



Planning and Development Acts 2000 to 2020

Planning Authority: Wexford County Council

Planning Register Reference Number: 20201466

APPEAL by Don Swords and Katrina Mulhall of Ticknock Upper, Gorey, County Wexford against the decision made on the 26th day of March, 2021 by Wexford County Council to grant subject to conditions a permission to Rachel May care of EMK Design Limited of Monamolin, Gorey, County Wexford.

Proposed Development: Erection of a serviced dwellinghouse and to carry out all associated ancillary site works at Tinnock Upper, Ballynestragh, Gorey, County Wexford.

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 a rural area under urban influence in accordance with the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government 2005,
- National Policy Objective 19 of the National Planning Framework (February 2018) which, for rural areas under urban influence, seeks 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,
- the provisions of the Wexford County Development Plan 2013-2019 which facilitates the provision of housing for local rural people building in their local rural area (defined as within a seven kilometres radius of where the applicant has lived or was living), and
- the documentation on the file including details of the applicant's links with Ballydane, Courtown and current employment in Bray at a distance of 75 kilometres from the proposed development site,

the Board could not be satisfied on the basis of the information on the file that the applicant came within the scope of either the economic or social housing need criteria as set out in the overarching National Guidelines or the definition of a local rural person in accordance with the relevant criteria of the development plan.

The proposed development, in the absence of any identified locally based need for the house at this location, would result in a haphazard and unsustainable form of development in an unserved area, 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 and undermine the settlement strategy set out in the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Notwithstanding the proposal to use a proprietary domestic wastewater treatment system on the site, the Board had regard to the poor soil conditions and the shallow bedrock on site, to the proliferation of domestic wastewater treatment systems in this rural area, and to the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government 2005 which recommend, in un-sewered rural areas, avoiding sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities, and could not be satisfied, on the basis of the information on the file, that the impact of the proposed development in conjunction with existing waste water treatment systems in the area would not give rise to a risk of groundwater pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Dr. Maria FitzGerald

María FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 16th day of Dec. 2021.