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<b>Development</b>	Dwelling with all associated site works
<b>Location</b>	Wyanstown, Oldtown, Co. Dublin, A45 AX05
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F25A/1034E
<b>Applicant(s)</b>	Ailsa Sexton
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party Normal Planning Appeal
<b>Appellant(s)</b>	Ailsa Sexton
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	17 <sup>th</sup> April 2026
<b>Inspector</b>	Aisling MacNamara

## 1.0 Site Location and Description

- 1.1. The site is located in the rural area of Wyanstown, north of Oldtown in the Fingal council area of northwest County Dublin. The site is accessed from the R129 road which adjoins the southern boundary of the site.
- 1.2. The site contains existing equine facilities including stables, lunging ring, training ground, green paddock lands and mobile home. The roadside boundary and northern boundary is marked by natural hedge/ trees.
- 1.3. Lands to the northern / rear boundary and western/ side boundary adjoin agricultural lands. The eastern boundary adjoins an existing single house.
- 1.4. Ballyboghal River flows along the northern rear boundary.

## 2.0 Proposed Development

2.1. Permission is sought for the following:

- removal of an existing mobile home which occupies the land
- erection of a two storey dwelling (includes office at first floor level)
- associated works

The site is 4.79ha. Proposed works is 286sqm.

The following documentation is included:

- cover letter and planning report (Farry Town Planning)
- Affidavit of Ailsa Sexton
- banking documentation
- Business Plan for Ailsa Sexton Trading as Wyanstown Sport Horses - Sport Horse Breeding and Livery Business at Wyanstown, Oldtown
- Supplementary Application Form for Planning Permission for a Dwelling in a Rural Area

## 3.0 Planning Authority Decision

### 3.1. Decision

3.2. By order dated 18 December 2025, the planning authority made the decision to refuse permission for one reason as follows:

*1. The proposed development is located on 'RU - Rural' zoned lands. Proposals for new residential development on 'RU' zoned lands are subject to the Council's Rural Settlement Strategy, as set out in the Fingal Development Plan 2023-2029. The applicant has submitted the 'Supplementary Application Form for Planning Permission for a Dwelling in a Rural Area'. Based on the information submitted, the Planning Authority are not satisfied the applicant has demonstrated that they fully comply with the requirements of Section 3.5.15.3, Section 3.5.15.5, Objective SPQH081, Table 3.5 or the Rural Settlement Strategy of the Fingal Development Plan 2023-2029. Furthermore, there is no evidence within the Business Plan of any current, functioning business (i.e: no statement of accounts; details of turnover; profit; staffing; balance sheets etc). The proposed development therefore contravenes the Fingal Rural settlement rural generated housing need; new housing for the community other than those who are actively engaged in farming policies and objectives of the Fingal Development Plan 2023-2029 and objective SPQH081 and the Council's Rural Settlement Strategy and would be contrary to the proper planning and sustainable development of the area.*

### 3.3. Planning Authority Report

#### 3.3.1. Planning Reports

- Planners report (18/12/2025) – recommends refusal of permission. The report notes the submitted Supplementary Application Form for Planning Permission for a Dwelling in a Rural Area. The applicant states that a legal interest is retained within the former marital home itself a rural dwelling, granted permission under 93A/1226. Given the applicants legal interest within an existing rural dwelling within the county, the officer considers there is no genuine housing need at this time. The proposal is contrary to the Rural Settlement Strategy and is unacceptable in principle on this basis alone. The form was not submitted as part of the previous application to the Council nor

was it submitted within the appeal documentation or High Court proceedings. The submitted Business Plan is noted. Concerned that the plan is aspirational, no evidence that the plan is of a current functioning business (no statement of accounts, turnover, profit, staffing etc).

### 3.3.2. Other Technical Reports

- Water Services Department (03/12/2025) – foul drainage, surface water, flooding – no objection subject to conditions relating to compliance with EPA Code of Practice, no surface water to discharge to foul system, surface water drainage to be in compliance with GDA Code of Practice for Drainage Works, detailed surface water designs and calculations for soakaway areas, soakaways to comply with BRE Digest 365, the GDSDS, designed to accommodate the 30 year critical duration storm event from all additional impermeable surfaces include for climate change (min 20%), use local rainfall data and be at least 5m from any structure and 3m from any boundary.
- Parks and Green Infrastructure Division (25/11/2025) – no objection
- Transportation Planning Section (17/12/2025) - submit further information in relation to sightlines, clarify planning status of existing entrance, consider and justify the proposed entrance layout design and treatment (wide entrance splay, submit swept path analysis/ details of vehicles using entrance, entrance to be bound road material).

### 3.3.3. Prescribed Bodies

None

### 3.3.4. Third Party Observations

None

## 4.0 Planning History

The following history relates to the site:

**F23A/003, ABP 316032 (April 2024), High Court Judicial Review Sexton v ABP & Fingal CC (2025) IEHC449**

ABP Grant permission for (a) retention of existing stable building, (b) retention of lunging ring, (c) retention of existing septic tank and provision of a new percolation area located in the northwestern area of the site to service the stable building, (d) the retention of an existing well located to the west of the stable block, (e) the closure of an existing entrance and creation of a new access along with reconfigured driveway which leads to the equestrian farmyard which is to be retained including the relocation of the existing entrance in southwestern corner of site 60m to the east, (f) erection of new stable block, (g) associated site works including fencing and electric cabling,

ABP Refuse permission for (a) temporary relocation and temporary retention of an existing mobile home which occupies the land to the east of the existing stables on the site, (b) erection of a partial two storey dwelling for following reasons:

*(1) The mobile home, if permitted would set an undesirable precedent for other similar development, which would cumulatively be harmful to the amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.*

*(2) The applicant had not provided adequate documentation which demonstrated their long term commitment to operate a fulltime business from their proposed rural home, therefore failing to meet the necessary requirement. The proposed development would materially contravene the rural settlement strategy in the Fingal Development Plan 2023 specifically 3.5.15.5 Table (iv). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

High Court Judgement – Dismissed proceedings.

The following is also of relevance relating to house at Bellinstown, Ballyboughal, Co.Dublin:

**93A/1226, PL 06F.092817** – Alan Sexton –grant May 1994 - permission for a bungalow at Naul Road, Ballyboughal, County Dublin

**F01B/0087** – Alan & Ailsa Sexton – grant June 2001 permission for extension and alterations to house at Ballyboghal, Naul Road

**F18A/0752** – Alan Sexton – grant permission and retention permission for works to house at Belinstown Lodge, Naul road, Ballyboughal

## 5.0 Policy Context

### 5.1. Development Plan

Fingal County Development Plan 2023-2029 (variations no. 1 and 2 adopted 30<sup>th</sup> March 2026)

The site is located on lands zoned 'RU' RURAL'

Objective Description: *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.*

Objective Vision: *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, A high level of natural features. Agriculture and rural related resources will be employed for the benefit of the local and wider population. Building upon the rural value will require a balanced approach involving the protection and promotion of rural biodiversity, promotion of the integrity of the landscape, and enhancement of the built and cultural heritage.*

The land adjoining on the southern side of the R129 is designated the Wyanstown rural cluster.

Site located in Low Lying Agricultural landscape character type. Section 9.6.14 Landscape Character Assessment states this is a modest landscape value of low landscape sensitivity. Green Infrastructure map shows site within a Highly Sensitive Landscape.

Lands along the watercourse to northern boundary area within Flood Zone A and Flood Zone B (CDP SFRA).

## Chapter 2 Planning for Growth, Core Strategy, Settlement Strategy

Policy CSP45 – Rural Housing - In line with RPO 4.80, manage urban generated growth in Rural Areas Under Strong Urban Influence by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory Guidelines and plans, having regard to the viability of smaller towns and rural settlements.

Policy CSP46 – Rural Settlement Strategy - Respond to rural-generated housing need by means of a rural settlement strategy which directs the demand where possible to Rural Villages and Rural Clusters and permit housing development in the countryside only for those people who have a genuine housing need in accordance with the Council's Rural Housing Policy and where sustainable drainage solutions are feasible.

Objective CSO81 – Rural Settlement Strategy - Implement the Rural Settlement Strategy contained in Chapter 3 Sustainable Placemaking and Quality Homes and associated Development Management Standards set out in Chapter 14.

## Chapter 3 Sustainable Placemaking and Quality Homes

### 3.5.15 Housing in Rural Fingal

The Fingal County Development Plan 2023-2029 states that Fingal is classified as an area under 'strong urban influence'.

Objective SPQHO53 – Ribbon Development

Objective SPQHO54 – Vehicular entrances

Objective SPQHO55 – Preservation of roadside hedging and trees

#### 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

Table 3.4: Who is Eligible for Planning Permission

Objective SPQHO71 – Maximum Number of Dwellings under Rural Zonings - 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.

Objective SPQHO72 – Maximum Number of Incremental Houses in RU Zoned Areas  
- Permit a maximum number of two incremental houses for those who meet the relevant criteria set out in this chapter and Chapter 14 within areas with zoning objective RU plus one house for a person with exceptional health circumstances plus one where exceptional farming circumstances prevail.

Objective SPQHO75 – Houses Granted Permission in RU, HA or GB Zoned Areas  
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.

#### 3.5.15.4 New Housing for Farming Families

#### 3.5.15.5 New Housing for the Rural Community other than those who are Actively Engaged in Farming

New dwellings will be considered in areas of Fingal which have a RU or GB zoning objective for members of the rural community who are not involved in farming.

Objective SPQHO81 – RU and GB lands 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.

Table 3.5: Criteria for Eligible Applicants from the Rural Community for Planning Permission for New Rural Housing

*i. 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, and 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 for a house on the basis of close family ties shall be required to provide documentary evidence that: - S/he is a close member of the family of the owners of the family home. - S/he has lived in the family home identified on the application or within the locality of the family home for at least fifteen years.*

*ii. A person who has been in employment in a full-time occupation which is considered to satisfy local needs by predominantly serving the rural community/economy for fifteen years prior to the application for planning permission, and has not already been granted planning permission for a new rural dwelling since the 19th October 1999. Documentary evidence of such employment is required.*

*iii. A person who is an immediate member of a rural family who has not been granted permission for a rural dwelling, since the 19th October 1999, and is considered to have a need to reside adjacent to the family home by reason of that person's exceptional health circumstances. The application for a rural dwelling must be supported by two sworn affidavits from relevant and qualified professionals, with at least one from a registered medical practitioner. A qualified representative of an organisation which represents or supports persons with a medical condition or disability may supply the other.*

*It is to be noted that criterion no. (iii) applies in areas which have zoning objective, HA, as well as in areas with zoning objective GB and RU.*

*iv. A 'bona fide' applicant who may not already live in the area, nor have family connections there or be engaged in particular employment or business classified with the local needs criteria, subject to the following considerations:*

*Such applicants will be required to satisfy the Council of their long-term commitment to operate a full-time business from their proposed home in a rural area, as part of their planning application.*

*The applicant will outline within a submitted Business Plan how their business will contribute to and enhance the rural community and will demonstrate to the satisfaction of the Council that the nature of their employment or business is compatible with, and addresses and satisfies local needs, and will protect and promote the rural community.*

*The applicant will satisfy the Council that the nature of their employment or business is dependent on its location within the rural area so as to discourage applicants whose business is not location dependent.*

*The applicant will demonstrate their commitment to the proposed business through the submission of a comprehensive and professionally prepared Business Plan, and*

*through submission of legal documentation that they have sufficient funding committed to start and operate the business.*

*Applicants whose business is not location-dependent will not be considered.*

Verifiable documentary evidence to demonstrate compliance with Table 3.5 will be required in all planning permission applications for a new house in the open countryside including a sworn affidavit by the applicant stating that the applicant conforms to the requirements of the objective.

### 3.5.15.7 Layout and Design for Housing in Rural Fingal

Policy SPQHP55 – Layout and Design of Rural Housing - Require that all new dwellings in the rural area are sensitively sited, demonstrate consistency with the immediate Landscape Character Type, and make best use of the natural landscape for a sustainable, carbon efficient and sensitive design.

Objective SPQHO84 – Compliance with Development Management Standards in Rural Areas - Applications for dwellings in rural areas of Fingal will be required to demonstrate compliance with layout and design criteria set out in Chapter 14 Development Management Standards including the carrying out of an analysis/feasibility study of the proposed site and of the impact of the proposed house on the surrounding landscape in support of applications for planning permission.

## Chapter 7 Employment and Economy

### 7.5.3.5 Agriculture, Agri-food and Farm diversification

Objective EEO82 – Support and Encourage the Equine Industry Support and encourage the development and expansion of the equine industry in the County, including supporting equine related activities of an appropriate size and at suitable locations.

## Chapter 14 Development Management Standards

### 14.12 Rural Fingal

#### 14.12.2 Design Criteria for Housing in the Countryside

Objective DMSO41 – New Dwellings in Rural Areas

Objective DMSO43 – Siting of New Dwellings in a Rural Area

14.12.3 Design Guidelines for Rural Dwellings

Table 14.9: Design Guidelines for Rural Dwellings

## 5.2. Relevant National or Regional Policy / Ministerial Guidelines

- National Planning Framework, First Revision, April 2025

National Policy Objective 28 Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere. In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements; In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

National Policy Objective 29 Project the need for single housing in the countryside through the local authority's overall Housing Need Demand Assessment (HNDA) tool and county development plan core strategy processes.

- Sustainable Rural Housing Guidelines for Planning Authorities 2005

The guidelines require a distinction to be made between 'Urban Generated' and 'Rural Generated' housing need. A number of rural area typologies are identified including rural areas under strong urban influence which are defined as those with proximity to the immediate environs or close commuting catchment of large cities and towns. Examples are given of the types of circumstances for which 'Rural Generated Housing Need' might apply.

Appendix 3 sets out the development plan objectives and issues for rural areas. Box 1 relates to areas under strong urban influence. The key development plan objectives in these areas should be to on the one hand to facilitate the housing requirements of the rural community as identified by the planning authority in the light of local conditions while on the other hand directing urban generated

development to areas zoned for new housing development in cities, towns and villages in the area of the development plan.

- Circular SP5/08: Rural Housing Policies and Local Need Criteria in Development Plans: Conformity with Articles 43 and 56 (Freedom of Establishment and Free Movement of Capital) of the European Community Treaty

*Development plan policies based on section 3.2.3 (“Rural generated housing”) of the Sustainable Rural Housing Guidelines should continue to apply, in that persons who are an intrinsic part of the rural community, or persons working full-time in rural areas, should be favourably considered in relation to rural housing. Notwithstanding the above, a bone fide applicant who may not already live in the area, nor have family connections there or be engaged in a particular employment or business classified within the local needs criteria, should be given due consideration within the proper planning and sustainable development objectives for the area subject to the following considerations:*

- *such applicants may reasonably be required to satisfy the planning authority of their commitment to operate a full-time business from their proposed home in a rural area, as part of their planning application, in order, for example, to discourage commuting to towns or cities;*
- *that they outline how their business will contribute to and enhance the rural community; and*
- *that they satisfy the planning authority that the nature of their employment or business is compatible with those specified in the local needs criteria for rural areas so as to discourage applicants whose business is not location dependent (e.g. telesales or telemarketing).*

- Circular Letter PL2/2017 Sustainable Rural Housing Guidelines for Planning Authorities 2005 – Local Needs Criteria in Development Plans

Planning authorities are advised that the existing 2005 Guidelines remain in place pending national policy review.

- Development Management Guidelines for Planning Authorities (2007)

### 5.3. **Natural Heritage Designations**

There are no designated sites at the site or within proximity to the site. The closest designated site is Bog of The Ring pNHA located c 7.3km from the site.

### 5.4. **EIA Screening**

5.5. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

A first party appeal is received from the applicant. The issues raised in the appeal are summarised as follows:

#### Background

Reference made to planning background, F23A/0003 and ABP refusal of permission for new house.

The present application effectively seeks consent for a farmhouse on the same site in that the applicant can operate a new equine business from the land.

#### Planning policy and preliminary comment

Reference made to Paragraph 3.5.15.3, 3.5.15.5, objective SPQH081, Table 3.5.

The ABP Board ultimately supported the principle of the planning authority's decision. The order objects to quality of the documentation provided.

In related case of Sexton v ABP it became clear that the details needed comprise supplementary rural housing form, a sworn affidavit, details of the identity of the author of the business plan and evidence of applicant's savings.

The Inspector raised no objection to the physical, functional, aesthetic or engineering aspects of the development. The equestrian features on this site are permitted.

The present application is based on the applicant's intention to establish an equine business on this land and in line with a business plan which forms part of this application and which has been revised to take account of the judgment. The overall operation is for provision of equestrian accommodation, equine breeding and general animal husbandry, to be administered by the applicant with assistance of part time or specialist labour as required.

The report of the planning officer raises no issues with principle of development and location/ design of the dwelling.

#### Grounds of appeal:

##### Category of Compliance

Submit that the applicants compliance with the rural housing test should focus on the criterion in Table 3.5(iv) and permission should not be denied on the basis of any uncertainty regarding the details on the Supplementary Rural Housing Application Form.

##### Ownership of a home

The report of the planning officer intimates that the applicant had sought to hide part ownership of the marital home (in which she does not reside for separation reasons) on last application. Disagree that the Council were unaware of the ownership of the marital home and disagree that this can be used as new evidence for refusal.

Applicant is not automatically disentitled, as a matter of principle, to a rural home merely because s/he already owns a dwelling.

The applicants co ownership of a home was not hidden, did not form part of the refusals of permission by the Council or Commission and was not mentioned in court judgement. As the marital dwelling will be subject of divorce proceedings it would be unreasonable for the Commission to deny consent for the proposed house on this basis. Planning practice establishes that additional accommodation can be permitted for individuals who own existing dwellings in the case of financial hardship, medical circumstances or marital breakdown (examples of planning decision cases included).

Reference made to decisions PL09.205437, PL11.208451, PL27.226699, PL27.233482, PL27.226699 in support of case. Reference made to objective SPQH071 (maximum number of dwellings per family since 1999 in rural zoning). Note that permission granted under 93A/1226 was to different person and decision was made outside of the timeframe. The issue regarding co ownership of a marital home was not raised in previous decisions.

### Business Plan

The CDP para 3.5.15.3 and table 3.5 seeks to accommodate individuals who intend to establish small scale full time equestrian business in the open countryside and that importantly such activities do not yet need to have commenced in order for permission to be granted for new one off housing. The current business plan comprises an updated version of the financial arrangements which formed part of the earlier application and seeks to take account of changes within the financial landscape since 2022 when the first plan was drafted. The current instrument is otherwise identical in its approach to the monetary arrangements which were previously endorsed by the Commission and High Court. The introduction of an objection based on the speculative nature of the current plan represents a departure from previous conclusions of the Commission and High Court. The planning authority assessment presumes that an equestrian business has commenced on the site which is not the case. The CDP does not require a business of this nature to have already begun on a particular holding in order for an individual to satisfy the rural housing need. The assessment erred in rural law (refer Circular SP5/08 as relate to principle of free movement of peoples and capital).

Refer to business plans accepted under appeal ref ABP315489 and ABP309969 – both appeal decisions turned at least in part on business plans which had been prepared by the same author as in the present case and we cannot identify any material dissimilarity to warrant a different approach.

### Concluding comment

To the degree that planning permission already exists for Ms.Sexton's equine buildings and activities, this appeal focuses solely on whether she can construct a house which is to be her equestrian base.

All physical, functional, architectural, aesthetic, environmental, ecological, access and sewerage issues have been resolved and there are now no objections to the principle of a dwelling on this property.

Although the sole outstanding item concerns compliance with the rural housing policy, it is apparent that the nature and scale of the proposed equestrian development is acceptable.

Disagree with the three factors behind the Council's refusal and invite the Commission to grant permission for the proposed new farmhouse.

At no stage does Fingal County Council now suggest that the items which were identified as being outstanding by Holland J. (a supplementary rural housing form, a sworn affidavit, the identity of the author of the business plan and evidence of the applicants savings) have not actually been supplied.

## **6.2. Planning Authority Response**

The planning authority has responded to the grounds of the appeal as follows:

The Commission is requested to refer to the planning officer's report and uphold the decision in order to preserve the integrity of the Council's rural settlement strategy.

In the event that the appeal is successful provision should be made to apply the following:

A financial contribution and / or any special development contributions required in accordance with Fingal County Council's section 48 Development Contribution scheme.

Condition should be included where a tree bond is required.

## **6.3. Observations**

None

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site

and having regard to the relevant policies and guidance, I consider that the main issues in the appeal are as follows:

- principle of development / qualification for rural house
- other matters

## **7.2. Principle of development / qualification for rural house**

- 7.2.1. The proposed development is for the construction of a new dwelling on the site of an existing permitted equine development (F23A/0003, ABP316032) located within the rural area of Wyanstown in County Dublin. The proposal also includes the removal of an existing mobile home on the site.
- 7.2.2. Under F23A/003, ABP316032, ABP granted permission for the retention and construction of equine facilities including works for upgraded wastewater treatment system and new entrance however refused permission for the construction of a new house. Reason no.2 indicated that the applicant had failed to submit sufficient information to demonstrate their long term commitment to operate a fulltime business from the proposed home and that the development materially contravenes the rural settlement strategy of the Fingal County Development Plan (CDP) 2023-2029 specifically section 3.5.15.5 Table (iv). Reason no.1 relates to the undesirable precedent of permitting the mobile home and adverse impact on the amenities of the area. The decision was subject to judicial review and the High Court made the decision to dismiss the proceedings against the refusal. The judgement notes that the documentation required under objective SPQH081 and Table 3.5 was not submitted.
- 7.2.3. The current subject application aims to address the refusal reasons raised under F23A/003. The applicant makes the case that she qualifies for a rural house under the rural housing objectives of the CDP and that the required documentation is submitted. The planning authority has made the decision to refuse permission. The planning authority considers that the information submitted does not demonstrate compliance with the requirements of section 3.5.13, section 3.5.15, objective SPQH081 and Table 3.5 of the CDP.
- 7.2.4. Section 3.5.15.3 of the CDP sets out the Council's rural settlement strategy for rural generated housing need. Residential development in the rural area which is urban

generated will be restricted. Rural generated housing needs will be considered for permission of a house in RU zoned areas. Rural generated housing needs are considered to be the housing needs of people who have long standing existing and immediate family ties or occupations which are functionally related to the rural areas of the county and are specifically defined in the CDP.

7.2.5. The following is a summary of the applicant's case:

- Due to marital separation the applicant moved out of the marital family home (resided at Belinstown, Ballyboughal, Dublin for 26 years) 2 years ago and is living separate from husband. The site at Wyanstown was purchased in 2020. The submitted supplementary application form states that the applicants current address is at the subject site in Wyanstown. Submitted bank documentation state address at Belinstown.
- She has experience and expertise in training horses.
- She has worked with horses on the site since purchasing the property and she wishes to expand the equine business so that she is independent and financially self sufficient going forward. The equine business is a sport horse breeding, livery and coaching business.
- This business requires her to live on the site in the proposed new home to be developed as part of the overall structure for breeding, animal husbandry and care.

7.2.6. Section 3.5.15.3 of the CDP states the following: "No individual applicant will receive planning permission for more than one house". The supplementary application form provides details of past and current ownership of other residential properties. Current ownership includes a rental property in Swords and the marital home in Belinstown. Permission was granted to the applicant Alan Sexton under 93A/1226 for the construction of the Belinstown house which is located within the rural area. I note that the applicant states she married in 1997. The planning authority (refer planners report) considered that the applicant is ineligible under the rural settlement strategy by virtue of her retained legal interest (ownership) in an existing rural dwelling within the county – the Bellinstown house. From the information available, the applicant Ailsa Sexton has not received planning permission for any other rural house and therefore I do not consider that she is disqualified by virtue of this

provision of the CDP. I am not aware of any other provision of the CDP that would prohibit consideration for the construction of a new house in the circumstance where the applicant already owns or has owned a house. In this instance, the key consideration is for the applicant to prove there is a rural generated housing need.

- 7.2.7. Objectives SPQO71 and SPQH072 and table 3.3 set out the maximum number of houses which will be permitted to family members per existing house in rural zoned areas. In the rural area a maximum of two houses (plus exceptional reason houses) can be granted per an existing house. Beyond the house at Belinstown, I am not aware of any other permitted rural houses in the family and on the basis of the information available the proposal conforms with this provision and can proceed for consideration.
- 7.2.8. Section 3.5.15.5 of the CDP sets out provisions relating to proposals for new housing for the rural community other than those who are actively engaged in farming. Objective SPQ081 is to permit new rural dwellings in rural areas on suitable sites where the applicant meets the criteria in Table 3.5. Table 3.5 lists four categories of eligible applicants.
- 7.2.9. The supplementary application form indicates that the applicant is applying under category (ii) of Table 3.5. Category (ii) is for persons in full time employment serving the rural community / economy for 15 years prior to the application and not granted permission for a rural dwelling since 1999. Based on the information submitted there is not evidence to show that the applicant is occupied full time in her equine business for the last 15 years and therefore does not qualify under this category.
- 7.2.10. Category (iv) of Table 3.5 is for 'bona fide' applicants who may not already live in the area, nor have family connections there or be engaged in particular employment or business classified with the local needs criteria subject to considerations. I consider that this is the category under which the applicant may qualify.
- 7.2.11. The relevant considerations are as follows:
- “Such applicants will be required to satisfy the Council of their long-term commitment to operate a full-time business from their proposed home in a rural area, as part of their planning application.*

*The applicant will outline within a submitted Business Plan how their business will contribute to and enhance the rural community and will demonstrate to the satisfaction of the Council that the nature of their employment or business is compatible with, and addresses and satisfies local needs, and will protect and promote the rural community.*

*The applicant will satisfy the Council that the nature of their employment or business is dependent on its location within the rural area so as to discourage applicants whose business is not location dependent.*

*The applicant will demonstrate their commitment to the proposed business through the submission of a comprehensive and professionally prepared Business Plan, and through submission of legal documentation that they have sufficient funding committed to start and operate the business.*

*Applicants whose business is not location-dependent will not be considered.”*

- 7.2.12. The CDP states that verifiable documentary evidence to demonstrate compliance with Table 3.5 will be required in all applications including a sworn affidavit by the applicant stating that the applicant conforms to the requirements of the objective.
- 7.2.13. In this application, the applicant has submitted a sworn affidavit witnessed by a solicitor stating that she conforms to the requirements of the objective.
- 7.2.14. In this application, the applicant has submitted an updated business plan and a bank statement showing evidence of funds to establish the business. The credentials of the writer of the business plan are included. The planning authority considers that the business plan does not show evidence of current functioning business (no statement of account, details of turnover, profit, staffing, balance sheet etc). In this regard, I note that the business plan includes a finance section showing spreadsheets with breakdown of projected profits and loss, details of staffing and wage projections etc. Having regard to the fact that this is a fledging business which is yet to establish itself, I am satisfied that the submission of a plan to be implemented is acceptable. I am of the view that it is up to the applicant to demonstrate that the business is 'bona fide' and that there is a plan that can realistically be implemented. I consider that she has demonstrated this to be so.

- 7.2.15. I note the documentary evidence submitted in this application and also within the previous application F23A/0003 which is of relevance.
- 7.2.16. Having regard to the documentary evidence including the sworn affidavit, I am satisfied of the following:
- The applicant has demonstrated a long term commitment to operate a full time business from the proposed house.
  - The applicant has outlined in a business plan (and affidavit) how the business contributes to rural community, provides for local needs and is a business that is compatible with the rural community.
  - The business is dependent on being located in the rural area.
  - There is a need for the applicant to live in a house at this particular site on which the business operates.
  - The applicant has demonstrated a commitment to the business through the submission of a business plan. The plan is comprehensive and has been professionally prepared.
  - The applicant has submitted legal documentation (affidavit) and has sufficient funding to operate the business.
- 7.2.17. I therefore consider that the applicant has demonstrated compliance with category (iv) and qualifies as a 'bona fide' applicant for the proposed construction of the house.
- 7.2.18. I am also satisfied that the proposal, being a rural generated form of housing in an area of strong urban influence, is in line with the Sustainable Rural Housing Development Guidelines for Planning Authorities (2005).
- 7.2.19. I consider that the proposal is in accordance with the relevant provisions of the CDP in section 3.5.15.3, section 3.5.15.5 and objective SPQH081, Table 3.5.
- 7.2.20. Regarding the existing mobile home, should the Commission grant permission, I recommend that a condition be attached requiring the removal of the mobile home from the site prior to occupation of the main house.
- 7.2.21. Objective SPQH075 requires occupancy restrictions be attached to any permission. This can be addressed by condition.

7.2.22. The appeal makes reference to a range of other planning decisions and court judgements which I note. I note the Development Management Guidelines for Planning Authorities (2007) which indicates that regard to planning history can help ensure consistency in decisions and that the focus is primarily on the planning history relating to the site and within the past five years and also that of adjoining or nearby sites that might have a material bearing. I have had regard to the recent planning history on this site and have had regard to the current objectives of the CDP which I consider to be most relevant in considering the particular merits of this particular development proposal.

### 7.3. Other matters

- 7.3.1. Permission was granted under F23A/0003, ABP316032 for drainage services and access to serve the needs of the existing development, permitted development and the proposed house.
- 7.3.2. Foul effluent from the house is to discharge via the existing septic tank system and the permitted percolation area. The permitted system is designed to accommodate the loading of the proposed house.
- 7.3.3. Vehicular access to the proposed house is via the permitted new entrance to the regional road which is to serve a new driveway. This permitted entrance can accommodate the traffic movements of the new house.
- 7.3.4. Permission under ABP316032 is subject to conditions. Should the Commission grant permission for the proposed new house, it is recommended that a condition be attached so that the house is only occupied after the works permitted under ABP316032 are carried out as these works are required to accommodate the proposed new house.
- 7.3.5. On amenity grounds, I am satisfied that having regard to the scale and nature of the proposed house, the existing and permitted development on the site and to the character of the surrounding area, that the proposed new house can be integrated in the surrounding area and would not adversely impact on the visual or residential amenities of the area.

## 8.0 AA Screening

8.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

8.2. The following are the closest Natura 2000 sites:

- Rogerstown Estuary SAC c 9.2km from site
- Rogerstown Estuary SPA c 9.9km from site
- Malahide Estuary SAC c 10.4km from site
- Malahide Estuary SPA c 10.7km from site

8.2.1. The Ballyboughal river along the northern boundary of the site discharges downstream to the Rogerstown Estuary SAC and SPA. Wastewater and storm water collection and discharge is to ground and not to the river. Due to distance, there is no likely effect on the Natura 2000 sites arising from any residual impact on ground water.

8.2.2. The site is already developed and the proposed works are modest. There are no ecological pathways between the site and the development and the Natura 2000 site network.

8.2.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European site.

8.2.4. The reason for this conclusion is as follows:

- the small scale and domestic nature of the development on an already developed site,
- the distance to the European site network,
- the lack of ecological or hydrological pathways between the development and the European site network.

8.2.5. I conclude, on the basis of objective information that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects.

- 8.2.6. Likely significant effects are excluded and therefore Appropriate Assessment under Section 177V of the Planning and Development Act 2000 as amended is not required.

## 9.0 Water Framework Directive

- 9.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive, together with relevant guidance published by the Environmental Protection Agency (Ireland), including applicable codes of practice for the protection of water quality.
- 9.2. The applicant has received permission under ABP306032 for drainage infrastructure designed to accommodate the existing and permitted stable development on the site and the proposed house. The foul effluent is to drain to the existing septic tank and new percolation area and the system is designed in accordance with EPA Code of Practice, ensuring that appropriate measures are incorporated to prevent pollution, control runoff, and protect both surface water and groundwater receptors. Surface water is to dispose on site and the permitted system is to be in accordance with the requirements of the Council.
- 9.3. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.
- 9.4. Furthermore, the development will not adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good Ecological Status/Potential and Good Chemical Status, as required under the Directive.
- 9.5. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

## 10.0 Recommendation

I recommend that permission be granted subject to conditions.

## 11.0 Reasons and Considerations

Having regard to the nature, scale and design of the proposed development and its location in a rural area and the provisions of the Fingal County Development Plan 2023-2029, the location of the site and existing permitted development on the site, it is considered that the proposed development is an acceptable form of 'rural generated' development in this rural area and would not seriously injure the visual or residential amenities of the rural area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2	<p>(i) The construction of the house shall not commence until the following works permitted under PA23A/0003 (ABP316032) have been completed:</p> <ul style="list-style-type: none"><li>(a) the closure of the existing entrance, creation of new access and reconfigured driveway, and</li><li>(b) the installation of the new percolation area effluent treatment and disposal system.</li></ul>

	<p>(ii) The house shall not be occupied until:</p> <p>(a) all works permitted under PA23A/003 (ABP316032) have been completed, and</p> <p>(b) the existing mobile home is removed from the site.</p> <p><b>Reason:</b> In the interests of orderly development</p>
3	<p>(a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter [unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant]. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.</p> <p><b>Reason:</b> To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted [to meeting essential local need] in the interest of the proper planning and sustainable development of the area.</p>
4	<p>All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs,</p>

	<p>paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p><b>Reason:</b> In the interest of traffic safety and to prevent flooding or pollution.</p>
5	<p>(a) The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of any ridge tile shall be the same as the colour of the roof.</p> <p>(b)The external walls shall be finished in neutral colours such as grey or off-white.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
6	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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.”

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Aisling Mac Namara  
Planning Inspector

27<sup>th</sup> April 2026

## Appendix 1: Form 1 - EIA Pre-Screening

<b>Case Reference</b>	500673
<b>Proposed Development Summary</b>	Removal of mobile home, erection of dwelling, associated site works
<b>Development Address</b>	Wyanstown, Oldtown, Co.Dulbin
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<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.  <b>No Screening required.</b>	

<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<p>Schedule 5, Part 2, 10 (b) (i) Construction of more than 500 dwelling units</p>

<b>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)?</b>	
<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 2: Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	500673
<b>Proposed Development Summary</b>	Removal of mobile home, erection of dwelling, associated site works
<b>Development Address</b>	Wyanstown, Oldtown, Co.Dulbin
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b> (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).	<ul style="list-style-type: none"> <li>- Proposed residential use is compatible with other uses in area,</li> <li>- modest size and intensity of development,</li> <li>- permission granted under ABP316032 for foul effluent collection and disposal to EPA CoP standards to accommodate the proposed house,</li> <li>- surface water disposal is proposed to soakpit</li> <li>- water supply via private well</li> <li>- Localised ground works,</li> <li>- Modest production of waste,</li> <li>- No significant risk of pollution or nuisance</li> <li>- No significant risk of accidents / disasters to human health</li> <li>- Permission granted under ABP3165032 for landscape planting on the site.</li> </ul>
<b>Location of development</b> (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).	<ul style="list-style-type: none"> <li>- Existing developed site within rural area</li> <li>- surface water body along northern boundary,</li> <li>- Local ecology on site</li> <li>- No architectural heritage on site</li> <li>- No archaeological heritage</li> <li>- No designated nature heritage sites at the site</li> <li>- Localised impacts on landscape</li> </ul>
<b>Types and characteristics of potential impacts</b> (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 following: <ul style="list-style-type: none"> <li>- nature and scale of the development which is compatible with the existing development in the area,</li> <li>- the localised impact on any environmental features,</li> <li>- the absence of any significant adverse emissions or effects,</li> <li>- permission granted under ABP316032,</li> <li>- absence of significant in combination effects,</li> </ul> <p>there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>

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

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)