



An
Coimisiún
Pleanála

**Commission Order
PL-500365-WW**

Planning and Development Act 2000, as amended

Planning Authority: Wicklow County Council

Planning Register Reference Number: 25/268

Appeal by Michael Kelly against the decision made on the 3rd day of November, 2025 by Wicklow County Council to grant subject to conditions a permission to Joseph and Niamh Byrne in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of an existing shed and build a new building on its footprint comprising of office/storage, one number single bedroom, two number double bedrooms as an extension to existing bed and breakfast enterprise, connection to existing on-site services, revised boundaries and associated works, all at Abhainn Rí, Ballintober, Hollywood, County Wicklow.

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.

Reasons and Considerations

Having regard to the provisions of the Wicklow County Development Plan 2022-2028, including the policy for the Level 10 rural area, CPO 9.38, Section 11.2.4 and CPO 11.4, CPO 11.10 and CPO 11.19 in relation to tourism, and CPO 17.35 and CPO 17.38 in relation to landscape and protected prospects, the Key Development Considerations for the Poulaphuca Reservoir in the Wicklow Landscape Assessment, the established farm-based tourist accommodation on the site and its planning history, and the modest scale, design and siting of the proposed building within the location of an existing farm shed, within the existing group of buildings, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the Area of Outstanding Natural Beauty, would not obstruct or form an obtrusive feature in Prospect 22, Schedule 17.2 of the Wicklow County Development Plan 2022-2028, would be acceptable in terms of traffic safety and convenience, and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, the developer shall enter into a legal agreement with the planning authority under Section 47 of the Planning and Development Act 2000, as amended, specifying that the bedrooms permitted shall be held in single ownership, shall not be subdivided, shall be used solely as overnight guest accommodation operated as part of the bed and breakfast use of the existing farmhouse on the site and shall not be used as a permanent residence, separate dwelling or as self-catering accommodation. The building shall not be sold, let or otherwise transferred or conveyed save as part of the farmhouse, and shall not be used for overnight guest accommodation, unless the farmhouse is occupied by the owner or a member of the owner's family.

Reason: To tie the use of the proposed development to the existing owner-occupied bed and breakfast, in the interest of the proper planning and sustainable development of the area.

3. The external finishes of the proposed building (including roof tiles/slates) shall harmonise with those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. Existing trees and hedgerows surrounding the site shall be preserved and maintained, unless otherwise agreed in writing with the planning authority.

Reason: To protect the rural character and visual amenities of the area.

5. All surface water from the proposed development shall be collected and disposed of within the site and shall not be discharged to the public road or to the wastewater treatment system. Drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

6. (a) Foul effluent from the proposed development shall be treated by the existing wastewater treatment system on the site.
- (b) The system shall be maintained under an annually renewed maintenance contract with a suitably qualified person or company. Details of the contract shall be submitted to the planning authority prior to the first use of the proposed development, and on request thereafter.

Reason: In the interest of public health and the protection of water quality.

7. Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays, inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To safeguard the amenities of property in the vicinity.

8. If, during the course of site works, any archaeological material is discovered, the planning authority shall be notified immediately. The developer is further advised that, in this event, the National Monuments Service of the Department of Housing, Local Government and Heritage and the National Museum of Ireland shall require notification under the National Monuments Acts.

Reason: In the interest of preserving, or preserving by record, archaeological material likely to be damaged or destroyed in the course of the proposed development.

9. 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.



Mick Long

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

Dated this 16th day of October 2026.