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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 19/998**

**Appeal** by Patrick O’Keeffe care of EMK Design Limited of Monamolin, Gorey, County Wexford against the decision made on the 30<sup>th</sup> day of October, 2019 by Wicklow County Council in relation to an application by the said Patrick O’Keeffe for permission for retention of existing dwelling house as constructed, retention of existing separate dwelling unit and existing domestic garage/store/workshop. Permission for a new replacement waste water treatment system to current EPA standards and to carry out associated ancillary site works, all at Coolroe, Tinahely, County Wicklow in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for retention of existing dwelling house, as constructed, and permission for new wastewater treatment system on site to current EPA standards and to refuse permission for retention of existing separate dwelling unit and existing domestic garage/store/workshop).

## **Decision**

**GRANT permission for the retention of existing dwelling house as constructed and existing domestic garage/store/workshop and permission for a new wastewater treatment system on site to current EPA standards and associated ancillary site works in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.**

**REFUSE permission for the retention of the retention of existing separate dwelling unit based on the reasons and considerations marked (2) under.**

## **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 site's location and to the policy and objective provisions, as set out in the Wicklow County Development Plan 2016-2022, together with the permission granted for a dwelling and services under planning authority register reference number 97/6417 and to the nature, scale and design of the dwelling and garage/store/workshop to be retained, it is considered that, subject to compliance with the conditions set out below, the proposed development, including the development of a new wastewater treatment plant, would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of public health and traffic safety. The proposed development would, therefore, be in accordance with 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. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. (a) The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009.

**Reason:** In the interest of public health.

3. The garage/store/workshop development shall be used solely for a purpose that is incidental to the enjoyment of the dwelling on the site and shall not be used as a self-contained dwelling unit, or for any business, trade, commercial activity or other non-domestic use.

**Reason:** To regulate the use of the building and to protect residential amenities in the interest of the proper planning and sustainable development of the area.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

## **Reasons and Considerations (2)**

It is the policy of the planning authority, as set out in Objective HD23 of the current Development Plan for the area, to control housing in the countryside. This policy is considered to be reasonable. The development to be retained, comprising a separate dwelling unit would be in conflict with this policy because, when taken in conjunction with existing dwelling on the site would give rise to an excessive density of development and the encroachment of random rural development in a rural area lacking certain public services and community facilities and would contravene Objective HD23 and the policy of the planning authority, as expressed in the current Development Plan, to direct residential development to serviced centres (which policy is considered to be reasonable). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

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**Paul Hyde**

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

**Dated this            day of            2020.**