



Planning and Development Act 2000, as amended

Planning Authority: Wicklow County Council

Planning Register Reference Number: 24456

APPEAL by Bryan Cullen care of Alphaplan Design of Suite 14, Block 1, Broomhall Business Park, Rathnew, County Wicklow against the decision made on the 7th day of May 2025, by Wicklow County Council to refuse a permission for the proposed development.

Proposed Development: Construction of a dwelling, wastewater treatment system to Environmental Protection Agency (EPA) standards, garage, entrance, and associated works at Ballygannon, Kilcoole, County Wicklow.

Decision

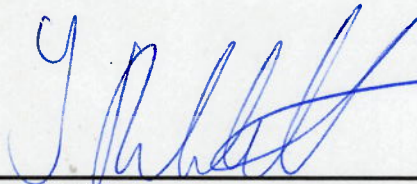
REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

The Commission had regard to the rural housing policies set out in the in the current Wicklow County Council Development Plan 2022-2028 and in particular CPO 6.41 and Table 6.3 of the Plan. The Commission noted that housing need is restricted to those who can demonstrate a clear need for new

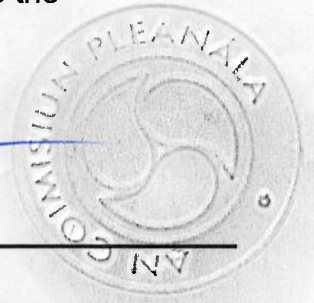
housing subject to criteria set out in the plan. While the plan facilitates someone that previously owned a home and is no longer in possession of that home following legal separation /divorce / repossession, the Commission noted that the home previously owned by the appellant was sold, was not repossessed by a financial institution, and, therefore, did not strictly adhere to the criteria set out in the development plan. The proposal would be contrary to the provisions of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area

In deciding not to accept the Inspector's recommendation to grant permission, the Commission did not accept the Inspector's conclusion that the planning authority adopted an overly rigid interpretation of the rural housing policy set out in development plan. Although the development plan contains provision for a person(s) that previously owned a home and is/are no longer in possession of that home, as it had to be disposed of following legal separation / divorce / repossession by a lending institution, and this wording is clear and unambiguous, the dwelling in question was not repossessed but was sold and, therefore, did not fall within the criteria set out in Table 6.3. The Commission noted that the overall settlement strategy seeks, where possible, to direct housing into existing settlements, with the proximity of adjoining settlements of Kilcoole and Greystones, which are located close to the applicant's family landholding, also noted.



Tom Rabbette

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 27th day of Sept. 2025.