



Fingal County Council,
Planning Department,
County Hall,
Main Street,
Swords,
Co. Dublin,
K67 X8Y2.

October 21st, 2024.

21-OCT-24 F24A/0926
FINGAL CO.CO. PLDEPT

RE: Proposed expansion of existing residential premises located on lands at Newport Farm, Ballymadrough, Donabate, Co. Dublin.

Dear Sir/ Madam,

CWPA Planning & Architecture wish to submit this planning application on behalf of Mr. Mark Whelan and Ms. Camille Bleytou, who have agreed to acquire the existing premises within the red line boundary from Mark Whelan's parents, Mr. and Mrs. Francis and Nuala Whelan, subject to obtaining planning permission.

The subject site is located at Newport Farm, Ballymadrough, Donabate, Co. Dublin, and forms part of the overall family landholding under the ownership of the Whelan Family, as indicated within the blue line boundary. The existing premises within the red line boundary was constructed in 2006 and accommodates 1 no. building with an established residential use at ground and first floor level, together with 4 no. stables and a feed room at ground floor level. This structure is set within an enclosed landscaped courtyard, which provides within curtilage car parking and existing private amenity space in connection with this residence.

The purpose of this planning application is to facilitate the modest expansion of the established residential use as part of the premises. We wish to confirm the GFA of the existing residential use equates to **c. 70 m²**, and it is proposed to expand this area by **c. 102 m²**, by converting 4 no. stables and a feed room at ground floor level in addition to providing a rear roof extension at first floor level.

All conversion works are proposed to take place **within the building footprint of the existing structure**, resulting in a minimal impact on the existing structure and surroundings.

Proposed Development

Specifically, the proposed development consists of the following:

- 1) *The integration at ground floor level of the existing residential entrance hall, cloak room, living area and boiler with existing stables and feed room, to be converted to kitchen, living and study areas.*
- 2) *Alterations at first floor level of existing residential accommodation comprising bed/ living, kitchen, bathroom and storage areas, to provide 2 no. bedrooms, 1 no. bathroom, (1 no. en-suite), and a rear roof, dormer extension.*
- 3) *New on-site Wastewater Treatment Plant (WWTP).*
- 4) *All associated site works.*

Principle of Development

The proposed development is being proposed in line with **Section 13.3** and **Objective Z03** of the Fingal Development Plan 2023 – 2029 (FDP). Please refer to **Appendix 1** for further information in this regard.

Pre – Planning Consultation

A pre – planning consultation was undertaken between CWPA and Fingal County Council in advance of the lodgement of this planning application, at which time we were advised of the requirement to provide documentary evidence regarding the construction of the residential use in 2006, noting the provisions of **Section 13.3** and **Objective Z03**. These documents are enclosed herewith as part of this planning application for the consideration of Fingal County Council, providing the background to the existing development on site.

As part of this pre planning consultation, the Planning Department also requested that a statement be provided addressing the Rural Settlement Strategy, which is provided in **Appendix 2** as part of this correspondence.

The proposed conversion works have been designed to ensure minor alterations to the appearance of existing building and courtyard setting, resulting in a minimal impact on the existing structure and surroundings. Please refer to the enclosed architectural drawings for further information in this regard.

It is also considered that the proposal offers a planning gain as it is intended to regularise a non-conforming use, whilst utilising and repurposing an existing structure and enhancing the visual, residential

Appendix 1: Principle of Development and applicability of Objective ZO3.

Initially constructed c. 18 years ago in 2006, the existing residential accommodation on site represents a *'Non-Conforming Use'*, as defined under **Section 13.3** of the FDP 2023 – 2029 as follows:

***"13.3 Non-Conforming Uses* - Throughout the County there are uses which do not conform to the zoning objective of the area. These are uses which were in existence on 1st October 1964, or which have valid planning permissions, or **which are unauthorized but have exceeded the time limit for enforcement proceedings**. Reasonable intensification of extensions to and improvement of premises accommodating these uses will generally be permitted subject to normal planning criteria."**

Objective Z03 directly corresponds to **Section 13.3** in respect of '*Non-Conforming Uses*' and is stated as follows:

Objective Z03: Generally, permit reasonable intensification of, extensions to and improvement of **premises accommodating non-conforming uses**, subject to normal planning criteria.

The term '*premises*' is not defined in the Technical Guidance Notes – Appendix 7 of the FDP.

In addition, the term '*premises*' is not defined in the Planning and Development Act 2000 (as amended) or the Planning and Development Regulations 2001 (as amended), although several references are made to '*residential premises*' in both The Act and Regulations.

In addition, no distinction is made within **Section 13.3** or **Objective Z03** as to different forms of non-conforming uses which are applicable or otherwise under this section. As such, the term '*Premises*' in **Section 13.3** and **Objective Z03** is to be taken in its most general sense to include all forms of premises accommodating non-conforming uses, including residential.

In addition, **Section 13.3** refers to ‘uses’ in a general sense, and therefore, includes residential use. As such, there is no ambiguity with regards to the relevance of **Objective Z03** this context, which is to facilitate the expansion of an established residential use as part of the existing premises.

Appendix 2: Rural Settlement Strategy Statement

The Fingal Rural Settlement Strategy is to be applied to planning applications where 'new housing' is being proposed in its entirety which has not yet been constructed. This is not the case with this planning application which relates to the expansion of an existing, established and habitable residential use, which was constructed in 2006. In this regard, we refer the Planning Authority to the supporting documentation provided with this planning application for further information.

- Where **new housing is being proposed in its entirety**, as set out in **Section 3.5.15.3** of the FDP and under the RU, GB and HA Land Use Zoning Objectives, the Rural Settlement Strategy is required to facilitate such applications.¹
- Specifically, **Section 3.5.15.4** as part of the Rural Settlement Strategy relates to '**New Housing** for Farming Families'.²
- **Section 3.5.15.5** relates to '**New Housing** for the Rural Community other than those who are Actively Engaged in Farming'.³
- Table is title "**Criteria for Eligible Applicants from the Rural Community for Planning Permission for New Rural Housing**".⁴

Having regard to the aforementioned, the purpose of this planning application is to facilitate the reasonable expansion of '**existing**' residential use, rather than a proposal for a '**New Rural Housing**'. As such, the proposed construction works to the existing residence are being proposed in accordance with **Section 13.3** and **Objective Z03** of the FDP. Please refer to the enclosed supporting documentation for further information in this regard.

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¹ FDP, Pg. 144.

² FDP, Pg. 146.

³ FDP, Pg. 148.

⁴ FDP, Pg. 149.