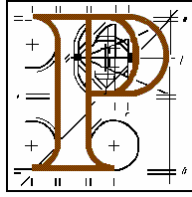


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

**Wicklow County**

**Planning Register Reference Number: 10/2452**

An Bord Pleanála Reference Number: PL 27.237134

**APPEAL** by Patrick Gibbons care of Frank O’Gallachóir and Associates of 16 Parklands Office Park, Southern Cross Road, Bray, County Wicklow against the decision made on the 17<sup>th</sup> day of June, 2010 by Wicklow County Council to refuse a permission.

**PROPOSED DEVELOPMENT:** Construction of a detached part single, part two-storey dwelling, with septic tank and proprietary wastewater management system, new driveway entrance, new ground waterwell and all ancillary works, all at Studfield South, Donard. County Wicklow.

## **DECISION**

**REFUSE permission for the above proposed development based on the reasons and considerations set out below.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS

1. Having regard to the location of the proposed new house, unconnected to, and at a location removed from the existing farm dwelling on the site, it is considered that the proposed development cannot be regarded as a replacement house and so should be assessed as a new house. The site of the proposed development is located in an area designated as a landscape Corridor Area as per Map 17.09A of the Wicklow County Development Plan 2010-2016 and in an area identified as an area under strong urban influence in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005. It is an objective of the planning authority, as set out under RH1 of the Plan, that urban generated development, including housing, shall not be permitted in the rural areas of the County, other than in rural settlements that have been deemed suitable to absorb an element of urban generated development. This objective is considered reasonable. It is considered that the development would not come within the scope of the provisions of Objective RH14, which specify circumstances under which permission may be granted for residential development in the countryside. The proposed development would contravene materially the objective of the planning authority, would lead to demands for the uneconomic provision of further public services and facilities in an area where these are not proposed, would set an undesirable precedent for further such development in rural areas and would be contrary to the “Sustainable Rural Housing Guidelines for Planning Authorities”. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The watercourse to the rear of the site is a tributary of the Donard Brook/Carrigower River which forms part of the Slaney River Valley candidate Special Area of Conservation. Having regard to the content of both site reports, and the location in relation to the watercourse, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that the site can be drained satisfactorily by means of a septic tank, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.

---

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2010.**