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The Nook Hillside
Kilcullen
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R56 Y651

**NOTIFICATION OF DECISION TO REFUSE PERMISSION
PLANNING & DEVELOPMENT ACT 2000 (as amended) AND
PLANNING REGULATIONS THEREUNDER**

Decision Order No.		Date of Decision	
Register Reference	SD22A/0117	Date	22-Apr-2022

Applicant: Annette & Alan Richie

Development: Construction of single storey dwelling with waste water treatment system, well, 3 ploytunnels in relation to proposed on-site strawberry farm enterprise and all site works.

Location: McDonaghs Lane, Glenaraneen, Brittas, Co. Dublin

Time extension(s) up to and including:

Additional Information Requested/Received: /

Clarification of Additional Information Requested/Received: /

DECISION: Pursuant to the Planning and Development Act 2000 (as amended), dated as above a decision to **REFUSE PERMISSION** is hereby made for the said development for the reason(s) set out on the Schedule hereto.

REASON(S)

1. The proposed development does not overcome the reason(s) for refusal relating to Rural Housing policies in the South Dublin County Development Plan 2016 - 2022, under Reg. Ref. SD21A/0263.
 - (a) Having regard to the location of the site within an area subject to Housing (H) Policy 23 (Rural Housing in HA – Dublin Mountains Zone) Objective 1 of the South Dublin County Council Development Plan 2016- 2022, National Policy Objective 19 of the National Planning Framework and the Sustainable Rural Housing Guidelines for Planning Authorities issued by the

Department of the Environment, Heritage and Local Government in April, 2005, it is considered that the applicants have not provided sufficient evidence to come within the scope of the housing need criteria as set out in the development plan for a house at this location. The evidence submitted is considered to be out of date, mostly dated from 2016. In addition, the business plan provided for the Strawberry farm is missing key information to provide justification for the location of such a business at this location and would not be considered to represent a genuine plan for a business that is necessary at this location, or which would be viable. The development would therefore contravene Policy H23 of the County Development Plan and the proper planning and sustainable development of the area.

(b) Housing Policy H20 'Management of Single Dwellings in Rural Areas', as set out in the South Dublin County Development Plan 2016-2022 states 'It is the policy of the Council to restrict the spread of dwellings in the rural 'RU', Dublin Mountains 'HA-DM'; Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements.' Insufficient justification has been provided which would warrant the setting aside of the objectives of Policy H20 in this instance. The proposed development would constitute urban generated housing, would contravene the objective of the planning authority and would lead to demands for the uneconomic provision of further public services and facilities in an area where these are not proposed. Taken in conjunction with existing development in the area, the proposed development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities and served by a poor road network. It is an objective of the planning authority, as expressed in Policy H20 of the South Dublin County Council Development Plan 2016-2022, to channel housing into 'existing settlements'. The applicants have not provided sufficient justification for a need to reside at this location and why none of the existing settlements nearby can meet their requirements. As such, the proposed development would materially contravene this objective of the Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed development does not overcome the previous reason for refusal relating to regional policy under reg. ref. SD21A/0263. The site is located in the Dublin Metropolitan Area as designated under the Regional Spatial and Economic Strategy 2019 - 2025 (RSES) and the Dublin Metropolitan Area Spatial Plan, which forms part of the Regional Spatial and Economic Strategy. 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. Finally, the settlement strategy policy supports consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the County Development Plans. The applicants have not provided sufficient justification to not reside in one of the nearby existing settlements, and the business plan provided does not provide sufficient information to consider that the proposed strawberry farm use would be viable. The proposed development would therefore represent the proliferation of further one-off housing in

the Dublin Metropolitan Area and could prejudice the achievement of regional settlement strategy policy for the Eastern & Midlands Region.

3. The proposed development does not overcome the previous reason(s) for refusal relating to national rural housing policy under Reg. Ref. SD21A/0263. It is considered that the applicants have not satisfactorily justified an economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements and, therefore, the proposed development does not comply with National Policy Objective 19. The development, in the absence of any identified locally based genuine need for the house, would contravene local and national housing policy and objectives, would contribute to the encroachment of ad-hoc rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
4. The site is zoned 'HA-DM' - To protect and enhance the outstanding natural character of the Dublin Mountains Area.' The proposed development has not overcome the previous reasons for refusal relating to the impact on the outstanding natural character of the Dublin Mountains, under Reg. Ref. SD21A/0263.
 - (a) The proposed development is located in the Athgoe and Saggart Hills landscape area, which has been designated under the South Dublin County Council Development Plan 2016 – 2022 following a Landscape Character Assessment of South Dublin County undertaken in 2015 as an area with a high landscape value and sensitivity and a Landscape Capacity which is negligible to low; meaning that the key characteristics of the landscape are highly vulnerable to development and that development would result in a significant change in landscape character and should be avoided if possible. Any increase in development in this area will have a negative impact on both the landscape value and sensitivity of this area, and would therefore materially contravene the South Dublin County Council Development Plan 2016 - 2022 Policy (HCL7) 'to 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 would be contrary to the proper planning and sustainable development of the area.
 - (b) With regard to Policy HCL9 - Dublin Mountains, the proposed development would result in the encroachment of ad hoc housing within a landscape area of High Amenity as set out in the South Dublin County Development Plan 2016 - 2022, where it is an objective to protect and preserve significant views. Having regard to the location of the proposed development within a visually vulnerable landscape which is under strong development pressure, taken in conjunction with the existing development in the general vicinity, the proposed development and development to be retained would be a further addition of suburban-like ad hoc development, would be visually obtrusive, would adversely affect these significant and protected views, would adversely affect the character and amenity of the landscape, and would detract to an undue degree from the rural character and scenic amenities of the area and the lower slopes of the Dublin Mountains. Thus, the proposed development would seriously injure the amenities of property in the vicinity, would materially contravene the zoning objective of the area, and would be contrary to the proper planning and sustainable development of the area.
 - (c) The site is in an area zoned 'Objective HA (LV, DV, DM); To protect and enhance the outstanding natural character and amenity of the Liffey Valley, Dodder Valley and Dublin Mountains areas' and there are specific conservation objectives to 'Protect and Preserve Significant Views' along both sides of McDonagh's Lane. It is considered that the works carried

out to date have adversely affected the character of the mountain area. It is considered that the proposed development would further adversely affect the significant views along McDonagh's Lane, would seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.

5. The proposed development has not overcome the previous reasons for refusal relating to inadequate road frontage and ribbon development, under Reg. Ref. SD21A/0263. Section 11.3.4 (Rural Housing) (ii) (Rural Housing Design) of the South Dublin County Council Development Plan 2016-2022 states that a minimum road frontage of 60 metres should be provided for all new dwelling sites in rural areas and a proliferation of housing along stretches of roads in a manner that creates ribbon development should be avoided. The proposed development would have a road frontage of less than 60m and would therefore not comply with the requirements of Section 11.3.4(ii). H27 Objective 1 of the Development Plan also states that new rural development would not create or exacerbate ribbon or haphazard forms of development. The development would clearly contribute to ribbon development would militate against the preservation of the rural environment and lead to the demands for the provision of further public services and community facilities. The development would, therefore, be contrary to the proper planning and sustainable development of the area.
6. The proposed development has not overcome the previous reasons for refusal relating to traffic hazard. The proposed development would be located on a substandard rural road network which is narrow in width and has poor vertical and horizontal alignment. The road lacks pedestrian, public lighting and drainage facilities and is saturated with one-off houses. Having regard to this, the proposed development would endanger public safety by reason of traffic hazard. The road network in the area is incapable of catering for the continuation of ribbon development. The generation of additional traffic on a laneway substandard in width and alignment and without adequate facilities for pedestrians and vulnerable road users would endanger public safety by reason of a traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
7. The proposed development has not overcome the previous reasons for refusal relating to soil percolation tests and site suitability, under SD21A/0263. The applicant has not submitted a report showing site specific soil percolation test results and design calculations for the proposed soakaway (or trench soakaway) in accordance with BRE Digest 365 - Soakaway Design. Furthermore, a site suitability report indicating the condition of the site with respect to the suitability of the proposed waste water treatment system has not provided. A map showing the location of trial holes is also not provided. The proposed development would therefore be contrary to the GI and drainage policies and objectives contained within the South Dublin County Council Development 2016-2022 and would be contrary to the proper planning and sustainable development of this area of outstanding natural character of the Dublin Mountains Area.
8. The applicant has not provided sufficient information to meet the requirements of H27 Objective 1 of the Development Plan which sets out specific criteria for all new rural housing developments to comply with. In addition, the applicants have not provided a site analysis and character appraisal of the development as per the requirements of Section 11.3.4(ii) of the Development Plan. Furthermore, the driveway area shown on drawings is considered to be excessive, and a minimum road frontage of 60m has not been provided. These are all requirements of Section

11.3.4(ii) of the Development Plan. In lieu of providing sufficient supporting information in relation, the application does not meet the requirements of the Development Plan and the development would therefore be contrary to the proper planning and sustainable development of the area.

9. The applicants have not proposed any Sustainable Urban Drainage Systems (SuDS) as part of the development. Section 11.6.1 of the Development Plan states that all new developments will generally be required to incorporate SuDS, with Green Infrastructure (G) Policy 5 stating 'it is the policy of the Council to promote and support the development of Sustainable Urban Drainage Systems (SUDS) in the County and to maximise the amenity and biodiversity value of these systems.' Without providing any proposals for SUDS, the development would be contrary to the proper planning and sustainable development of the area.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001 (as amended). Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001 (as amended), have been considered in the determination of this application.

Register Reference: SD22A/0117

Signed on behalf of the South Dublin County Council.

Yours faithfully,

Pamela Hughes 20-Jun-2022
for **Senior Planner**

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(A) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
1. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
 2. The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
 3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
 4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
 5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
 6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:

- (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made. where the application relates to unauthorised development€4.500.00 or €9.000 if an E.I.A.R. is involved
- (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made. other than an appeal mentioned at (a)..... €1.500.00 or €3,000.00 if an E.I.A.R. is involved
- (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b)€660.00
- (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f)€220.00
- (e) Application for leave to appeal.....€110.00
- (f) Appeal following a grant of leave to appeal€110.00
- (g) Referral€220.00
- (h) Reduced fee (payable by specified bodies).....€110.00
- (i) Submission or observations (by observer).....€50.00
- (j) Request from a party for an Oral Hearing€50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at

Telephone 01-858 8100