

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Carlow County

Planning Register Reference Number: 15/223

An Bord Pleanála Reference Number: PL 01.245772

APPEAL by David Rothwell care of BPS Planning Consultants of 23 Saval Park Road, Dalkey, County Dublin against the decision made on the 29th day of October, 2015 by Carlow County Council to grant subject to conditions a permission to Nigel and Lynn Plunkett care of Byrne and McCabe Design of Upper Main Street, Graiguenamanagh, County Kilkenny in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Erection of a dwellinghouse and domestic garage/store with septic tank and percolation area and all associated site works at Carrickduff, Bunclody, County Carlow.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. In coming to its decision, the Board had regard to the extent of the land previously zoned under the expired Carrickduff Local Area Plan 2009 – 2015, to the pending adoption of a new local area plan for Carrickduff as indicated in Table 2.6 (Local Area Plans Status) of the Carlow County Development Plan 2015 – 2021, and to the Core Strategy Table 2015 – 2021 (Table 2.8) set out in the Development Plan. Under the Settlement Policy set out in Section 2.5.4 of the Development Plan, these substantial lands are no longer zoned for development, and neither are they subject to the planning authority’s rural housing policy. In the absence of a revised local area plan that would accord with the Core Strategy, it is considered that the proposed development would be premature, would result in the piecemeal and unplanned development of dezoned lands at a distance from and having poor connectivity with the urban area, would constitute random and haphazard development in an unzoned, unserviced rural area, and would be prejudicial to public health, both by itself and by the serious and adverse precedent it would set for similar such undesirable development, in circumstances where a significant potential for such precedent exists. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the appeal site within a “Stronger Rural Area” as identified in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government (2005), and on the basis of the documentation on file, the Board is not satisfied that the applicant has a housing need in this rural area. The proposed development, in the absence of any identified need for a house in this local area, 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, be contrary to the provisions of the said Guidelines and would be contrary to the proper planning and sustainable development of the area.
3. Having regard to the substantial scale of mature hedgerow and tree removal that would be required to facilitate the provision of sightlines, and notwithstanding proposals for replanting, it is considered that the proposed development would seriously injure the visual amenities of the area, would be out-of-keeping with the rural character of the area, would contravene the provisions of the Carlow County Development Plan 2015-2021 in relation to the protection of hedgerows, including “Heritage - Objective 2” in particular, and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted the provisions of Section 2.5.4 of the Development Plan, however, the Board was also satisfied that the site is located within a rural area, outside any zoned lands, which area is identified as a "Stronger Rural Area" in the Sustainable Rural Housing Guidelines, and that the provisions of those Guidelines apply. Furthermore, in the absence of a revised local area plan to accord with the Core Strategy, the Board had serious concerns in relation to the haphazard approach of development in an unzoned rural area that is not subject to the planning authority's rural housing policy, particularly in light of the precedent it would set for similar such development, and the substantial scale of dezoned lands involved. Neither did the Board consider that replanting would adequately mitigate against the significant scale and extent of removal of mature hedgerow and trees involved.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.