

An
Bord
Pleanála

Board Direction
BD-017038-24
ABP-317427-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/07/2024.

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

Reasons and Considerations

1. Objective CPO 10.4 of the Wicklow County Development Plan, 2020-2028 requires retail development to be located on suitably zoned land within settlement boundaries and there is a general presumption against the development of retail uses within the rural area, except as otherwise provided for by a particular objective of the Plan. In terms of 'Retailing & Motor Fuel Stations', Objective CPO 10.31 requires proposals for retailing use at motor fuel stations to be considered in accordance with the 'Retail Planning Guidelines for Planning Authorities' (DoECLG, 2012). Furthermore, Section 4.2 (Petrol stations) of Appendix 1 of the Plan notes that shops associated with petrol stations in rural areas should remain on a scale appropriate to the location, and their development should only be permitted where the shopping element of the station would not seriously undermine the approach to retail development in the Plan.

Having regard to:

- a. The use and overall scale of the 7 no. open container storage containers, which essentially form an extension of the existing retail

offering being provided on site and function in the same as a normal retail unit.

- b. The scale of the storage containers relative to the existing service station shop;
- c. The scale of the proposed car parking, customer set down area and associated structures and its encroachment into a former greenfield area; and,
- d. The driving distance of the service station from the nearest exits on the M11.

It is considered that the proposed development and development to be retained would encourage short, local trips and would become a destination for local customers, would be excessive in scale in terms of retail floorspace and ancillary parking and structures at a rural location and would set an undesirable precedent for similar development in rural areas. In this regard, the proposed development and the development to be retained is considered to be contrary to the aforementioned objectives of the Wicklow County Development Plan, 2020-2028 and the provisions of the Retail Planning Guidelines for Planning Authorities (DoECLG, 2012) and would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to the totality of the documentation on file, the location of the chalet proposed to be retained relative to the existing service station within the south-western corner of the site and the existing landscaping treatments which screen the chalet from view from the service station and the public road, the Board is not satisfied that it is necessary for security personnel to permanently reside at the property. Further to this, it is not considered that the construction of a standalone dwelling to accommodate security personnel is warranted or justified in this instance, given it has resulted in the encroachment of development into a former greenfield site in what is a rural location. In this regard, it is noted that the proliferation of non-essential housing in rural landscape areas erodes the landscape value of these areas. Furthermore, the Board is not satisfied that the occupants of the chalet have a demonstrable economic or social need to live to reside in this rural area and they do not come

within the scope of the housing need criteria as set out under Objectives CPO 6.41 of the Wicklow County Development Plan, 2020-2028. The development to be retained (chalet) would result in a haphazard and unsustainable form of development in a rural area, it would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment that is sensitive to change. For this reason, the development to be retained would be contrary to the proper planning and sustainable development of the area.


3. Objective CPO 13.16 of the Wicklow County Development Plan, 2020-2028 notes that permission will be considered for private wastewater treatment plants for single rural houses where:

- the specific ground conditions have been shown to be suitable for the construction of a treatment plant and any associated percolation area;
- the system will not give rise to unacceptable adverse impacts on ground waters / aquifers and the type of treatment proposed has been drawn up in accordance with the appropriate groundwater protection response set out in the Wicklow Groundwater Protection Scheme (2003);
- the proposed method of treatment and disposal complies with Wicklow County Council's 'Policy for Wastewater Treatment & Disposal Systems for Single Houses (PE ≤ 10)' and the Environmental Protection Agency "Waste Water Treatment Manuals"; and
- in all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitively demonstrate that the proposed development will not have an adverse impact on water quality standards and requirements set out in EU and national legislation and guidance documents.

In the absence of sufficient documentary evidence to demonstrate compliance with Objective CPO 13.16 of the Plan, the Applicant has not demonstrated that the existing septic tank and percolation area is suitable to cater for the level of development intended to serve. The development to be retained would

therefore be prejudicial to public health and would be contrary to the proper planning and sustainable development of this area.

Board Member



Patricia Calleary

Date: 17/07/2024