

**An
Bord
Pleanála**

**Board Direction
BD-008245-21
ABP-309165-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/05/2021.

The Board decided by a majority of 2:1 to make a split decision, to

- (1) grant permission for the upgrading of an existing wastewater treatment on site, generally in accordance with the Inspector's recommendation, for the following reasons and considerations and subject to the following conditions.

and

- (2) refuse permission for retention of permitted domestic store to self-contained residential unit ancillary to main dwelling house for use by family members, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

(1)

Reasons and Considerations

Having regard to the nature and form of the proposed development and to the existing authorised development on site, it is considered that subject to the conditions set out below, the proposed development would be of environmental value, would not seriously injure the amenities of the area and would constitute an acceptable use at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions.

1. The upgrading of the existing wastewater system shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted on the 2nd of November 2020, 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 upgraded effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the Planning Authority on the 20th of November 2020 and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. Arrangements in relation

to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Within three months of the completion of the wastewater treatment system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

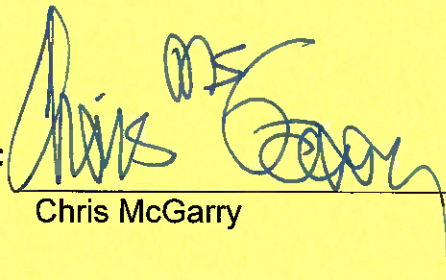
3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

(2)

The proposed retention of the conversion of a detached domestic store for use as a self-contained residential unit for use by family members would be contrary to the provisions of Section 18.13.3 (self-contained accommodation for use by a family member) of the Wexford County Development 2013 – 2019, as extended, which states that such units should be connected to the main dwelling house and that a detached unit may be considered where the need for such a unit is demonstrated. Having regard to the documentation submitted with the application and appeal, it is considered that insufficient justification demonstrating the need for such a detached unit, as opposed to a unit connected to the main dwelling house, has been provided by the applicants. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member:



Chris McGarry

Date: 21/05/2021