

Planning and Development Acts 2000 to 2021

Planning Authority: Wicklow County Council

Planning Register Reference Number: 22/337

APPEAL by Ciaran and Sandra Molumby care of Canavan and Byrne
Planning and Design of 31 The Green, Meadowvale, Arklow, County Wicklow
against the decision made on the 18th day of May, 2022 by Wicklow County
Council to refuse permission for the proposed development.

Proposed Development: Construction of a new single storey dwelling,
wastewater treatment system, bored well and all associated site works at
Ballydowling, Glenealy, County Wicklow.

Decision

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

Reasons and Considerations

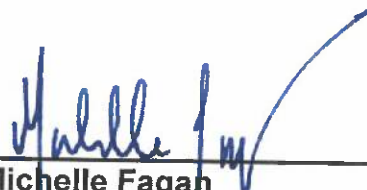
1. Having regard to:

- (a) the location of the site within a rural area under strong urban influence in accordance with the Sustainable Rural Housing Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government in April, 2005,
- (b) 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,
- (c) the provisions of Objective HD23 of the Wicklow County Development Plan, 2016 - 2022 which provides for consideration to be given to residential development in the open countryside only when it is for those with a definable social or economic need to live in the open countryside, and
- (d) the documentation on file, including the applicants' links to the area and their current housing circumstances,

the Board had regard to the current housing circumstances of the applicants and the stated need for the applicants to be residing on site as described in the documentation submitted with the planning application and the appeal and was not satisfied, on the basis of the information on file, that the applicants come within the scope of either the economic or social housing need criteria as set out in the overarching National Guidelines. The proposed development, in the absence of any demonstrable need for an additional house at this location, would result in a haphazard and unsustainable form of development in an unserved rural area, would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient

provision of public services and infrastructure and would undermine the settlement strategy set out in the current development plan for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the elevated hillside site location in a visually sensitive landscape, which has been designated as an 'Area of High Amenity' in the Wicklow County Development Plan, 2016 - 2022, and the absence of any demonstrable need for a further dwelling house at this location, it is considered that the proposed development would further diminish the rural character and scenic quality of the area and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



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



Dated this 17th day of October 2022.