

An
Bord
Pleanála

Board Order ABP-316284-23

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 23/75

Appeal by Paul and Anouk O'Connor of Ballylug, Rathdrum, County Wicklow against the decision made on the 22nd day of March, 2023 by Wicklow County Council to refuse permission for the proposed development.

Proposed Development: Retention of (1) a 26.92 square metres timber frame chalet structure as a short-term rental accommodation and (2) all associated site works at Ballylug, Rathdrum, 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 the location of the development in a rural area away from existing settlements, it is considered that the development which is for the proposed retention of a chalet for use as short term accommodation does not form part of a well-developed, integrated tourism and recreation development and would materially contravene objectives C.P.O. 11.3 And CPO 11.13 of the planning authority as set out in the Wicklow County Development Plan 2022 to 2028. The proposed development would set a precedent for further haphazard development in these sensitive landscape areas and would erode the landscape quality of the area, would seriously injure the amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the inadequacy of the road network/forest track serving the site in terms of width, alignment, and structural condition, it is considered that the existing road network/forest track is only suitable to cater for traffic movements generated by the residence on site. The development proposed to be retained would, therefore, endanger public safety by reason of a traffic hazard.


In deciding not to accept the Inspector's recommendation to grant permission, the Board considered the totality of the file including the report of the planning authority, the appeal documents, and the Inspectors report.

The Board disagreed with the Inspector and shared the opinion of the local authority. The Board considered the proposed retention of a timber framed chalet as short-term rental materially contravened Policies CPO 11.3, and CPO 11.13 of the Wicklow County Development Plan 2022-2028.



Regarding wastewater and water supply, the Board considered the appellant had not provided a Site Characteristics Form or adequate detail to satisfy the Board that the existing wastewater treatment system accords with the relevant Environmental Protection Agency Code of Practice for the development proposed to be retained.

The Board considered the increase in traffic movements on the forest track, albeit limited in number, would endanger public safety by reason of a traffic hazard having regard to the deficient width, alignment, and surface finish. The Board noted that the forest track is not within the applicant's control and would appear to serve a purpose related to the adjoining lands.



Mary Henchy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board**

Dated this 16th day of April 2024