

An
Bord
Pleanála

Board Order
ABP-312001-21

Planning and Development Acts 2000 to 2021

Planning Authority: Wicklow County Council

Planning Register Reference Number: 18/1218

APPEAL by Alun Owens care of Maxwell Architects of Lambs Croft, Dublin Road, Oldtown, County Dublin against the decision made on the 16th day of April, 2019 by Wicklow County Council to refuse permission to Alun Owens.

Proposed Development A two-storey, four-bedroom dwelling, wastewater treatment system and all associated ancillary works necessary to facilitate the development, all at Easthill Farm, Easthill, Newtownmountkennedy, County Wicklow.

Decision

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

Reasons and Considerations

Section 6.3.8 (Rural Housing) of the Wicklow County Development Plan 2022 - 2028 outlines that the planning authority will continue to carefully manage demand for housing in the countryside in order to protect natural resources, continue to cater for a variety of land uses, protect the environment and rural landscape, to avoid urban generated rural housing and ensure the needs of those with a *bona fide* necessity to live in the rural area are facilitated.

National Policy Objective 19 (NPO 19) of the National Planning Framework (NPF) is identified as a national policy objective which the Development Plan must be consistent with, and which requires that the local authority shall:

'Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- In rural areas under urban influence, 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 and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements'.

Under Wicklow's County Development Plan 2022 - 2028, rural areas in the county, including the appeal site, are considered to be 'areas under urban influence'.

P.C.

There are several objectives in the Development Plan that seek to direct growth into key towns, self-sustaining growth towns, self-sustaining towns and small towns and requiring that development of a house within the rural area should be strictly limited to proposals where it is proven that there is a social or economic need to locate in the rural area.

- Objective CPO 6.1 requires new housing development to be located on suitably zoned or designated land in settlements and will only be considered in the open countryside when it is for the provision of a rural dwelling for those with a demonstratable social or economic housing need to live in the open countryside.
- Objective CPO 6.41 seeks to facilitate residential development in the open countryside for those with a housing need based on the core consideration of demonstrable functional social or economic need to live in the open countryside in accordance with the requirements set out in Table 6.3 (Rural Housing Policy) of the Development Plan.

In relation to persons involved in agriculture, under the heading 'Economic Need' of Table 6.3 of the Wicklow County Development Plan 2022 – 2028, it is stated that the planning authority will positively consider applications from those who are engaged in a significant agricultural enterprise and require a dwelling on the agricultural holding that they work. In such cases, it is a specific requirement that the appellant satisfy the planning authority that due to the nature of the agricultural employment, a dwelling on the holding is essential for the ongoing successful operation and maintenance of the farm.

Having regard to all of the information contained on the appeal file, including the extensive information submitted by the appellant in relation to the nature, scale and operation of his organic farm enterprise and other details in support of his application and appeal, to the applicable policy contained in the Wicklow County Development Plan 2022 - 2028, and having regard to the Inspector's assessment and conclusion, which the Board agreed with, the Board considered that the organic farm enterprise on a landholding of 1.66 hectares with an additional area of 1.1 hectares leased from an adjoining owner with a total of 2.76 hectares, by virtue of its nature and scale, cannot be objectively considered as constituting a 'significant agricultural enterprise' and 'requires a dwelling on the agricultural holding that they work'.

In this regard, the Board noted that the appellant has submitted financial accounts for the company running Easthill Farms for 2012 and 2013 and no succeeding years. The Board took into account the appellant's submitted Teagasc report on 'The Viability of the Irish Farming Sector in 2015' that specifically notes how to measure farm viability, as follows: "A farm business is deemed to be economically viable if the family farm income is sufficient to remunerate family labour at the minimum agricultural wage, which is assumed here to be €19,167 per labour unit, and provide a five percent return on the capital invested in non-land assets, i.e. machinery and livestock". The financial returns submitted by the appellant clearly do not show this level of viability or indicate that the agricultural enterprise is 'significant'. Accordingly, based on the information that it had before it, the Board is not satisfied that the appellant has demonstrated sufficient financial viability at a level that would lead to a conclusion of the enterprise being a significant agricultural enterprise and requiring a dwelling on the agricultural holding that they work as required to comply with Development Plan objective CPO 6.41.

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Furthermore, the Board is not satisfied that it has been objectively demonstrated that a dwelling on the landholding is an essential requirement for the ongoing successful operation and maintenance of the organic farm enterprise, having regard to the nature and modest scale and size of the enterprise, and that appropriate attendance on site to carry out organic farming activities would be possible while residing in a nearby settlement. Remote monitoring services using technology such as CCTV systems for monitoring farm security in real time are commonplace and provide a realistic management and operational solution. Accordingly, the Board did not share the appellant's view or agree with the view of the Teagasc advisor in his supporting letter, that it is essential for the appellant to reside on the holding to ensure security of his crops, tunnels and equipment.

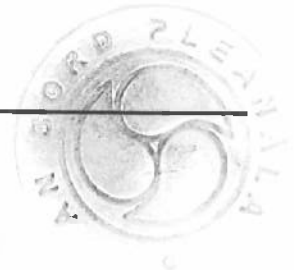
The Board noted that the appellant also presents a case for a dwelling at the rural location based also on a social need. This case is based on the appellant's assertions that the site of the proposed development is located circa three kilometres distant from his parents' home and that the appellant's parents have assisted with the ongoing operation of the organic farm enterprise because the appellant and his family currently live in County Offaly on a temporary basis where his wife has taken up employment, with the intention to return to reside at the appeal site location, whereby she can continue to work in her employment in a 'work from home' arrangement. It is also stated by the appellant that it is not sustainable for his parents to continue to assist with the management of the daily tasks of the organic farm and instead he and his family need to return to this rural location and their relocation to the appeal site would allow for the appellant to balance family life with the management of his organic farm enterprise. The Board noted the case presented by the appellant in support of a house at the location on the basis of social need, however, concluded that the appellant does not fit any of the required categories of persons, being persons that are intrinsically linked to a rural area as listed and described in Table 6.3 (Rural House Policy) of the current Wicklow County Development Plan and, therefore, does not meet the category of person with a requirement for a house in the open countryside based on social need.

In overall conclusion, the Board was not satisfied that it has been demonstrated that the appellant has a housing need based on the core consideration of demonstrable functional social or economic need to live in the open countryside or that the appellant's housing needs could not be satisfactorily met in an established town or village/settlement centre nearby, which is the first option for new housing based on the relevant planning policy and objectives. Accordingly, the proposed development of a new house at this rural location proposed, if permitted, would be contrary to the policies and objectives of the current Wicklow County Development Plan 2022 - 2028 and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Patricia Calleary

Patricia Calleary

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**



Dated this *18* day of *April* 2023.