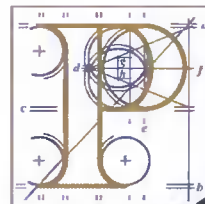


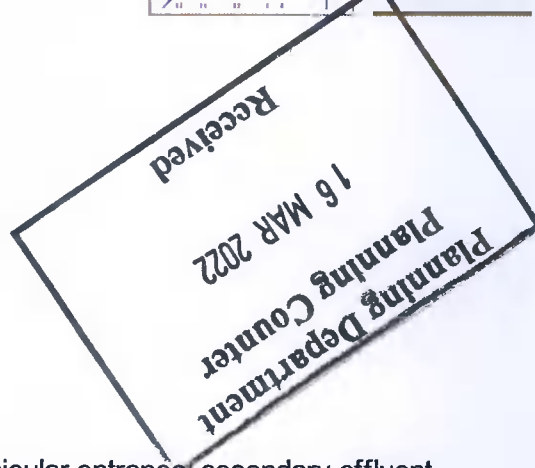
**Our Case Number:** ABP-313003-22

**Planning Authority Reference Number:** SD21A/0338



An  
Bord  
Pleanála

South Dublin County Council  
Planning Department  
County Hall  
Tallaght  
Dublin 24



**Date:** 15 March 2022

**Re:** Construction of a detached single storey bungalow; vehicular entrance, secondary effluent treatment system; all associated site works.  
Ringwood, Hazelhatch, Cellbridge, Co. Kildare

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

**Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.**

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter, the following documents:-**

- (i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,
- (ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,
- (iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,
- (iv) a copy of the notification of decision given to the applicant,
- (v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,
- (vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure,

Teil	Tel	(01) 858 8100
Glaao Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

under section 48(2)(c) of the Act. Any such contingency submission, in circumstances which your authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

Please quote the above appeal reference number in any further correspondence.

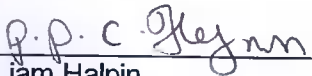
I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-313003-22) the request at 1 on page 1 of this letter has been forwarded.

Signed: \_\_\_\_\_

Print:( \_\_\_\_\_ )

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

Yours faithfully,



Liam Halpin

Direct Line: 01-8737280

BP07

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**Whyte Planning Consultants Ltd.**  
Great Connell, Newbridge, Co. Kildare. 086 6001194, info@derekwhyte.ie

**FIRST PARTY APPEAL AGAINST THE DECISION TO REFUSE PERMISSION FOR THE CONSTRUCTION OF A DETACHED SINGLE STOREY BUNGALOW, VEHICULAR ENTRANCE, SECONDARY EFFLUENT TREATMENT SYSTEM AND ALL ASSOCIATED SITE WORKS AT HAZELHATCH, CELBRIDGE, CO. KILDARE.**

**APPELLANT: FRANK REYNOLDS**  
**PLANNING REFERENCE NUMBER: SD21A/0338**  
**FEE €220**

**Derek Whyte**  
View | Plan | Create  
Derek Whyte  
Great Connell  
Newbridge, Co. Kildare  
Tel 086 6001194  
info@derekwhyte.ie

On behalf of Frank Reynolds, I would like to appeal the decision to refuse permission by South Dublin County Council on the following grounds:

Each and every site should be assessed not only on stated policies and objectives but also on the merits of the individual site. It is suggested that the planning authority have not recognized the spatial location of the site, in a transient area between Hazelhatch and Celbridge. The location of Hazelhatch train station, a regional railway station is 200m from the site. As a result of this spatial characteristic, the area that surrounds the site does not exhibit "normal" rural site characteristics.

Indeed, the site has public lighting, a well-maintained road network and a pedestrian public footpath into Celbridge. In effect the site is a semi-urban site. We accept that the broad-brush application of urban/rural divide in the SDCC Development Plan shows the site as a rural area but in reality, this is not the case.

In the planner's assessment, a sub-standard road network, lack of public services, lack of public lighting and pedestrian amenities are referenced numerous times, but this is simply not the case, the road network is a local/regional road that is used by many vehicles to access Hazelhatch station and park and ride facility, 200 metres from the site.

This has allowed the site to be very well serviced by roads, paths, and public lighting. We find it very hard to accept the 6 reasons for refusal, especially the ignoring of the unique spatial characteristics of the site which appear to be omitted from the planner's report and hence we would like to appeal the decision to refuse rather than attempt to address the reasons for refusal with another application with SDCC.

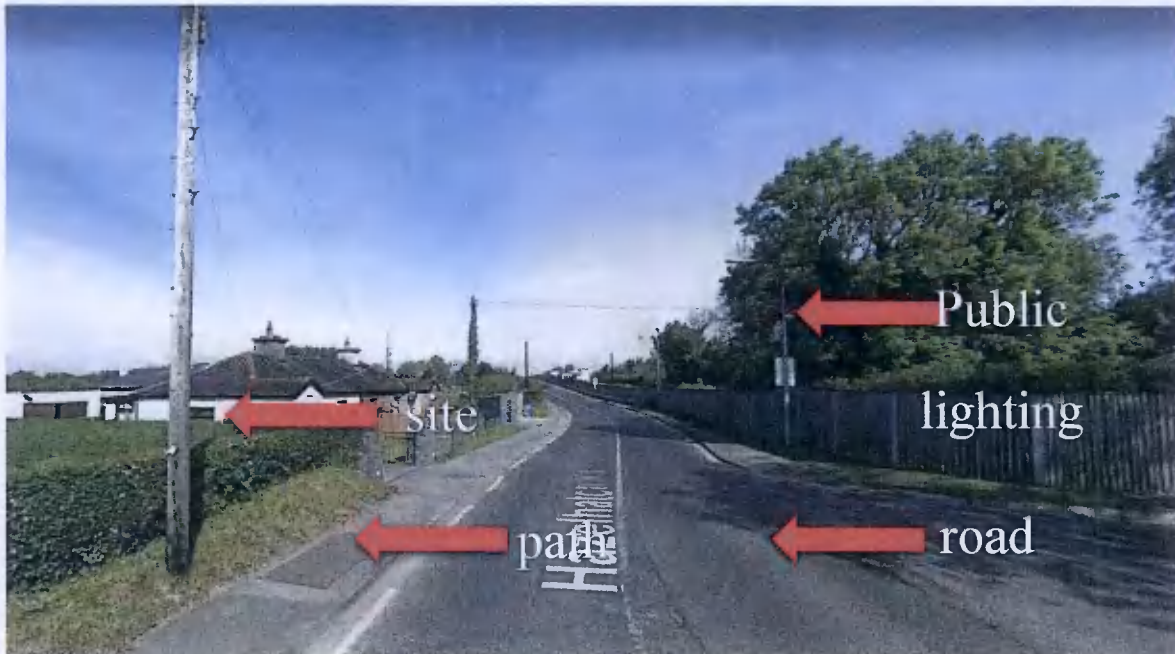
**AN BORD PLEANÁLA**  
LDG- 050236-22.  
ABP- \_\_\_\_\_  
**14 MAR 2022**  
Fee: € 220 Type: Card  
Time: 12:13 By: Hazel

**AN BORD PLEANÁLA**  
LDG- \_\_\_\_\_  
ABP- \_\_\_\_\_  
**14 MAR 2022**  
Fee: € \_\_\_\_\_ Type: \_\_\_\_\_  
Time: \_\_\_\_\_ By: \_\_\_\_\_



Furthermore, we would like to respectfully submit that:

- The site is an infill site and does not contribute to ribbon development due to the infill nature of the site.
- The site is 200 m south of Hazelhatch Rail Station
- The site has pedestrian links to Celbridge Town, good public lighting and a good quality road (not sub-standard as claimed by the local authority) as can be seen from the photo below.



- The applicant has a demonstrable need for a house due to this employment as a racehorse trainer and considerable documentation was supplied to demonstrate the applicants need for a house in this area.
- SDCC failed to acknowledge the positive elements of the application in this instance and the planners report does not appear to take this into account.



**SDCC refused on 6 different reasons as follows:**

**Reason No. 1 for refusal related to the opinion of the planning authority that the site is located on a substandard rural road, does not have public lighting and drainage, and lacks pedestrian services.**

The site is not located on a substandard rural road, the road is a local/regional road, with public lighting and pedestrian paths to the Hazelhatch Railway Station a regional railway station.

**Reason No. 2 related to a lack of compliance with (RSES).**

The applicant is a full-time racehorse trainer with a significant bloodstock and significant land leased for his business in the area and therefore has shown a demonstrable need to live in the area, in this infill site.

Considerable documentation, which is attached to the appeal, was submitted which complies fully with (RSES Policies and Objectives).

**Reason No. 3 related to SDCC's subjective opinion that the applicants need to live in the area is not "exceptional".**

Exceptional need is not defined in SDCC development plan and is entirely at the subjective opinion of the assessing planner. The applicant has shown a significant demonstrable need to live in the area and the documentation submitted to the planning authority is attached below for reference.

**Reason No. 4 related to the subjective planner's opinion that the area has excessive development**

We do not believe to be the case, and the issue of "excessive" development in an area is entirely subjective on the assessing planner. The lack of a quantifiable analysis of "excessive" development does not allow an applicant to understand the council's policy. It is a fundamental rule of planning law that subjective opinions of assessing planners should be easy to understand and apply to site so that applicants can make an informed decision prior to lodging a planning application. This is not the case in this instance, it is impossible to know when SDCC will deem an area to have "excessive" development which is unfair and unreasonable on any applicant. Notwithstanding the above, the infill nature of the site would negate any excessive development opinion of the assessing planner.



**Reason No.5 related to the landscape character of the area.**

While the site is located within the “RU” area, the planning authority has not recognized that “RU” allows “To protect and improve rural amenity and to **provide for the development of agriculture**”. The development is an agriculturally based development. The planning authority have exaggerated the landscape qualities of the area, the proposed house is an infill development and has no landscape impact on the area which can be visually assessed on site. For example, the Hazelhatch train station bridge is far more visually obtrusive in the area than the proposed infill site.

**Reason No.6 relates to the planning authority’s opinion that the site constitutes to ribbon development.**

The site is an infill site and does not contribute to ribbon development. The issue of substandard road is again used but is not a logical reason for refusal when the condition of the road is taken into account.

We would ask the inspector and the board to adjudicate on this application as it is submitted that the 6 reasons for refusal are excessive and illogical considering the unique spatial location of the site, the infill nature of the site and the clear demonstration of the applicants need for a house in the area due to his horse training business. We attach the documentation was available to SDCC to make a positive decision on this application for the inspectors and the boards perusal and we would welcome a positive decision in this instance.

Signed on behalf of Frank Reynolds.

Derek Whyte

**Planning Consultant.**

**Cert Tech Eng. BEng. MSc Spatial Planning, Dip. Law, Dip. Planning and Environmental Law, MIEI, MIPI.**

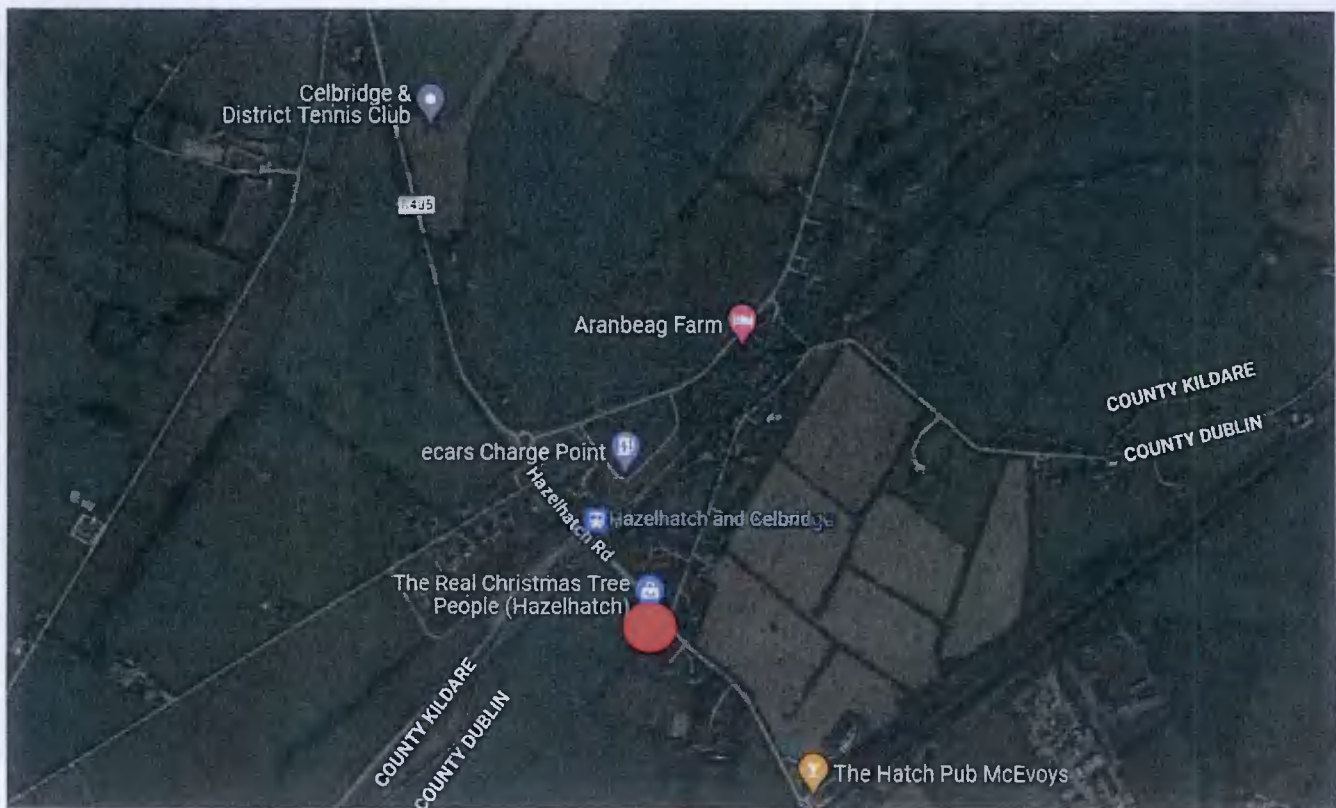


**RURAL HOUSING COMPLIANCE STATEMENT REPORT for  
Frank Reynolds, Ringwood, Hazelhatch, Celbridge, Co. Kildare.**

**December 2021**

**INTRODUCTION & PROPOSED DEVELOPMENT.**

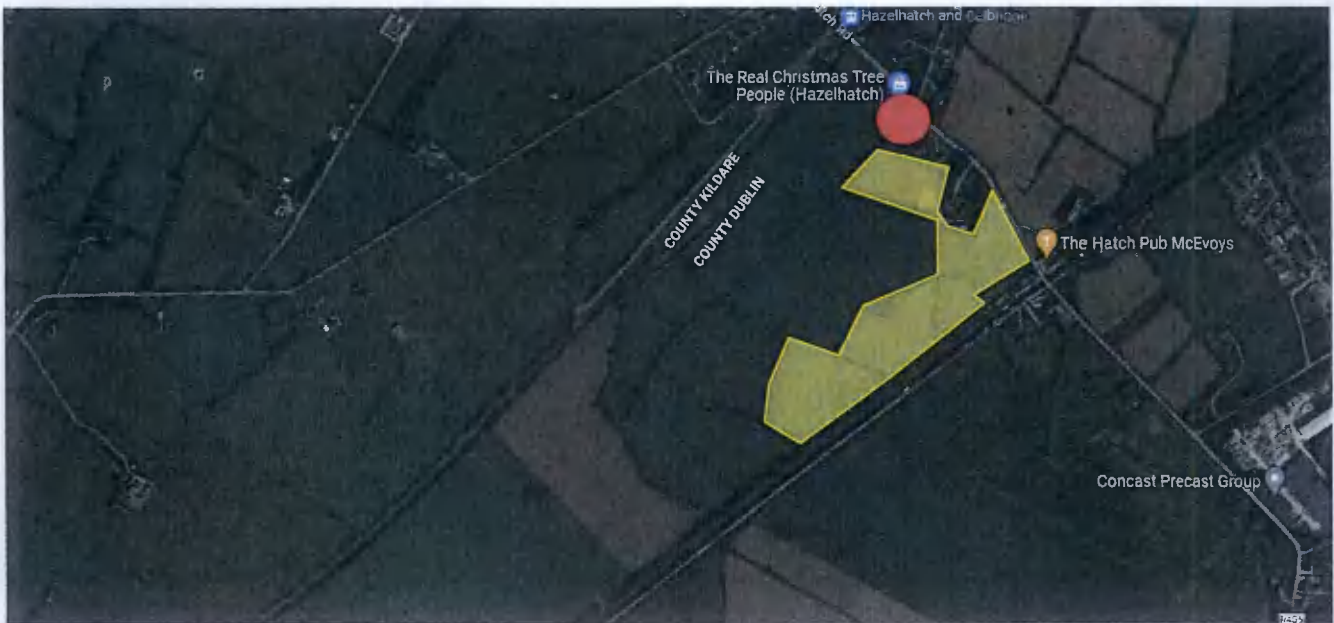
The applicant Frank Reynolds is applying for permission to construct a detached dormer bungalow, secondary effluent treatment system, vehicular entrance and all associated site works. Frank is a racehorse breeder and works fulltime in the equine industry.



**PLANNING HISTORY**

There is one refused planning application on the site, from 2000, SA00/0276. Permission was refused mainly due to lack of local need of the applicant. Frank Reynolds purchased the site in 2009, please find land registry folio DN19266F attached, confirming same.

Frank Reynolds, leases 20.18 acres of land in Ringwood, Hazelhatch, directly behind the proposed site, a lease agreement can be provided to the planning authority but for GDPR reasons we are excluding it from the planning application. However, should the planning authority require same we can email or provide a hard copy of same.



The google map image above highlights the applicants leased lands (YELLOW) in relation to the proposed development if his home (RED)

### ZONING

The site is zoned “RU” in the SDCC Development Plan, which is defined as “To protect and improve rural amenity and to provide for the development of agriculture”. Residential development is “Open for Consideration” under this zoning.

### RELEVANT POLICY IN SDCC DEVELOPMENT PLAN.

Policy H21.

The applicant is claiming compliance with the zoning objective “RU” on the following grounds:

The applicant’s equine development is an intrinsic agricultural development which is consistent with the zoning policy on the lands.

Frank is a full-time racehorse breeder and has 55 horses in his ownership – please find a number of copies of passports attached.





### Policy H26 – Occupancy Condition.

The applicant will accept any occupancy condition attached to a grant of permission should the planning authority be mindful to grant.

### ARCHITECTURAL FORM AND DESIGN.

The house has been designed to be cognizant of the existing established architectural pattern of development in the area. The site is located within 200m of Hazelhatch Train Station and is an infill site on a transitional area between rural and urban.

The house will take advantage of a slightly lower ground level to accommodate the house on the site and will form a consistent pattern of development between the existing houses.



The above google map extract highlights the infill nature of the site (RED), situated in an established cluster of established and permitted houses close to the train station. (BLUE)



## PROJECT IRELAND 2040 NATIONAL PLANNING FRAMEWORK(NPF)

National Policy 15 of the NPF states:

Objective 19 states that rural housing should be afforded a positive presumption “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.”

It is accepted that the area is an area under strong urban influence, but this does not preclude single housing, it is suggested that the spirit of the policy is to allow single housing for applicants who has demonstrated a social or economic need to live in the area.

We suggest that it is clear that the applicant has an economic need to live in the area due to his extensive equine employment, his considerable racehorse ownership, and the leased land in the area. All these elements support the provision of a house on the site.

*Equestrian use is considered an agricultural use under Section 2(1) of the Planning and Development Act, 2000 as amended.*

We would respectfully acknowledge that:

*“The Settlement Strategy policy for the Eastern & Midlands Region supports provision of policy at local level that seeks to support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agribusiness, renewable energy, tourism and forestry enterprise. The policy further requires Local Authorities to 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.*

As the applicant has demonstrated a bone fide and strong economic need to live in the area, the provision of a one-off house can be accommodated on site on this infill site.



We would suggest that the proposed development does not fall within the definition of ribbon development. The definition of ribbon development is not solely based on a quantitative measure of 5 or more houses over a 250m frontage. Ribbon development allows for the quantitative measure to be relaxed when:

- *The type of rural area and circumstances of the applicant,*
- *The degree to which the proposal might be considered infill development, and*
- *The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.*

*Planning authorities will need to arrive at a balanced and reasonable view in the interpretation of the above criteria taking account of local circumstances, including the planning history of the area and development pressures.*

The site is clearly an “infill” development as it has established houses either side of the site, which is effectively a side garden of a pre-1963 house, the applicants strong economic need to live near his place of employment should allow the planning authority to positively assess the site.

## CONCLUSION

It is respectfully submitted that the applicant is an intrinsic rural person who has a demonstrable economic need to live in this rural area.

The applicant has decided to utilize a small infill site as the location of his home place to operate and run his horse breeding equine industry and the site available is an ideal opportunity to use an infill site, close to public transport nodes and close to his employment, as opposed to attempting to build in the open countryside.

We would respectfully ask SDCC to recognize the positive elements of the application in this instance and to determine the application on its merits presented to the planning department.

Regards,

**Cert Tech Eng. BEng. MSc Spatial Planning, Dip. Law, Dip. Planning and Environmental Law, MIEI, MIPI.**