



Planning and Development Acts 2000 to 2018

Planning Authority: Wicklow County Council

Planning Register Reference Number: 18/873

APPEAL by Mary Mooney of Grannies Walls, Ballintombay Lower, Rathdrum, County Wicklow against the decision made on the 15th day of November, 2018 by Wicklow County Council to grant subject to conditions a permission to Kevin Begley care of Deane Turner Associates of Block 6, Suite A, Broomhall Business Park, Broomhall, Rathnew, County Wicklow in accordance with plans and particulars lodged with the said Council.

Proposed Development: Dwelling, garage, bored well, wastewater treatment system to current EPA standards and all associated ancillary site works and services at Ballintombay Lowe, Rathdrum, County Wicklow.

Decision

REFUSE permission for the above proposed development in accordance with 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 site of the proposed development is located within an Area Under Strong Urban Influence as set out in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005. Furthermore, the subject site is located in an area that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in a rural area. Having regard to the documentation submitted with the application and the appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the national policy, notwithstanding the provisions of the current Wicklow County Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is located on lands designated as part of an Area of Outstanding Natural Beauty in the Wicklow County Development Plan 2016-2022, where it is the policy of the planning authority to control development in order to protect the amenities and assets of the landscape and to maintain the scenic values and existing character of the area. Having regard to the topography of the site and surrounding landscape, it is considered that the proposed development would appear particularly visible and prominent on the landscape and would interfere with the character of the landscape which is necessary to preserve. The proposed development would detract to an unacceptable degree from the rural character and scenic amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

Dave Walsh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.