

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Wicklow County

Planning Register Reference Number: 15/1004

An Bord Pleanála Reference Number: PL 27.245850

APPEAL by Raymond Brophy care of Cronin Planning and Design Consultancy of Station Road, Dunlavin, County Wicklow against the decision made on the 17th day of November, 2015 by Wicklow County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Change of use (the removal of condition number 6 of a previous grant of permission, planning register reference number 01/4344 as amended by the permission granted under planning register reference number 08/645), from the permitted use as a bungalow and septic tank and all ancillary works which restricted its use to use as a dwelling by the applicant Natasha Eston (Note: the current applicant is Raymond Brophy) or to other persons primarily employed or engaged in agriculture in the vicinity or to other such class of persons as the authority may agree to in writing. Permission is also sought to retain the house as constructed and existing entrance, domestic garage, existing sheds, to be used for domestic purposes only. Permission is also sought for a new Bord na Mona Platinum sewerage treatment system and percolation area and all ancillary site works at Whitestown Upper, Stratford-on-Slaney, County Wicklow.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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

Having regard to the planning history of the site and to the connections of the applicant with the local area, the Board considered that the applicant complied with the policy RH14 of the Wicklow County Development Plan 2010-2016. The Board further considered that the alterations made to the house from the original grant of permission and the provision of the sheds did not seriously injure the visual amenities of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the increased height of the development, given that it was centred in a series of receding planes and was primarily viewed from below, did not negatively affect the visual amenities of the area. The Board further considered that given the applicant's connections with the area that he qualified for a house under policy RH14.

CONDITIONS

1. The development shall be carried out and retained in accordance with the plans and particulars lodged with the application, 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 recommencement of development and the development shall be carried out and retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

3. Within three months of the date of this order, the applicant shall indicate the location of the proposed bored well to the planning authority and shall submit details of water quality from the well to the planning authority for written agreement.

Reason: In the interest of orderly development.

4. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

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

Dated this day of 2016.