



An
Bord
Pleanála

Board Order
ABP-318043-23

Planning and Development Acts 2000 to 2022

Planning Authority: Wexford County Council

Planning Register Reference Number: 20221611

Appeal by Aine McCabe of Borelia, Glenbrien, Enniscorthy, County Wexford against the decision made on the 23rd day of August, 2023 by Wexford County Council to grant permission subject to conditions to Mary Doyle and Bill Wright care of Molloy Architecture and Design Studio of 9 McCurtain Street, Gorey, County Wexford in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission for retention of existing works which consist of the following: (a) the change of use of the first floor of workshop structure to habitable living space and a single residential unit, from its use which was previously granted under planning register reference number 20074470, (b) ancillary alterations to the structure necessary to facilitate the change of use, (c) the provision of ancillary services and ancillary site works necessary to service the change of use and also for permission for the following works: (d) the further change of use of ground floor of workshop to habitable living space and for the use of same with the first floor as one single rural dormer bungalow dwelling, (e) an extension and alteration to the structure for habitable use, including external finishes renovations, (f) the upgrade of the existing services including the wastewater treatment plant to

Environmental Protection Agency standards, (g) connections to relevant utilities and/or services and (h) ancillary site works, boundary improvement works, all at Baurela, Ballyhuskard, 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 planning history of the site and the pattern of development in the area, to the modifications proposed to the building for retention and use as a dwellinghouse for the applicants, and to the upgrades proposed to the wastewater treatment system, it is considered that, subject to compliance with the conditions set out below, the proposal would provide a dwelling for applicants with a local need, would not seriously injure the residential or visual amenities of property in the vicinity, would be acceptable in terms of traffic safety, would not be prejudicial to public health and would constitute an acceptable form of development at this location. The proposal would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received on the 1st of August 2023, and by An Bord Pleanála on the 17th day of October, 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 retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The building proposed for retention as a 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 ten 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 building proposed for retention as a 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 building proposed for retention as a dwellinghouse 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Surface water shall be attenuated within the site the subject of this permission.

Reason: In the interest of public health.

4. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.

- (b) Treated effluent from the septic tank/wastewater treatment system shall be discharged to a percolation area/polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Within three months of the installation of the septic tank/wastewater treatment system, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.
- (d) Within three months of the date of this permission, the existing septic tank to be decommissioned shall be removed and the site reinstated.

Reason: In the interest of public health and to prevent water pollution.

- 5. Prior to the occupation of the development, a detailed Landscape Plan for the site with full works specifications shall be submitted to, and agreed in writing with, the planning authority. This plan shall include detailed specifications relating to boundary treatment and planting. The site shall be landscaped in accordance with the agreed scheme. All planting shall be carried out in the first planting season following the date of this permission and shall be permanently retained thereafter. Any tree which dies, decays or is removed within the first five years of being planted shall be replaced with a tree of similar species and size.

Reason: In the interest of visual amenity and to protect the rural character of the area.

6. All service cables associated with the development to be retained (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interests of orderly development and the visual amenities of the area.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. 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 the 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


Mary Henchy

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

Dated this 15th day of November 2024.