



Planning and Development Acts 2000 to 2019

Planning Authority: Wicklow County Council

Planning Register Reference Number: 19/1269

APPEAL by Paul and Natasha Doyle care of Thornton O'Connor of Number 1 Kilmacud Road Upper, Dundrum, Dublin against the decision made on the 23rd day of January, 2020 by Wicklow County Council to refuse permission.

Proposed Development: Retention planning permission for the following: 1. dwelling and effluent treatment system as constructed, 2. existing vehicular entrance and 3. revised site boundaries as approved under planning register reference number 10/2622, and subsequent to the above, full planning permission is sought for the following: 4. block up existing vehicular entrance (item 2 above), 5. set back roadside boundary and construct new vehicular entrance in order to provide 90 metres sightlines in both directions, and 6. all associated ancillary works to facilitate the above at Ballylusk, 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 and the development for which retention permission is sought, is located within an area 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, wherein it is policy to distinguish between urban-generated and rural-generated housing need, and in an area where housing is restricted to persons demonstrating a definable social or economic need to live in the open countryside in accordance with the Wicklow County Development Plan 2016-2022. 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, adopted by the Government, to "facilitate the provision of single housing in the countryside based on the core consideration of demonstratable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements". Having regard to the documentation submitted with the planning application and the appeal, the Board is not satisfied that the applicants have a demonstratable economic or social need to live in this rural area, or that the applicants' housing need could not be satisfactorily met within a town or village/settlement centre. It is considered 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. In addition, having regard to the terms and conditions of the parent permission granted under planning register reference number PRR10/2622 on site, and to the provisions of objective HD23 of the Wicklow County Development Plan 2016-2022, it is considered that the applicants have failed to demonstrate a definable social or economic need to live at this specific location in the open countryside. The proposed development and the development for which retention permission is sought would be contrary to Ministerial Guidelines and to the over-arching national policy, would be contrary to the relevant provisions of the current County Development Plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2020