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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 19/61**

**APPEAL** by Alex Devereux and Lauren O'Connell care of Vincent JP Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin against the decision made on the 12<sup>th</sup> day of March, 2019 by Wicklow County Council to refuse permission for the proposed development.

**Proposed Development:** Development comprising single-storey dwelling which would contain three bedrooms, a combined kitchen/dining/living area and a home office, as well as ancillary bathroom, walk in wardrobe, utility and hallway accommodation. The application includes a garage, a well, a secondary treatment system to current EPA guidelines, a new percolation area, the use of an existing agricultural entrance off a private laneway for domestic as well as farming purposes, the erection of three stable blocks and the use of an existing farm building as stable accommodation for equestrian storage purposes. The development, which includes the establishment of a horse breeding business, includes measures for equine waste, which is to be taken off-site by licensed contractors, comprising a storage area for equi-skips containers and an underground effluent storage tank at Clonmannon, Ashford, 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**

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 a rural area that is 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 viability of smaller towns and rural settlements. Having regard to the documentation submitted with the application and appeal, including a description of intended business at this location, and considering the assessment of this documentation in the Inspector’s report and his subsequent recommendations, and to the recent planning history at the subject site relating to the same applicants, the Board is not satisfied that the applicants have a demonstrable economic or social need to live at this specific subject site in this rural area. Furthermore, having regard to the proximity of existing settlements to the subject site, from which supervision of the subject lands and of any potential future enterprise on these lands could be

undertaken, and having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicants' housing needs could not be satisfactorily met in an established smaller town or other settlement proximate to the subject site. 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 over-arching national policy and having regard to the relevant provisions of the Wicklow County Development Plan 2016-2022, which record that the subject site is located in an area where housing is restricted to persons demonstrating social and economic local need. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Chris McGarry**

**Member of An Bord Pleanála**

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

**Dated this            day of            2019.**