



An
Bord
Pleanála

Board Direction
BD-001902-18
ABP-300825-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on December 3rd 2018.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. Having regard to the location of the site within an area under strong urban influence as identified in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April, 2005, wherein it is policy to distinguish between urban-generated and rural generated housing need, and in an area where housing is restricted to persons demonstrating a definable social or economic need to live in the open countryside, in accordance with the Wicklow County Development Plan 2016 - 2022, it is considered that the applicant has not demonstrated that he comes within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location in the open countryside. In addition, it is a specific objective of the National Planning Framework, adopted by the Government, in rural areas under urban influence, to "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...having regard to the viability of smaller towns and rural settlements". Furthermore, the Board is not satisfied that the

applicant/appellant's housing needs could not be satisfactorily met in an established smaller town or village/settlement centre. The proposed development, in the absence of any definable or demonstrable need for the house, would contribute to the encroachment of random 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, contravene the Ministerial Guidelines, be contrary to national policy and conflict with the provisions of the current County Development Plan. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is located in an area which is designated as an Area of High Amenity in the current Wicklow County Development Plan and is visible in prospects listed for protection in the County Development Plan. The proposed development would comprise a visually incongruous and obtrusive feature in the landscape, would seriously injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

Note 1. In reaching its decision, the Board concurred with the view of the Inspector that the current case was materially different to the previously applications made by the applicant's sister under files PL27.235303 and PL27.231997, in that the development in those instances was for retention for a replacement farmhouse for a pre-existing house on the landholding, whereas the present proposal is for an additional house on these lands.

Note 2. The Board noted that the provisions of the County Development Plan had changed as between the 2010 -2016 Wicklow County Development Plan and the recently adopted Wicklow County Development Plan 2016 – 2022. In the former Development Plan (and as noted in the High Court decision of *Paul Porter and Tony Porter - v - An Bord Pleanála* [2016 604 JR]) a number of the criteria for

consideration for housing need did not require an applicant to demonstrate a “definable social and economic need” for a house in the open countryside. In the current Development Plan, it is evident that the relevant policy objective (HD23) requires that, under all of the 16 listed criteria, an applicant has to have a “definable social or economic need to live in the open countryside”. Furthermore, the Board noted the provisions of national policy, as set out in the National Planning Framework (to which the Board is statutorily required to have regard), which, inter alia, required that “the core consideration” for housing in the countryside is a “demonstrable economic or social need to live in a rural area”...and to have regard to the “viability of smaller towns and rural settlements”. On the basis of the documentation submitted with the application and appeal, the Board was not satisfied that the applicant had established either a social or an economic need which *required* him to live in the open countryside at this location, nor that his housing needs could not be satisfied by locating in a nearby village or town. In this regard, the Board concurred with the Inspector’s view that, in the light of the small scale of the landholding at this location in which the family business of growing Christmas trees takes place (12 hectares) out of an overall holding of several hundred hectares (most of which is located elsewhere), and where there is already the presence of one of the family members (i.e. Stephanie Porter) on this small landholding, the applicant has not demonstrated that the proposed development arises from a need to occupy the landholding at this location in order to engage in this family business (which is, in any event, seasonal in nature). No convincing case has been put forward, in the Board’s view, why the applicant’s housing needs (including any need to be close to his father’s house) could not be met by locating in a nearby town or village.

[Please issue a copy of this Direction with the Board Order to the parties.]

Board Member

Date: 10th December 2018

Philip Jones