



An
Bord
Pleanála

Board Order

PL 26.248578

Planning and Development Acts 2000 to 2017

Planning Authority: Wexford County Council

Planning Register Reference Number: 20170253

Appeal by Marc White care of O'Leary Surveying of "Rathview", Rathmore, Broadway, County Wexford against the decision made on the 26th day of April, 2017 by Wexford County Council to refuse an outline permission for the proposed development.

Proposed Development: Outline planning permission for the erection of a dwelling house, garage and all associated site works at Newbay, Wexford.

Decision

GRANT outline 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 nature of the proposed development, to the pattern of existing development in the area, to the applicant's compliance with the rural housing policy as set out under the current Wexford County Development Plan 2013-2019, to the proposed use of an existing vehicular access from the public road and the limited increase in traffic which would arise and to the proposal to implement site improvement works to address the existing soil drainage conditions, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health, and would not conflict with the objectives of the Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse outline permission, the Board had regard to the proposal to implement site improvement works to address the existing soil drainage conditions, as provided for by the Environmental Protection Agency Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.<10).

Conditions

1. This outline permission relates solely to the principle of the development on this site and it shall not be construed as giving consent to the following matters:
 - (i) The overall site layout of the development.
 - (ii) The design of the dwelling to be developed.

Reason: In the interest of clarity.

2. Plans and particulars to be lodged for permission consequent on this grant of outline permission shall include full details of the location and specification of proposed site improvement works and wastewater treatment system.

Reason: In the interest of clarity and to define the subject matter for consideration at permission consequent stage.

3.
 - (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. 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 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 2017