



An
Bord
Pleanála

Inspector's Report

Development

Construction of an entrance and all associated site works to provide access to existing field at Tullylusk, Rathdrum, Co. Wicklow.

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

16/343

Applicant

John Colohan

Type of Application

Permission

Planning Authority Decision

Refuse

Appellant

John Colohan

Type of Appeal

1st Party v. Refusal

Observer(s)

None

Inspector

Colin McBride

Date of Site Inspection

06/09/16

1.0 Site Location and Description

1.1 The appeal site, which has a stated area 0.43 hectares, is located approximately 5km east of the village of Rathdrum in Co. Wicklow. The appeal site is located in the rural area and is an existing field located on the southern side of the public road. The site is in agricultural use (grazing lands). It would appear that the site has been subdivided from a larger land holding in recent times and it does not have direct access from the public road. Access is currently from a field of similar size to the west with an opening at the north western corner of the site facilitating access between the two. Boundary treatment on site consists of existing hedgerow along the front boundary and wooden fencing and hedgerow defining the other boundaries of the site. Levels on site are relatively flat and the public road at this location is approximately 4m wide.

2.0 Proposed Development

2.1 Permission is sought for the construction of an entrance to provide access to an existing field.

3.0 Planning Authority Decision

3.1 Decision

3.1.1 Permission refused based on two reasons...

1. Having regard to the fact that there is an existing access to the site via adjacent lands within family ownership it is considered that a new entrance in this location would be unnecessary and would result in a proliferation of entrances on this secondary local road and would therefore constitute a traffic hazard due to the additional vehicular movements associated with the entrance. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed development would endanger public safety by reason of traffic hazard because sight lines to the east of the proposed entrance are impeded due to the presence of a hedgerow, which is outside of the applicants control, along the roadside boundary.

3.2 Planning Authority Reports

3.2.1

(a) Planning report (25/03/16): It is noted that there is an existing access to the land through adjoining lands in family ownership and that achieving sightlines requires alteration of existing hedgerow outside of the applicant's ownership. Refusal was recommended based on the reason set out below.

4.0 Planning History

- 4.1 11/4480: Permission sought for single-storey dwelling and associated site works, application withdrawn.
- 4.2 10/2660: Permission sought for a dwelling and associated site works, application withdrawn.
- 4.3 09/340: Outline permission sought for a dwelling and associated site works, application withdrawn.
- 4.4 08/608: Permission sought for 3 no. agricultural entrances, application withdrawn.

5.0 Development Plan

- 5.1 The relevant plan is the Wicklow County Development Plan 2010-2016.
- 5.2 Section 11.7.4 relates to 'Entrances and Sight Lines'.

6.0 The Appeal

6.1 Grounds of Appeal

- 6.1.1 A first party appeal has been lodged by Seamus Farrell Architectural Technician on behalf of John Colohan. The grounds of appeal are as follows...
- The applicant notes at present he has to access the land by parking on the road, entering through a gap in the ditch accessing land in separate ownership and climbing over a fence. It is noted that this not a safe arrangement and poses a traffic hazard necessitating a new vehicular access to the land.
 - It is noted that it is unfair to assume that he can access his land through adjoining lands in family ownership and notes that his sister land adjoining is likely to be sold and that access would not be an option through such when this happens. It is noted that he would be left with a land locked piece of land

and such would be contrary his rights to enjoy his property. It is noted that the provision of an entrance would alleviate the potential traffic hazard of having to parking on the site of the road to currently access the site.

- The appellant has noted that sightlines can be achieved with trimming and cutting back of the hedgerow and has submitted a letter of consent from the adjoining land owner to facilitate such.

7.0 Planning Authority Response

7.1 No responses.

8.0 Assessment

8.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development/traffic safety

Other Issues

8.2 **Principle of the proposed development/traffic safety:**

8.2.1 The proposal entails the provision of a new vehicular access to a portion of land currently in agricultural use. The site appears to have been fenced off along with a similar sized site to the west from a larger field and existing access to the site is through a gap in the fence with access over the adjoining lands to the west to use an existing access. The applicant/appellant notes that they bought the lands in 2009. The lands to the west are owned by the applicant's sister. It would appear that there have been several proposals for dwellings sought on the appeal site and the adjoining site to the west, however such have not been successful. According to the applicant he does not have consent to access the site over the adjoining site and that the adjoining site will be sold making it necessary to have a direct access from the public road. The applicant has noted the intention is use the field to grow fruit and vegetables and that a direct access to the site is required as the applicant cannot currently gain access to the site from the public road. Permission was refused based on the lack of justification for a new access with it considered that the lands have an existing access albeit requiring access over lands in family ownership. Permission was also refused on the basis of traffic hazard through the additional turning movements and inadequate sightlines.

8.2.2 In regards to traffic safety the existing road is 4m wide lower category road that is not excessively trafficked. The applicant has indicated that sightlines of 60m in each direction (measured 3m from road edge) are available. The applicant has also indicated that they have obtained consent from the

adjoining landowner to the east to trim back hedgerow to maintain sightlines (letter attached with appeal submission). Having regard to the nature of use the site (agricultural), the lower category status of the road and the level of sightlines available, I would consider that they proposal would be satisfactory in regards to traffic safety and that the level and nature of turning movements generated would not result in a traffic hazard.

8.3 Other Issues:

8.3.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

9.1 I recommend a grant of permission subject to the following conditions.

10.0 Reasons and Considerations

10.1 Having regard to the nature of use the site (agricultural), the lower category status of the road and the level of sightlines available, the proposed development would be satisfactory in regards to traffic safety and convenience, and the level and nature of turning movements generated would not result in a traffic hazard. The proposed development would, therefore, be satisfactory in the context of the proper planning and sustainable development of the area.

11.0 Conditions

1. The 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

3. No surface water from the proposed development/site shall be allowed to discharge onto adjoining properties or the public road.

Reason: In the interest of public health

Colin McBride
15th September 2016