

An  
Bord  
Pleanála

**Board Direction**  
**BD-011119-22**  
**ABP-311550-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/08/2022.

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

#### **Reasons and Considerations**

1. Taken in conjunction with existing development in the area, the proposed development would constitute an excessive density of suburban-type development in a rural area and would constitute disorderly backland development which would be more akin to an urban location and would be out of character with the existing pattern of development in the area and lead to demands for the provision of further public services and community facilities, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Objective HD3 of the Wicklow County Development Plan 2016-2022 states that all new housing developments in rural areas shall achieve the highest quality of layout and design in accordance with the standards set out in the County Development Plan and the Wicklow Single Rural Houses Design Guide. The proposed dwelling is to a design which is considered excessively complex and suburban in form and is located on an elevated section of the site is not considered to be in accordance with the design standards as set out in the development plan, does not have regard to the prevailing pattern of development and is inappropriate in this area designated as being an Area of

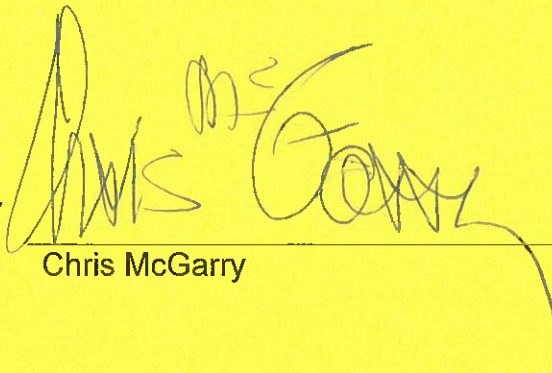
High Amenity, and would thus militate against the preservation and protection of the rural and visual amenities of the area and would therefore be contrary to the objectives of the development Plan and would be contrary to the proper planning and sustainable development of the area.

**Note 1:** the Board noted the concerns of the Inspector regarding the proliferation of wastewater treatment systems in the vicinity of the site over a vulnerable aquifer in an area where geology is clearly sub-optimum for groundwater disposal. Ordinarily this matter would warrant a request for further information and/or a refusal of permission in itself. However, having regard to the substantive reasons for refusal set out above and as this would constitute a new issue, the Board agreed with the Inspector and decided not to pursue this issue in the context of the current appeal.

**Note 2:** the Board noted that the site of the proposed development is located within an 'Area Under Strong Urban Influence' as set out in the 'Sustainable Rural Housing Guidelines' issued by the Department of the Environment, Heritage and Local Government in April 2005. Furthermore the subject site is located in an area that is designated under urban influence, where it is national policy, as set out in National Policy 19 of the National Planning Framework, 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. In addition, the current statutory development plan states that housing in the rural area of the county shall be limited to proposals where it is proven that there is a social or economic need to locate in this area. Having regard to the documentation submitted with the application and appeal, Board might not be satisfied that the applicant has a demonstrable economic or social need to live in this specific rural area and that the applicant might not come within the scope of the housing need criteria as set out in the Ministerial Guidelines

and in national policy and having regard also to the relevant provisions of the County Development Plan, for a house at this location, and that further information and/or a refusal of permission on this issue, might ordinarily be warranted. However, as this would constitute a new issue in the context of the current appeal and having regard to the substantive reasons for refusal set out above, it was decided not to pursue this matter in the context of the current appeal.

**Board Member**



Chris McGarry

**Date:** 15/08/2022

