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**Planning and Development Acts 2000 to 2020**

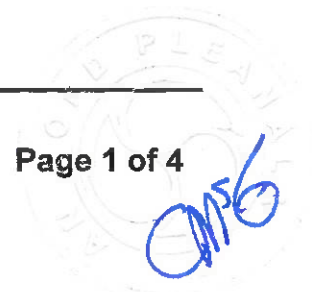
**Planning Authority: Wexford County Council**

**Planning Register Reference Number: 20201276**

**Appeal** by Mark and Anne Marie Hobbs care of EMK Design Limited of Monamolin, Gorey, County Wexford against the decision made on the 18<sup>th</sup> day of December, 2020 by Wexford County Council to refuse permission for development comprising permission for retention of conversion of permitted domestic store to self-contained residential unit ancillary to main dwelling house for use by family members, permission is also sought to upgrade the existing wastewater treatment on site to current EPA standards to cater for the unauthorised development and to carry out ancillary works (planning register number 20110481 refers) at Ferns Demesne and Kilbora, Ferns, Enniscorthy, County Wexford in accordance with the plans and particulars lodged with the said Council.

**Decision**

**GRANT permission for the upgrading of an existing wastewater treatment on site in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for retention of permitted domestic store to self-contained residential unit ancillary to main dwelling for use by family members based on the reasons and considerations marked (2) under.**



## 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 nature and form of the proposed development and to the existing authorised development on site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be of environmental value, would not seriously injure the amenities of the area and would constitute an acceptable use at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The upgrading of the existing wastewater system shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.



2. (a) The upgraded effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 2<sup>nd</sup> day of November, 2020 and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Within three months of the completion of the wastewater treatment system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the Environmental Protection Agency document.

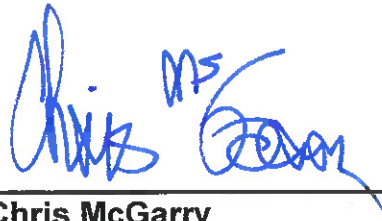
**Reason:** In the interest of public health.

3. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

## Reasons and Considerations (2)

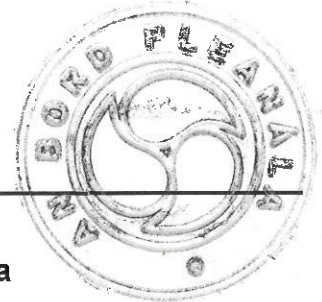
The proposed retention of the conversion of a detached domestic store for use as a self-contained residential unit for use by family members would be contrary to the provisions of Section 18.13.3 (self-contained accommodation for use by a family member) of the Wexford County Development 2013-2019, as extended, which states that such units should be connected to the main dwelling house and that a detached unit may be considered where the need for such a unit is demonstrated. Having regard to the documentation submitted with the application and appeal, it is considered that insufficient justification demonstrating the need for such a detached unit, as opposed to a unit connected to the main dwelling house, has been provided by the applicants. 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 24<sup>th</sup> day of May 2021.