



An  
Bord  
Pleanála

**Board Direction**  
**BD-005159-20**  
**ABP-305014-19**

The submissions on this file and the Inspector's report were considered at Board meetings held on 12/11/2019, 15/01/2020 and 14/02/2020.

At the meeting of the 12/11/2019, the Board decided to defer consideration of this case and to issue a Section 137 notice to the parties. A response to this notice was received from the applicant on the 3/12/2019. This response was considered at the Board meeting held on 15/01/2020 and the Board considered that it was necessary to circulate this submission under section 131 of the Planning and Development Act 2000, as amended. A further response was received from the appellant on 06/02/2020.

At a meeting of 14/02/2020, the Board considered the submissions received and decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the provisions of the tourism and recreations objectives of the Wicklow County Development Plan, 2016-2022 and the stated use of the farmhouse as a Bed & Breakfast in accordance with the exempted development provisions of Article 10(4) of the Planning and Development Regulations, 2001, as amended, and to the nature and extent of the proposed development to be retained and constructed, the Board is satisfied that subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenities of the area, would not pose a risk to water pollution and would

be acceptable in terms of pedestrian and traffic safety. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the response from the applicant received on the 3<sup>rd</sup> December 2019 which confirmed that a family member was residing in the Bed and Breakfast farmhouse which is the subject of this appeal. The Board was therefore satisfied that the use of the farmhouse for overnight guest accommodation was in accordance with the exemptions pursuant to Article 10(4) of the Planning and Development Regulations 2001, as amended and that it was appropriate to grant retention of alterations and permission for proposed works to the Bed and Breakfast accommodation on this basis.

### **Conditions**

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application [as amended by the further particulars submitted on the 12 day of June 2019 and by the further particulars received by An Bord Pleanála on the 3 day of December, 2019, 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. The existing bed-and-breakfast farmhouse / dwelling and proposed extension shall be jointly occupied as a single unit and shall not be sold, let or otherwise transferred or conveyed save as part of the dwelling.

**Reason:** To restrict the use of the extension in the interests of residential amenity.

3. The existing bed and breakfast farmhouse / dwelling shall not be used for overnight guest accommodation unless the house is also occupied by the owner or member of the owner occupier's family unless the change of use of the house to exclusively overnight guest accommodation is authorised by a prior grant of planning permission.

**Reason:** To restrict the use of the farmhouse in the interests of residential amenity.

4. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture. Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority within three months of the date of this Order.

**Reason:** In the interest of visual amenity.

5. Details of all signage and lighting shall be submitted to, and agreed in writing with, the Planning Authority within three months of the date of this Order.

**Reason:** in the interest of the amenities of the area

6.

- a) Within 6 months of the date of this order, the roadside boundary shall be set back along a line formed by joining a point measured 2.4 metres back from the public road carriageway at the centre of the access driveway to points 60 metres in both directions on the existing road boundary.

b) The area between the public road carriageway and the revised boundary shall be finished 200-300mm above carriageway level and finished in grass.

c) The revised boundary shall match the existing roadside boundary

**Reason:** In the interest of traffic safety and visual amenity.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

8. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

**Board Member**

**Date:** 14/02/2020

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Maria FitzGerald