

Planning and Development Act 2000, as amended

Planning Authority: Wexford County Council

Planning Register Reference Number: 20241427

Appeal by Kevin and Karina Humphrey against the decision made on the 5th day of September, 2025 by Wexford County Council to grant, subject to conditions, a permission to Philip Doyle in accordance with the plans and particulars lodged with the said Council.

Proposed Development: Permission to erect a dwelling with services and domestic garage and all associated site and ancillary works at Clonganny, Cahore, County Wexford. The proposed development was revised by further public notices received by the planning authority on the 12th day of August, 2025 which includes revised location for effluent disposal system, landscape plan and proposed revised sited boundaries.

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.

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Reasons and Considerations

Having regard to the nature of the development, the provisions of the Wexford County Development Plan 2022-2028 as they pertain to this site, the characteristics of the site, the design and setting of the dwelling within the site and the location within a Rural Area type – Strong Urban Influence, it is considered that, subject to compliance with the conditions set out below, the proposed development would integrate within the wider landscape and not adversely impact on the visual or rural amenities of the neighbouring dwelling or the wider area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission agreed with the planning authority and the Inspector that the applicant satisfies the development plan policies as regards development in a rural area under Strong Urban Influence and was in compliance with Objective SH39 and the criteria within Table 4.6 of the Wexford County Development Plan 2022-2028. The Commission agreed with the planning authority that the dwelling would be on family lands and the 5th dwelling within 250 metres when measured from the proposed location of the dwelling and therefore would comply with Objective SH43 of the development and was satisfied that given the orientation of the dwelling within the site and that it is well set back from the road it would not read as an exacerbation of linear/ribbon development.

The Commission also considered that the proposed two storey dwelling of 220 square metres in floor area and height 8 metres, which is set back from the roadside by circa 24 metres, on a 0.4 hectares site and well set back from the boundary with Clonganny House would not adversely impact on the visual and rural amenities of the area. The Commission considered the pattern of development in the area where there are developments with a similar orientation within the site and considered that the dwelling design and fenestration responded to the site's characteristics and would integrate within the wider landscape and comply with the core design principles as set out in Volume 2 of the Wexford County Development Plan 2022-2028.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars received on the 12th day of August, 2025, 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 carried out and completed in accordance with the agreed particulars.

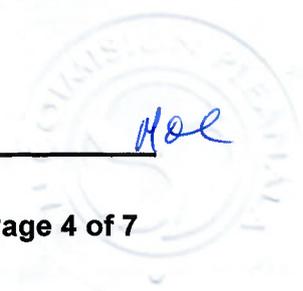
Reason: In the interest of clarity.

2. (a) The proposed dwelling, when completed, (subsequent to a permission consequent to this permission in principle) 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 seven years thereafter. 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 proposed 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 proposed house 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. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.



- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

4. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted on the 12th day of August, 2025 and shall be 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 wastewater treatment system shall be discharged to a 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 first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the 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.

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

5. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with a revised landscape scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

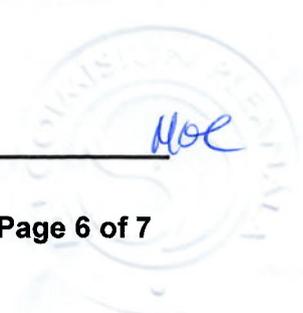
Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

6. The proposed garage shall not be used for human habitation or for commercial purposes or for any purposes other than for purposes incidental to the enjoyment of the house.

Reason: In the interests of residential amenity and the proper planning and sustainable development of the area.

7. Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann to provide for a service connection to the public water supply

Reason: In the interest of public health and to ensure adequate water facilities.



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 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 Coimisiún 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.

Marie O'Connor

Marie O'Connor

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.

Dated this *11th* day of *February* 2026.

