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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 20/335**

**APPEAL** by Morgane Lemarie and Stephen Smith care of O'Neill Associates Architects of Domas, Kilpedder, County Wicklow against the decision made on the 21<sup>st</sup> day of December, 2020 by Wicklow County Council to refuse permission.

**Proposed Development:** Construction of a single storey split-level dwelling, on-site effluent disposal system, vehicular access and all associated site works, Kilmullen Lane, Killadreenan, Newtownmountkennedy, County Wicklow. The proposed development was revised by further public notices received by the planning authority on the 30<sup>th</sup> day of September, 2020.

**Decision**

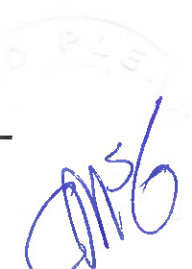
**REFUSE** permission for the above proposed development in accordance with the reasons and considerations set out below.

## 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.

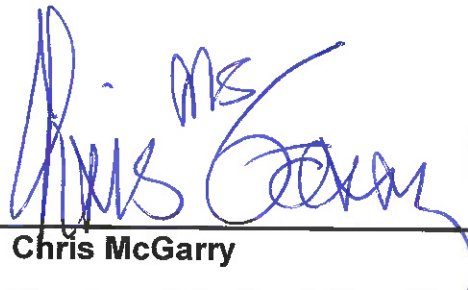
## Reasons and Considerations

1. Having regard to the location of the site within an "Area Under Strong Urban Influence" as identified in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005, to National Policy Objective 19 of the National Planning Framework (February 2018), which for areas under urban influence seeks to facilitate the provision of single housing in the countryside based on the core demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements, and in an area where housing is restricted to persons demonstrating local need in accordance with the current Wicklow County Development Plan 2016-2022, it is considered, on the basis of the information submitted with the application and appeal, that the applicants have not demonstrated an economic or social need to live at this specific rural location, or that their housing needs cannot be satisfied in a town or rural settlement. On this basis it is considered that the applicants do not come within the scope of the housing need criteria as set out in the Sustainable Rural Housing Guidelines, or National Policy Objective 19 for a house at this rural location. The proposed development, in the absence of any identified economic and social based need for the house, would contribute to the encroachment of random rural development in the area and would



militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would be contrary to the provisions of the Ministerial Guidelines and to overarching national policy as set out of the National Planning Framework, and to the relevant objectives of the Wicklow County Development Plan 2016–2022. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements generated by the proposed development on a local road which is considered inadequate in terms of width and alignment. The proposed development 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 *3rd* day of *June* 2021.

