

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Wicklow County

Planning Register Reference Number: 16/820

An Bord Pleanála Reference Number: PL 27.247353

APPEAL by Joseph Delaney care of Vincent JP Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin against the decision made on the 8th day of September, 2016 by Wicklow County Council to refuse permission.

PROPOSED DEVELOPMENT: Retention of mobile home as residential unit, retention of revised entrance gates and proposed waste water treatment system at Bridge Cottage, Killmacullagh, Newtownmountkennedy, County Wicklow.

DECISION

REFUSE permission for the retention of 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. The proposed development would be prejudicial to public health, arising from proximity of the proposed polishing filter to a retaining wall and embankment, which would be contrary to the recommendations contained within the Environmental Protection Agency Code of Practice – Wastewater Treatment and Disposal Systems serving Single Houses (2009).

2. Having regard to the fact that the site is located in an area classified as being under strong urban influence in the Sustainable Rural Housing Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in April, 2005, to the agricultural zoning of the site in the Newtownmountkennedy Local Area Plan 2008-2014, and to the submissions made in connection with the planning application and the appeal, the Board is not satisfied that the applicant has demonstrated a rural-generated housing need, to justify retention of a mobile home at this location. It is considered that the proposed development would be contrary to the said Ministerial Guidelines and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The mobile home for retention is located close to an elevated section of National Primary Route on which the 100kph speed restriction applies. In the absence of any barriers and screen planting, the proposed development would be subject to unacceptable levels of noise, dust, pollution and potentially, vibration, which would be detrimental to the residential amenity of future occupants and would, therefore, be prejudicial to public health.

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

Dated this day of 2017.