



Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 23618

APPEAL by Willem Van Der Westhuizen care of Stephen Mason of 2 Clonkeefy, Castlerahan, Ballyjamesduff, County Cavan against the decision made on the 18th day of September, 2023 by Wicklow County Council to refuse permission.

Proposed Development: Replacement of an uninhabited and uninhabitable single storey mobile home type dwelling, with a single storey pitched roof log cabin type dwelling, a new wastewater treatment plant and soil polishing filter, and all necessary ancillary site development works to facilitate this development, all at Farmerene, Gap Road, Lacken, Blessington, 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 site within "Area Under Strong Urban Influence" as identified in Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005, and in an area defined as a level 10 rural in the current Wicklow County Development Plan 2022-2028 as set out in Table 6.3 of the said plan area where housing is restricted to persons demonstrating local need, it is considered that the applicant does not come within the scope of the housing need criteria for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The site of the proposed development is located in an area designated as an Area of Outstanding Natural Beauty in the current Wicklow County Development Plan 2022-2028 for the area. The policy and objective of the planning authority for the area, as expressed in the development plan, is to protect and improve high amenity areas and to control development in order to maintain the scenic values, recreational utility and existing character of the area. Having regard to the topography of the site and the elevated positioning of the proposed development, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this high value amenity location, would seriously injure the visual amenities of the area, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development

in the vicinity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the soil conditions, the presence of rock outcropping, a high-water table and the gradient of the site, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent arising from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The site and proposed effluent treatment plant and associated percolation area is also located close to a feeder watercourse of the Poulaphouca Reservoir, and in the absence of sufficient information submitted with the application to indicate otherwise there is a potential likelihood of pollution of the reservoir which is a major source of public water supply arising from the proposed treatment of effluent. The Board cannot be satisfied that the proposed development would not have significant effects on the conservation objectives of the Poulaphouca Reserve Special Protection Area (Site Code 004063) individually or in combination with other projects. It is considered, therefore, that the proposed development would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.



Mick Long

Member of An Bord Pleanála

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

Dated this 20 day of June 2024.