

An
Coimisiún
Pleanála

Commission Order
ACP-322912-25

Planning and Development Act 2000, as amended

Planning Authority: Wicklow County Council

Planning Register Reference Number: 25/60295

Appeal by Terry Kelleher of 129 Rathdown Park, Terenure, Dublin against the decision made on the 9th day of June, 2024 by Wicklow County Council to refuse permission.

Proposed Development: Reinstatement of an abandoned building back to residential use. The provision of a new vehicular access road. The provision of a new slate roof, all at Woodlands, Glen of the Downs, Delgany, County Wicklow.

Decision

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

Reasons and Considerations

1. The site of the proposed development is located in an area that is designated as Level 10 (the Rural Area) settlement in the Wicklow County Development Plan 2022-2028, and in an area under strong urban influence, as set out in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005. Furthermore, Objective CPO 6.41 of the Wicklow County Development Plan 2022-2028 facilitates residential development in the open countryside for those with a housing need in line with National Policy Objective 19 of the National Planning Framework. Having regard to the documentation submitted with the planning application and the appeal, and the photographic evidence contained in the report of the planning authority, and as provided by the Inspector, the Commission is not satisfied that the site contains an abandoned residential building within the meaning and description as set out in Objective CPO 6.43 of the development plan. Furthermore, the Commission is not satisfied that the applicant has demonstrated an economic or social need to live in this area or that the housing need of the applicant could not be met in a smaller town or rural settlement. It is considered that the applicant does not come within the scope of the housing need criteria. The proposed development would be contrary to Objective CPO 6.41 of the Wicklow County Development Plan 2022-2028, and would, therefore, be contrary to the proper planning and sustainable development of the area.

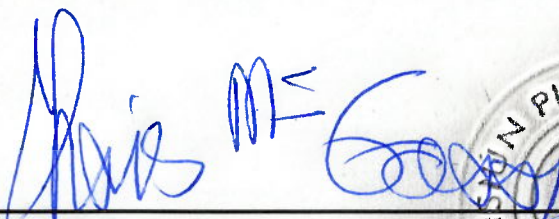
2. Having regard to:

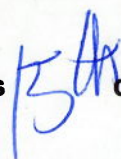
- (a) the failure of the applicant to demonstrate that sufficient sightlines can be achieved at the vehicular entrance onto the laneway, and
- (b) the substandard nature of the access laneway in terms of width and structural condition,

it is considered that the proposed development would endanger public safety by reason of serious traffic hazard due to the additional traffic turning movements generated by the proposed development and the precedent such a grant of permission would set for further similar type development on this laneway. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. On the basis of the lack of information provided with the planning application and the appeal regarding the proposed means of surface and foul water disposal, and having regard to the proximity of the site to an open water body that ultimately discharges to the Three Trouts Stream, and in the absence of a Natura Impact Statement, the Commission is not satisfied that the proposed development, individually or in combination with other plans or projects, would not result in adverse effects on the integrity of the Glen of the Downs Special Area of Conservation (Site Code: 000719) in view of the site's Conservation Objectives. In such circumstances, a grant of permission would not be warranted under the provisions of Article 6(3) of the Habitats Directive (92/43/EEC).

4. On the basis of the information submitted with the planning application and the appeal, and specifically the absence of any detail with regard to the potential for servicing of the proposed development by existing public water/ public sewer, or that the site is suitable for septic tank effluent percolation, it is considered that the proposed development would be prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.


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

Dated this  day of  2025.