



An
Bord
Pleanála

Board Order ABP-316268-23

Planning and Development Acts 2000 to 2022

Planning Authority: Wexford County Council

Planning Register Reference Number: 2022/0969

Appeal by Aaron Sinnott care of O'Leary Consulting Engineers of Rathview, Rathmore, Broadway, County Wexford against the decision made on the 16th day of March, 2023 by Wexford County Council to refuse outline permission.

Proposed Development: Construction of a fully serviced dwellinghouse, detached garage and all associated site works, all at Heavenstown, Cleariestown, County Wexford, as revised by the further public notices received by the planning authority on the 22nd day of February, 2023.

Decision

GRANT outline permission for the above proposed development 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 its location, it is considered that the applicant satisfies the 'Criteria for one-off rural housing', as set out in Table 4.6 of Section 3.9 entitled 'Housing in the Open Countryside' of the Wexford County Development Plan 2022-2028, and having regard to the further information response received by the planning authority on the 22nd day of February, 2023, it is considered that, subject to compliance with the conditions set out below, the required sightlines can be achieved and the roadside boundaries maintained at the entrance to the proposed development, and that the proposed development would, therefore, 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 agreed with the Inspector that the applicant has provided sufficient detail to satisfy the 'Criteria for one-off rural housing', as set out in the Wexford County Development Plan 2022-2028. However, having regard to the Inspector's findings on traffic safety, the Board is satisfied that, subject to compliance with the conditions set out below, the required sightlines can be achieved and maintained at the entrance to the proposed development on foot of the further information response received by the planning authority on the 22nd day of February, 2023.

Conditions

1. The plans and particulars to be submitted by way of a separate application for permission consequent shall include the following:

- (a) A comprehensive site survey, to a scale of not less than 1:500, including contours at intervals of 0.5 metres, showing all existing trees, boundaries and other features.
- (b) A site layout plan to a scale of not less than 1:500 showing the layout of the proposed house, driveways and sewage treatment system.
- (c) The finished ground floor level of the proposed house by reference to existing site levels and road level at the proposed entrance.
- (d) Proposals for the landscaping of the site (including planting).
- (e) Details of external finishes.

Reason: To enable the application for permission consequent to be fully assessed.

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, as amended, to this effect.

- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning 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 of 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 access to the site and the works required to provide the required sightlines from the laneway to the public road shall be carried out prior to the commencement of works on the proposed dwellinghouse and shall be agreed with the planning authority.

Reason: To ensure the provision of the required sightlines in the interest of traffic safety.



Mick Long

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 19th day of *April* 2024.