



Planning and Development Act 2000, as amended

Planning Authority: Wicklow County Council

Planning Register Reference Number: 25/60643

Appeal by Karen Murphy against the decision made on the 10th day of October, 2025 by Wicklow County Council to refuse permission for the proposed development.

Proposed Development: Permission for removal of planning condition number 2 of planning reference 19/310 (from restricted use of dwelling to use by all classes of person) at Ballysallagh East, Brittas Bay, County Wicklow.

Decision

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

Reasons and Considerations

Having regard to the Wicklow County Development Plan 2022-2028, to the subject dwelling located in the open countryside in an area Under Strong Urban Influence, and to the policies and objectives regarding housing in rural settlements, it is considered that the proposed removal of planning condition number two of planning authority register reference 19/310 would not be in accordance with Policy Objective CPO 6.41 to facilitate residential development in the open countryside for those with a housing need based on the core consideration of demonstrable social or economic need to live in the open countryside. The proposal would not, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Commission concurred with the observations of the planning authority that there is no indication in the submissions that the applicant has attempted to sell the property to a qualifying rural purchaser and that when permission was granted for this dwelling, it was on the basis that the applicant had strong ties to this rural area including family members close by, which appears to conflict with the current case with regard to lack of local supports. On this basis, the Commission did not agree with the Planning Inspector that the removal of the condition in this instance would not undermine the Council's rural settlement strategy.

Eamonn James Kelly

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Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this *12th* day of *March*, 2026.