



An
Coimisiún
Pleanála

Inspector's Report PL-501264-SD-26

Development	Agricultural building including sanitary and washing facilities attached to the side of an existing agricultural building, a septic tank and percolation area.
Location	Woodfield Farm, Killakee Road, Rathfarnham, Co. Dublin, D16 C2C8
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD26A/0036W
Applicant(s)	Fintan O'Kelly
Type of Application	Retention
Planning Authority Decision	Refuse Retention
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Fintan O'Kelly
Observer(s)	Niall O Kelly
Date of Site Inspection	11 th September 2026
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.37 ha located off Killakee Road to the rear of an existing dwelling. The proposed area for retention is attached to an existing agricultural shed which is part of a larger landholding of agricultural land. Access to the site is through the side entrance of the existing residential dwelling to the north west known as 'Woodfield Manor'.

2.0 Proposed Development

- 2.1. Retention permission is sought for a lean-to agricultural building (35.2 sqm.) including sanitary and washing facilities attached to the side of an existing agricultural building (187.80), a septic tank and percolation area.
- 2.2. The application was accompanied by the following:
- DoHLG&H Certificate of Registration (Registration Number DANSV532ND) (dated 11th April 2025) – The document certifies that the domestic wastewater treatment system connected to a property at the aforementioned address, and registered to the aforementioned owner, has been included on the Domestic Wastewater Treatment Systems register.
 - Site Characterisation Report that set out the following recommendation based on the site assessment and percolation test results the following is recommended:
 - 1) *Continued use of the existing Septic tank unit which is in very good condition.*
 - 2) *2 X 18m trenches with vent pipes at the end of each.*
 - 3) *Install a suitable distribution box*
 - 4) *Ensure that the storm water is not getting into the septic tank*
 - Cover Letter that states inter alia that, *there is an enforcement notice in respect of the works subject of this planning application. The applicant has no intention of retaining any residential use of the lean-to building and that use has already ceased as required by the enforcement notice. However, the lean-to is now re-purposed as an agricultural building including sanitary and washing facilities for the applicant and any persons that work on the farm in accordance with Safety, Health and Welfare at Work legislation. The septic*

tank and percolation area are required to support those complementary facilities at this farm.

- Plans and particulars including lands in the applicants control at this location (c8.16ha).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. South Dublin County Council issued notification of decision to refuse permission on 9th April 2026 for the following 3 no reasons:

- 1) *The proposed development is located in an area zoned Objective RU - Rural ('to protect and improve rural amenity and to provide for the development of agriculture') in the South Dublin County Development Plan 2022 -2028 where it is the policy of the Council that new or replacement dwellings will only be permitted in exceptional circumstances. On the basis of the information submitted it is considered that the proposed development would represent an independent, substandard dwelling unit. The applicant has not demonstrated justification for a dwelling at this site, nor provided evidence of exceptional circumstances' to live in this area outside a built-up settlement, nor demonstrate how the development has been designed to minimise impact on the landscape. Therefore, the proposed development would be out of character with the established pattern of development in this area, would be contrary to the zoning objective for the area and contrary to policies and objectives of the South Dublin County Development Plan 2022-2028, including Policies H16, H18, H23, NCBH6, NCBH14 and G17. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 2) *Insufficient information has been submitted for the management of surface water for each dwelling and site to the satisfaction of SDCC's Environmental Services Department. Additionally, a soakaway cannot be shared between two properties. The proposed development is therefore contrary to Policy IE3 of the South Dublin County Development Plan 2022-2028 and the proper planning and sustainable development of the area.*

- 3) *The dwelling does not meet minimum residential standards as per Table 12.20 of the South Dublin Development Plan 2022-2028. The proposed development would, therefore, not provide an acceptable level of residential amenity and would be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

- 3.2.1. Planning Reports - The **Case Planner** having considered the considered the following main issues in their assessment recommended that planning permission be refused for 3 no reasons. The decision of SDCC reflects the recommendation of the Case Planner.

- Zoning and Council policy;
- Rural Housing Policy;
- Design and Visual Impact;
- Residential Amenity;
- Landscape Character;
- Green Infrastructure;
- Environmental Health;
- Drainage;
- Roads and Access;
- Appropriate Assessment; and
- Environmental Impact Assessment

- 3.2.2. Other Technical Reports

- **Water Services Planning Report** – Requested further information.
- **Environmental Health Officers' Department** – No stated objection subject to condition.

3.3. Prescribed Bodies

- 3.3.1. None

3.4. Third Party Observations

- 3.4.1. There is one observation recorded on the planning file, from Niall O Kelly, Rathfarnham. The issues raised relate to accuracy of drawings, land ownership, access, use as habitable accommodation and need for the development.

4.0 Planning History

- 4.1. There is no evidence of any previous planning application or appeal on this site.
- 4.2. S9769 Enforcement – I note from the Case Planners report that a case has been opened in relation to a change of use of shed to habitable space and installation of septic tank and that the *case is on-going*.

5.0 Policy Context

- 5.1.1. The operative plan for the area is the **South Dublin County Development Plan 2022-2028** (CDP). The site is subject to zoning objective 'RU' where the objective it's to "*to protect and improve rural amenity and to provide for the development of agriculture*". Relevant policies and objectives are set out as follows:

Policy H16: Management of Single Dwellings in Rural Areas - *Restrict the spread of urban generated dwellings in the Rural "RU", Dublin Mountain 'HA-DM', Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements in line with the Settlement Hierarchy.*

Policy H18: Rural Housing in RU Zone - *New or replacement dwellings within areas designated with Zoning Objective 'RU' (to protect and improve rural amenity and to provide for the development of agriculture) will only be permitted in exceptional circumstances.*

H18 Objective 1 - *New or replacement dwellings within areas designated with Zoning Objective "RU" (to protect and improve rural amenity and to provide for the development of agriculture) will only be permitted in the following exceptional circumstances:*

- *The applicant can establish a genuine need to reside in proximity to their employment (such employment being related to the rural community) or*

- *The applicant has close family ties with the rural community.*

The above shall also be considered in line with criteria set out under Chapter 12: Implementation and Monitoring.

Policy H23: Rural Housing and Extension Design - *Ensure that any new residential development in rural and high amenity areas, including houses and extensions are designed and sited to minimise visual impact on the character and visual setting of the surrounding landscape.*

H23 Objective 1 - *Ensure that all new rural housing and extensions within areas designated within Zoning Objectives Rural (RU), Dublin Mountain (HA-DM), Liffey Valley (HA-LV) and Dodder Valley (HA-DV)*

- *Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and*
- *Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and*
- *Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and*
- *Retains and reinstates (where in exceptional circumstance retention cannot be achieved) traditional roadside and field boundaries; and*
- *Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and*
- *Would comply with the EPA's Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent less than 10) 2021 except where planning permission was granted prior to 7th June 2021 in which case the EPAs Code of Practice Wastewater Treatment Systems Serving Single Houses 2009 applies; and*
- *Would not create or exacerbate ribbon or haphazard forms of development.*

Policy NCBH6 - *Protect and enhance the visual, environmental, ecological, geological, archaeological, recreational and amenity value of the Dublin Mountains, as a key element of the County's Green Infrastructure network."*

Policy NCBH14 – Landscapes - *Preserve and enhance the character of the County's landscapes, particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity and to ensure that landscape considerations are an important factor in the management of development.*

Policy G17 - *To protect and enhance the landscape character of the County by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the landscape, in accordance with the provisions of South Dublin's Landscape Character Assessment and the provisions of Chapter 3: Natural, Cultural and Built Heritage of this Development Plan"*

Policy IE3: Surface Water and Groundwater - *Manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.*

6.0 Natural Heritage Designations

6.1. The proposed development site is not within a designated conservation area. Sites proximate to the appeal site are as follows:

- Wicklow Mountains SPA (Site Code 004040) – c1.4km to the south
- Wicklow Mountains SAC (Site Code 002122) – c1.4km to the southeast
- Glenasmole Valley SAC (Site Code 001209) – c2.7km to the west

7.0 EIA Screening

7.1. The development proposed to be retained is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended.

8.0 The Appeal

8.1. Grounds of Appeal

- 8.1.1. The first party appeal has been prepared and submitted by Kiaran O'Malley & Co Ltd Town Planning Consultants and may be summarised as follows
- 8.1.2. Refusal Reason No 1 - The appeal site is zoned RU: To protect and improve rural amenity and to provide for the development of agriculture in the statutory development plan. This application is for a lean to shed building for agricultural use, which is a permitted in principle use within this zoning objective and it does not impact on the landscape or visual amenity of the area. The shed is being used for horticulture, the secure storage of agricultural equipment, and with sanitary and basic cooking facilities associated with the agricultural use of the appellant's farm (i.e. break room and washing facilities for the applicant in accordance with the Safety, Health and Welfare at Work Act 2005 and Regulations 2005).
- 8.1.3. Refusal Reason No 2 - The sole observer on the application was the appellant's brother, who resides independently at the adjoining residential property. The soak pits at his property were identified on the site layout plan in compliance with the planning regulation requirements and not to suggest or infer they also serve the appeal site. The Commission is referred to the attached correspondence between the appellant and the Council's Environment dated 20th January 2026, and an A3 sketch plan noting the location of two soak pits on site.
- 8.1.4. Refusal Reason No 3 - The lean to shed is not a residential structure, so it is not required to meet the minimum residential standards as per Table 12.20.
- 8.1.5. The appeal was accompanied by the following:
- A copy of the local authority decision
 - 3 no. photos
 - SDCC letter dated 20th January 2026 (Water Pollution – Climate Action Section)
 - A3 sketch plan with soak pit locations

8.2. Planning Authority Response

- 8.2.1. ~~SDCC in their submission requests that a Part V condition is included if required and that due regard is also had to the South Dublin County Council Development Contributions Scheme and the Kildare Route Project Supplementary Development Contributions Scheme.~~ Note: this information is incorrect. A submission was made by the planning authority, but it was late and returned to the planning authority. There is no change to the Inspector's recommendation. Mary Mac Mahon, ADP.

8.3. Observations

There is one observation recorded on the appeal file from Niall O'Kelly who supports the decision to refuse permission. The issues raised relate to the overnight use of the development, solid fuel stove, inaccurate surface water drainage proposals, substandard residential accommodation, discrepancies in boundary distances and right of access over third party lands. The observation was accompanied by photographs of the site.

8.4. Further Responses

- 8.4.1. None.

9.0 Assessment

- 9.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issue relating to the assessment of this appeal is the use proposed to be retained i.e. whether it is residential or agricultural.
- 9.2. As set out in the public notices and the plans and particulars submitted retention permission is sought for a lean-to agricultural building (35.2 sqm.) including sanitary and washing facilities attached to the side of an existing agricultural building (187.80), a septic tank and percolation area. I note from the Case Planners report that an Enforcement case has been opened in relation to a change of use of shed to habitable space and installation of septic tank and that the case is on-going (S9769

Enforcement refers). The applicant states that any residential use has ceased (in compliance with an enforcement notice S9769).

- 9.3. I have carried out a site inspection of the existing agricultural shed on site and the lean-to agricultural building, the subject of this retention application. Please refer to the site photos. This is a modest agricultural land holding as evidenced by the scale of agricultural building on site together with associated machinery and animal feed. The applicant does not live at this landholding. While the Enforcement Case together with the applicants own statement that “residential use has ceased” indicates a previous non-agricultural use I am satisfied that what is before the Coimisiún to be retained is agricultural and that’s its purpose is incidental to farming. As stated by the applicant and as observed on day of site inspection the shed is being used for horticulture, the secure storage of agricultural equipment, office work associated with the farm and provision of basic sanitary and kitchen facilities associated with the agricultural use i.e. break room and washing facilities for the applicant in accordance with the Safety, Health and Welfare at Work Act 2005 and Regulations 2005. Farming, on any scale, may necessitate long days and given that the applicant does not live at this landholding the provision of such basic facilities are considered to be both necessary and reasonable particularly where animal welfare may necessitate some element of monitoring and / or veterinary calls at any time or in any weather.
- 9.4. Having regard to the information provided on the file and in particular to my site inspection I am satisfied that what is proposed to be retained is agricultural use. I am further satisfied that the development complies with the RU Zoning Objective for the site. In the interest of clarity, it is recommended that a condition be attached requiring that the building shall be used for agricultural and associated purposes only and shall not be used for human habitation or any commercial purpose other than a purpose incidental to farming, whether or not such use might otherwise constitute exempted development.
- 9.5. The Council’s decision stated three reasons for refusal all of which related to the use of the proposed development being that of a habitable residential unit. The Planning Authority’s rigorous application of the policies and objectives of the South Dublin County Development Plan 2022-2028, including Policies H16, H18, H23, NCBH6, NCBH14 and G17 together with Table 12.20 Minimum Residential Standards are not

relevant in the assessment of this ancillary agricultural building. The landscape protection policies also referred to in the reasons for refusal that include NCBH6 and NCBH14 are noted. However, the ancillary agricultural structure to be retained is positioned both adjacent and subservient to an existing and substantially larger farm building. I agree with the applicant that any view of this building is localised and there are no views of the building from any public vantage point including the views and prospects at Military Road. Reference to Policy G17 that relates to green infrastructure is also noted in the reasons for refusal. I agree with the applicant that the lean to shed for agricultural use is not urban sprawl or urban sprawl related and I do not consider it necessary to include a detailed green infrastructure or landscape plan in this instance. Overall, I am satisfied that the scheme is consistent with the requirements of the South Dublin County Development Plan 2022-2028.

- 9.6. In relation to Policy IE3: Surface Water and Groundwater, as referred to in Refusal Reason No 2 it is evident that particular concern was raised in relation to insufficient information having been submitted for the management of surface water for each dwelling. The applicant refers the Commission correspondence between SDCC Water Pollution Section and the applicant dated 20th January 2026, where it is stated that the actions listed by the SDCC have been completed; and where a soak pit was installed and the rainwater from the shed roof is piped to it. Taken together with the application of a condition requiring that drainage arrangements for the site comply with the requirements of the planning authority including compliance with the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2025 I am satisfied that the scheme is consistent with the requirements of the South Dublin County Development Plan 2022-2028 and that no ground and surface water quality issues arise.
- 9.7. It is proposed that the scheme will be served by a septic tank and percolation area. I refer to the Site Characterisation report submitted with the application together with the report and recommendation of SDCC Environmental Health. The Site Characterisation Report states that the existing septic tank is in good condition and is suitable for continued use however, it also recommends the construction of 2 X 18m subsurface percolation trenches with a suitable distribution box and vent pipes at the end of each trench. In line with the comments of SDCC Environmental Health this should be installed in accordance with the details in the Site Characterisation

Report and with the requirements of the Code of Practice on Domestic Wastewater Treatment Systems issued by Environmental Protection Agency 2021. I am satisfied that this matter can be dealt with by way of condition.

9.8. I note the concerns raised in the observation in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

9.9. In terms of the legal interest, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

9.10. I refer to the SDCC Development Contribution Scheme 2026-2028 where it states that no reductions in whole or in part shall apply to permissions for retention of development. It is recommended that a Section 48 Development Contribution be attached.

10.0 **AA Screening**

10.1. Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive.

10.2. I have considered the project in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The subject site is c1.4km to the north of Wicklow Mountains SPA (Site Code 004040), c1.4km to the northwest of Wicklow Mountains SAC (Site Code 002122) and c 2.7km to the east Glenasmole Valley SAC (Site Code 001209). Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European site. The reason for this conclusion is as follows:

- The nature and extent of the subject development;
- The distance from and the weakness of connectivity between the development and European Sites;

- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.
- To the screening determination of the PA.

10.3. I conclude, on the basis of objective information, that the development to be retained would not have a likely significant effect on any European site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore AA, under Section 177V of the Act, is not required.

11.0 Water Framework Directive

11.1. An assessment of the development to be retained has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive. Having considered the nature, scale, and location of the development to be retained, 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. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive. Accordingly, the development to be retained is considered to be compliant with the requirements of Article 4.

12.0 Recommendation

12.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the following reason and considerations and subject to the conditions outlined below.

13.0 Reasons and Considerations

13.1. Having regard to the provisions of the South Dublin County Development Plan 2022-2028 (CDP), to the location of the proposed development to be retained within an established farmyard and to the nature and scale of the development, it is

considered that, subject to compliance with the conditions set out below, the development to be retained would not have an adverse effect on the residential and visual amenities of neighbouring properties, and would be acceptable with regard to surface water drainage and farm management and would therefore be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1. The development shall be retained 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.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-
 - a) uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways
 - b) all soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2025, as amended, or to a slatted tank. Drainage details shall be submitted to and agreed in writing with the planning authority within three months of the date of grant of permission.
 - c) all separation distances for potable water supplies as outlined in the European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2025, as amended shall be strictly adhered to.

Reason: In the interest of environmental protection and public health.

3. The building shall be used for agricultural and associated purposes only. The building shall not be used for human habitation or any commercial purpose other than a purpose incidental to farming, whether or not such use might otherwise constitute exempted development.

Reason: In the interest of orderly development and the amenities of the area.

4. (a) The septic tank hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) ” – Environmental Protection Agency, 2021.

(b) Treated effluent from the septic tank shall be discharged to a percolation area which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.

(c) Within three months of this grant of permission, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution

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.

Mary Crowley

Senior Planning Inspector

11th September 2016

Appendix 1: Form 1 - EIA Pre Screening

Case Reference	PL-501264-SD-26
Proposed Development Summary	Retention of agricultural building including sanitary and washing facilities attached to the side of an existing agricultural building, a septic tank and percolation area.
Development Address	Woodfield Farm, Killakee Road, Rathfarnham, Co. Dublin, D16 C2C8
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested.	State the Class here
☒ 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?	

☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
☐ 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)	State the Class and state the relevant threshold
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____