

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Wicklow County

Planning Register Reference Number: 15/1096

An Bord Pleanála Reference Number: PL 27.246013

APPEAL by Michael Dawnay care of BPS Planning Consultants of 23 Saval Park Road, Dalkey, County Dublin against the decision made on the 4th day of December, 2015 by Wicklow County Council to refuse permission.

PROPOSED DEVELOPMENT: Proposed change of use (removal of planning condition number 2 of planning register reference number 03/9484) from restricted use as a dwelling to use by all classes of persons at Ballinabarney, Rathnew, 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 condition 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 nature of the proposed development and to the time period that has elapsed since the date of decision and the attachment by the planning authority of condition number 2 to the planning permission issued under planning authority register reference number 03/9484, it is considered that the removal of the occupancy clause requirement of condition number 2 would be warranted and that in all of the circumstances of this case would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that having regard to the time elapsed since the imposition of condition number 2 attached to the planning authority grant of planning permission under planning authority register reference number 03/9484 that the strict adherence to the requirement of the condition at this juncture would be unwarranted in this instance.

CONDITION

All of the conditions of the parent planning permission granted by the planning authority under planning authority register reference number 03/9484, save for condition number 2, shall be fully complied with in respect of the development.

Reason: In the interest of clarity.

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

Dated this day of 2016.