



An
Bord
Pleanála

Board Order ABP-317427-23

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 23/332

Appeal by Easy Fuels Limited care of Brock McClure of 63 York Road, Dun Laoghaire, County Dublin against the decision made on the 25th day of May, 2023 by Wicklow County Council to refuse permission.

Proposed Development: Expanded vehicular parking (circa 238 square metres) to the south-east portion of the site into a former greenfield area (permission), roof cover (circa 60 square metres) (permission) over customer sit-down area, including wooden benches for customer recreation and dining purposes (circa 60 square metres) (retention permission), seven number open container storage sheds (circa 99 square metres in total) along the western boundary of the curtilage of this site, adjacent to the service station building, for the storage and display of retail goods (retention permission), prefabricated single storey wooden building (circa 70 square metres) for security accommodation in the south-western portion of site (retention permission), prefabricate wooden shed (circa 13.5 square metres) for storage use adjacent to western elevation of the single storey wooden building (retention permission), wastewater treatment services (circa 1.54 square metres) to serve the prefabricated chalet style building for security purposes (retention permission), opening of a vehicular gateway with gate and hard core surfaced driveway within the

site (retention permission), and all associated ground hard core, paving and soft landscaping works, all at Easy Fuels, Barndarrig, Kilbride, County Wicklow.

Decision

REFUSE permission for the above development for the reasons and considerations set out below.

Reasons and Considerations

1. Objective CPO 10.4 of the Wicklow County Development Plan 2022-2028 requires retail development to be located on suitably zoned land within settlement boundaries and there is a general presumption against the development of retail uses within the rural area, except as otherwise provided for by a particular objective of the development plan. In terms of 'Retailing & Motor Fuel Stations', Objective CPO 10.31 requires proposals for retailing use at motor fuel stations to be considered in accordance with the 'Retail Planning Guidelines for Planning Authorities' (Department of the Environment, Community and Local Government 2012). Furthermore, Section 4.2 (Petrol stations) of Appendix 1 of the development plan notes that shops associated with petrol stations in rural areas should remain on a scale appropriate to the location, and their development should only be permitted where the shopping element of the station would not seriously undermine the approach to retail development in the development plan. Having regard to:
 - (a) the use and overall scale of the seven number open container storage containers, which essentially form an extension of the existing retail offering being provided on site and function in the same as a normal retail unit,
 - (b) the scale of the storage containers relative to the existing service station shop,

- (c) the scale of the proposed car parking, customer set-down area and associated structures and its encroachment into a former greenfield area, and
- (d) the driving distance of the service station from the nearest exits on the M11,

it is considered that the proposed development and development proposed to be retained would encourage short, local trips and would become a destination for local customers, would be excessive in scale in terms of retail floorspace and ancillary parking and structures at a rural location, and would set an undesirable precedent for similar development in rural areas. The proposed development and development proposed to be retained would be contrary to the aforementioned objectives of the Wicklow County Development Plan 2022-2028 and the provisions of the Retail Planning Guidelines for Planning Authorities and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the totality of the documentation on file, the location of the chalet proposed to be retained relative to the existing service station within the south-western corner of the site, and the existing landscaping treatments which screen the chalet from view from the service station and the public road, the Board is not satisfied that it is necessary for security personnel to permanently reside at the property. Furthermore, it is not considered that the construction of a standalone dwelling to accommodate security personnel is warranted or justified in this instance, given that it has resulted in the encroachment of development into a former greenfield site in what is a rural location. In this regard, it is noted that the proliferation of non-essential housing in rural landscape areas erodes the landscape value of these areas. Furthermore, the Board is not satisfied that the occupants of the chalet have a demonstrable economic or social need to reside in this rural area and they do not come within the scope of the housing need criteria as set out under Objective CPO 6.41 of the Wicklow County Development Plan 2022-2028. The development

proposed to be retained would result in a haphazard and unsustainable form of development in a rural area, would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment that is sensitive to change, and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Objective CPO 13.16 of the Wicklow County Development Plan 2022-2028 provides that permission will be considered for private wastewater treatment plants for single rural houses where:
- (a) the specific ground conditions have been shown to be suitable for the construction of a treatment plant and any associated percolation area,
 - (b) the system will not give rise to unacceptable adverse impacts on ground waters/aquifers and the type of treatment proposed has been drawn up in accordance with the appropriate groundwater protection response set out in the Wicklow Groundwater Protection Scheme (2003),
 - (c) the proposed method of treatment and disposal complies with Wicklow County Council's 'Policy for Wastewater Treatment & Disposal Systems for Single Houses (PE ≤ 10)' and the Environmental Protection Agency "Waste Water Treatment Manuals", and
 - (d) in all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitively demonstrate that the proposed development will not have an adverse impact on water quality standards and requirements set out in EU and national legislation and guidance documents.

In the absence of sufficient documentary evidence to demonstrate compliance with Objective CPO 13.16 of the development plan, the applicant has not demonstrated that the existing septic tank and percolation area is suitable to cater for the level of development intended to serve. The development proposed to be retained would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of this area.



Patricia Calleary

Member of An Bord Pleanála

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

Dated this 25 day of July 2024.