



An
Bord
Pleanála

Inspector's Report PL 27.248510

Development	Retention of change of use of existing stable to use as living accommodation and retention of dormer window and single storey extension and permission to connection to public mains services.
Location	Lathaleere, Baltinglass, County Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	17/218
Applicant(s)	Billy Cullen
Type of Application	Retention Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Billy Cullen
Date of Site Inspection	1 st August, 2017
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. The site of the proposed development is located at the south-eastern edge of the town of Baltinglass in County Wicklow. The site has frontage onto a local road within the speed limit control zone for the town. There is a stone structure in residential use on the site which has been extended at ground floor level to the rear. This structure forms part of a complex of buildings, which includes the applicant's father's house to the north and an outbuilding to the west. The dwelling to be retained is located at the north-eastern corner of the plot forming the site. The remainder of the site comprises a garden area. The site is not separated by any physical boundary from the shed to the rear or the adjoining house and one vehicular entrance serves all structures.

2.0 Proposed Development

2.1. The proposed development comprises the retention of the change of use of a stable to use as living accommodation. The proposal includes the retention of a dormer window and a single-storey extension that forms the existing living area. The development would provide one bedroom at first floor level, which is served by the dormer window proposed to be retained. It is proposed that the development would be served by mains water and sewer.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused permission for the development for two reasons relating to the proposal consolidating unauthorised development and the applicant having not demonstrated a bona fide social or economic need to live in the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the planning history associated with the site and applicable planning policy. It was submitted that the site is in the open countryside where housing occupancy controls apply. It was stated that no documentary evidence

demonstrating that the applicant is a permanent native resident with a need to live in the area had been submitted, that he did not comply with the requirements of Objective HD23 of the Wicklow County Development Plan, and thus the development was not acceptable in principle. It was submitted that the retention permission being sought was only for the change of use of the eastern element of the building, with plans indicating that the western element was authorised as residential accommodation. It was further submitted that in 2009 the structure was a minor stable/storage structure associated with the adjoining house and it was concluded that, as no evidence was submitted which demonstrates that the structure was a separate habitable structure, the retention permission should have been sought for the change of use of the entire structure. The extension and dormer window for retention were considered acceptable, as were the proposed access arrangements. Connections to public services were seen not to raise any particular issues. Reference was made to the retention permission needing to incorporate a chimney that had been added. A refusal of permission for two reasons was recommended based upon consolidation of unauthorised development and the lack of a need to live in the area.

4.0 Planning History

P.A. Ref. 16/782

Permission was refused for the retention of change of use of stable to use as living accommodation, retention of dormer window and single storey extension, and permission for the installation of a septic tank.

P.A. Ref. 16/270

Permission was refused for the retention of change of use of stable to use as living accommodation, retention of dormer window and single storey extension, and permission for the installation of a septic tank.

5.0 Policy Context

5.1. Wicklow County Development Plan 2016-2022

Housing in the Open Countryside

Objectives include:

HD23 Residential development will be considered in the open countryside only when it is for those with a definable social or economic need to live in the open countryside.

HD25 The conversion or reinstatement of non-residential or abandoned residential buildings back to residential use in the rural areas will be supported where the proposed development meets the following criteria:

- the original walls must be substantially intact – rebuilding of structures of a ruinous nature will not be considered;
- buildings must be of local, visual, architectural or historical interest;
- buildings must be capable of undergoing conversion / rebuilding and their original appearance must be substantially retained. (A structural survey by a qualified engineer will be required with any planning application); and
- works must be executed in a sensitive manner and retain architecturally important features wherever possible and make use of traditional and complementary materials, techniques and specifications.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal may be synthesised as follows:

- Regarding the consolidation of unauthorised development, this relates to a chimney that was in error omitted from the advertisement of works and not outlined in red on the submitted drawings. However, it was shown on the plans. The chimney exists as a result of the old chimney being removed to allow for more living space internally.

- Public water and sewerage services are available, the site is located within the town's speed limit zone, and the site is serviced by public lighting. The application is a consolidation of an existing farm labourer's cottage. From the 1911 Census it can be seen that two servants lived at this address. The existing cottage has always been a residence.
- It is disingenuous for the Council to claim the applicant has not proved a *bona fide* reason to live in the area and the applicant has proven a housing need.

In support of the appeal, the appellant provides details on public services available, community, social and economic links he has to the locality, and references other applications previously determined that are considered comparable.

7.0 Assessment

- 7.1. I first note the public notices submitted with this planning application. These refer to retention permission being sought for the change of use of an existing stable to use as living accommodation. Reference is also made to the retention of the added extension and the added dormer window. The drawings submitted with the application clearly show the nature of the development as it exists and the extent of the development undertaken, inclusive of the changes made. In my opinion, there can be no doubt about the nature and extent of the proposed development and I cannot reasonably conclude that the development seeks to consolidate unauthorised development based upon any deficiency in the planning application details. The proposal clearly seeks a change of use to residential use and, thus, I can find no reasonable justification for the attachment of the first reason for refusal by the planning authority.
- 7.2. The proposed development seeks permission to retain a change of use of a structure to use as residential accommodation. Its use at present is as a one-bedroomed house that has been developed in accordance with the plans and details submitted with the application, confirmed by my inspection. The Board will note that this is not a proposal for a new house. Thus, utilising the provisions of Objective HD23 of the Wicklow County Development Plan 2016-2022 to refuse the proposed development,

which I would suggest applies to new residential development in the open countryside, is somewhat misplaced. The structure that has been converted is a long established structure and, notwithstanding some disagreement between parties on its former uses, it does not form a new house in the open countryside. It would, therefore, appear that the provision of Objective HD25 of the Development Plan, allowing for the consideration of developments similar to that now proposed, would be the applicable provision to measure this proposal against. This objective supports the conversion or reinstatement of non-residential or abandoned residential buildings back to residential use in rural areas where they meet specified criteria. The specified criteria of this objective are those against which the proposed development should appropriately be measured. Having regard to this observation, I submit:

- the original walls of the structure remain intact, accepting the small extension made to the rear,
- the building could reasonably be determined to be of local and historical interest, given its age, its former functions, its character and its associations with the established house on the site,
- the building has been capable of successful conversion and is a fully serviceable residential unit, and
- in general, works have been executed in a relatively sensitive manner, without introducing any overpowering new element or addition to seriously detract from the original form and character of the structure.

Having regard to these observations, I consider that it can reasonably be concluded that the proposed development is in keeping with the provisions of Objective HD25 of the Wicklow County Development Plan.

7.3 Overall, the proposed development provides a satisfactory standard of accommodation as a one-bedroomed dwelling, makes adequate provisions in terms of private open space, access, etc., is fully serviceable by public sewer and mains water supply, and is within the speed limit control zone for the town of Baltinglass.

7.4 Finally, I note the distinct relationship the proposed development has with the other established structures on this site, including communal access and parking arrangements within the overall curtilage. I also note the applicant's father resides in the adjoining house. While different ownership arrangements could arise over time

and the need or desire for separate plot identities may result, there remains ample opportunity to provide independent arrangements in the form of new accesses, the provision of boundary fencing, etc. and this should not undermine the consideration of a grant of permission in this instance.

8.0 Recommendation

- 8.1. I recommend that permission is granted in accordance with the following reasons and considerations and subject to the specified conditions.

9.0 Reasons and Considerations

Having regard to the nature and extent of the proposed development relating to the conversion of a long-established structure to residential use in the countryside and to the provisions of Objective HD25 of the Wicklow County Development Plan 2016-2022, which supports the conversion of such structures to residential use, it is considered that the proposed development would provide a satisfactory standard of accommodation for occupiers of the property, would be in accordance with the provisions of Wicklow County Development Plan, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

2. 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 Bord 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.

Kevin Moore
Senior Planning Inspector

3rd August 2017