



An
Bord
Pleanála

Board Order ABP-312702-22

Planning and Development Acts 2000 to 2022

Planning Authority: Wexford County Council

Planning Register Reference Number: 20211624

Appeal by Jim Doyle care of Ian Doyle, Planning Consultant of Woodleigh, Cornwall, Kilurin, Enniscorthy, County Wexford against the decision made on the 19th day of January, 2022 by Wexford County Council to grant, subject to conditions, a permission to Patrick Cawley and Shauna Carr care of Alan Byrne Design of Tullabards House, Bridgetown, County Wexford in accordance with plans and particulars lodged with the said Council.

Proposed Development: Erection of a fully serviced single storey dwelling and all associated site works at Saint Helen's, Kilrane, County Wexford.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the proposed development and to its location, the Board considers that the applicant satisfies the 'Criteria for one-off rural housing', as set out in Table 4.6 of section 4.9 entitled 'Housing in the Open Countryside' of the Wexford County Development Plan 2022 - 2028. In addition, having regard to the further information received by An Bord Pleanála in response to the notice issued under Section 132 of the Planning and Development Act, 2000 (as amended), on the 12th day of June, 2023, the Board is satisfied, subject to compliance with the conditions set out below, that the required sightlines can be achieved at the entrance to the proposed development and, therefore, that the development would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considers that the applicant satisfies the 'Criteria for one-off rural housing', as set out in Table 4.6 of section 4.9 entitled 'Housing in the Open Countryside' of the Wexford County Development Plan 2022 - 2028. In addition, having regard to the further information received by An Bord Pleanála on the 12th day of June, 2023, the Board is satisfied, subject to compliance with the conditions set out below, that the required sightlines can be achieved at the entrance to the proposed development.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 15th day of December, 2021 and by the further plans and particulars received by An Bord Pleanála in response to the notice issued under Section 132 of the Planning and Development Act, 2000 (as amended) on the 12th day of June, 2023, 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 proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.



This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. The dwelling house shall be used as a permanent residence only.

Reason: In the interest of appropriately controlling development in this rural area.

4. The access to the site shall be constructed in accordance with the plans submitted with the application and the appeal. The works to provide the required sightlines (including the removal of the post and rail fence), shall be carried out prior to the commencement of works on the proposed dwelling house. The planning authority shall be notified in writing two weeks prior to the commencement of the access works.

Reason: To ensure site access during construction with the provision of the required sightlines in the interest of traffic safety.

5. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.



- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interests of traffic safety and to prevent pollution.

6. (a) The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled "Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the septic tank system shall be discharged to a raised percolation area which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the raised percolation area is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

7. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Éireann, formerly Irish Water.

Reason: In the interest of public health.



8. All new side and rear boundaries shall be hedged with a mix of deciduous shrubs suitable for hedging and common to the locality (for example, holly, hawthorn, blackthorn, field maple). The hedging shall be planted continuously in double rows at 400-millimetre intervals along the boundaries of the site. A minimum of six deciduous trees (not dwarfed) species shall be included in the hedgerow or elsewhere in the landscaping of the site. Suggested species include field maple, sycamore, silver birch, rowan, white beam and, space permitting, oak, beech or chestnut. The hedging plants and trees shall be maintained indefinitely and replaced if failures occur. All landscaping shall take place in the first planting season upon commencement of development.

Reason: In the interest of visual amenity.

9. (a) The roadside boundary mound and hedge shall be removed and reconstructed behind the required visibility sightline. The reconstructed boundary shall be of sod and stone, or loose rubble and/or earth construction. The reconstructed boundary shall be not less than one metre in height when measured from the road side of the mound upon settlement. A double row of indigenous hedging plants shall be sown on top of the mound at 400-millimetre intervals to centres. The hedging plants shall be not less than 1.5 metres in height upon planting.
- (b) All other boundaries shall be hedged with a mix of deciduous shrubs sown in double rows at 400 millimetres intervals. Plants shall be not less than 500 millimetres upon planting.



- (c) Construction of the road side earth mound and associated planting shall take place in the first planting season upon commencement of development. All other planting shall be undertaken in the first planting season upon occupation of the dwelling. The hedging/trees shall be maintained indefinitely and replaced if failures occur.

Reason: In the interest of visual amenity.

10. The garage shall not be used for human habitation or for the keeping of pigs, poultry or pigeons, ponies or horses, or for any other purposes other than a purpose incidental to the enjoyment of the house. The external finishes to the garage shall match the dwelling house.

Reason: In the interests of residential amenity, visual amenity and the proper planning and sustainable development of the area.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.



Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Joe Boland

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

Dated this ^{25TH} day of *July* 2023.