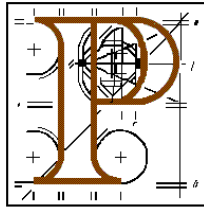


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Wicklow County

Planning Register Reference Number: 15/430

An Bord Pleanála Reference Number: PL 27.245308

APPEAL by John and Sadie Cunningham care of Frank Ó'Gallachóir and Associates Limited of 94 Rathdown Park, Greystones, County Wicklow against the decision made on the 16th day of July, 2015 by Wicklow County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Change of use (the removal of condition number 4 of a previous grant of permission, planning register reference number 7918/92) from the permitted use as a dwelling and septic tank which restricted its use to use as a dwelling by the applicant William Burke (note: the current applicants are John and Sadie Cunningham), his heirs, to other persons primarily employed or engaged in agriculture or forestry in the vicinity, or to such class or persons as the planning authority may agree to in writing. Permission is also sought for retention of the house as constructed and all associated site works, all at Barniskey East, Arklow, County Wicklow.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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

Having regard to the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005 and to the time period that has elapsed since the construction and occupation of the house, exceeding twenty three years, and the provisions of the current Wicklow County Development Plan and in particular policy RH6, which requires agreements pursuant to Section 47 of the Planning and Development Act, 2000 for a period of seven years, in the circumstances of the case, it is not considered appropriate to further restrict the occupancy of the dwelling. It is, therefore, considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience, would not set a precedent for similar such development, and would not be contrary to the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out 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.

Reason: In the interest of clarity.

2. In all other regards, the proposed development shall comply with the conditions attached to the planning permission granted under planning register reference number 7918/92, with the exception of condition number 4 of that permission.

Reason: In the interest of clarity.

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

Dated this day of 2015.