as are drawings of the proposed biocycle wastewater treatment system and sand polishing filter. Water supply is to be mains. No information from Irish Water is submitted.
- 8.6.5. Given the information submitted, and having regard to the Planning Authority internal reports, I am satisfied the proposal is generally acceptable in these regards, subject to conditions for the agreement of surface water management details, and standard conditions relating to Irish Water and the proposed wastewater treatment system.

Conditions

- 8.6.6. Should the Commission be minded to grant permission, I consider the following additional matters in relation to conditions:
- Contributions: Standard Section 48.

9.0 **Appropriate Assessment screening**

- 9.1.1. Refer to Section 8 of this report. 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 or projects would not be likely to give rise to significant effects on any European Sites including Baldoyle Bay SAC and Baldoyle SPA in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on the nature of the proposed works and the location and distance from nearest European site and lack of connections

10.0 Water Framework Directive

10.1.1. The subject site is located approx. 944m from the Sluice river to the north and approx. 951m from the Mayne river to the south. The proposed development comprises a dwelling in a rural area. No water deterioration concerns were raised in the planning appeal. I have assessed the project 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 & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied 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, or otherwise jeopardise any water body in reaching its WFD objectives. The reason for this conclusion is as follows: the nature of works e.g. small scale and nature of the development; the location-distance from nearest water bodies and/or lack of hydrological connections. I conclude that on the basis of objective information, 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

11.1.1. I recommend permission be **Refused**, for the reasons and consideration below.

12.0 Reasons and Considerations

1. Having regard to the provisions of the Fingal County Council Development Plan 2023-2029, and having regard to the information submitted with the application and appeal, it is considered that the applicant has not clearly demonstrated that the proposed development would comply with Objective CSO81 'Rural Settlement Strategy'; Section 3.5.15.3 'Fingal Rural Settlement Strategy Rural Generated Housing Need'; Table 3.3.'Maximum Number of Houses which will be permitted per existing house'; and Objective SPQHO71 'Maximum Number of Dwellings under

Rural Zonings' of the Development Plan in relation to additional dwellings in the rural area, and accordingly, permission should be refused in these regards.

2. Having regard to the nature of the proposed development; to the Visual Impact Study and other documents submitted with the application; and to the extent of works indicated to hedgerows within and outside the site; it is considered that the applicant has not clearly demonstrated that the development would comply with Objectives SPQHO85 and DMSO42 in relation to the submitted visual impact study; or with Policies SPQHP55, GINHP21 & GINHP25 and Objective DMSO41 in relation to landscape character; or with Policies SPQHO91; GINHP21; & GINHP22; Section 9.6.9; or Objectives DMSO125; DMSO134 and Objective DMSO140 in relation to hedgerows.

3. Having regard to the design and layout of the proposed access, including the visibility splays indicated within the application and appeal documentation, and the lands outside the applicant's control indicated as being required to facilitate driver visibility; it is considered that the applicant has not satisfactorily demonstrated the feasibility of providing the proposed access to facilitate the development. The proposed development would, therefore, endanger public safety by reason of traffic hazard on the public road for both the future residents of the dwelling as well as other road users, and would not be in accordance with the property 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.-

Dan Aspell
Planning Inspector
22nd May 2025

APPENDIX 1

Form 1: EIA Pre-Screening

Case Reference	PL-500446-DF-25
Proposed Development Summary	Construction of dwelling with wastewater treatment system and all associated site works
Development Address	Site at Baskin Lane, Cloghran, Co. Dublin
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	
	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<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 type="checkbox"/> 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.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required.	
<input checked="" type="checkbox"/> 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)(i) Construction of more than 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)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** __ 13th May 2026 __

Form 2: EIA Preliminary Examination

Case Reference	PL-500446-DF-25
Proposed Development Summary	Construction of dwelling with wastewater treatment system and all associated site works
Development Address	Site at Baskin Lane, Cloghran, 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	Proposed development comprises a dwelling in a rural area. The proposed development has a modest footprint, comes forward as a standalone project, requires minimal demolition works, does not require the use of substantial natural resources, or give rise to production of significant waste, significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, human health or is vulnerable to climate change.
Location of development	The development is located in a rural area on agricultural land. The receiving location is not particularly environmentally sensitive and is removed from sensitive natural habitats, designated sites and identified landscapes of significance in the County Development Plan. The site is not of historic and cultural significance. Given the scale and nature of development and mitigation proposed there will be no significant environmental effects arising.
Types and characteristics of potential impacts	Having regard to the characteristics and modest nature of the proposed development, the sensitivity of 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	Conclusion in respect of EIA
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.	Schedule 7A Information required to enable a Screening Determination to be carried out.
There is a real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: 13th May 2026
 DP/ADP: _____ Date: _____