



An  
Bord  
Pleanála

## Inspector's Report ABP-300077-17

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<b>Development</b>	House and effluent treatment system
<b>Location</b>	Tohermore, Roundwood, County Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	17/459
<b>Applicant(s)</b>	Seamus O'Brien
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Seamus O'Brien
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	24 <sup>th</sup> January, 2018
<b>Inspector</b>	Kevin Moore

## **1.0 Site Location and Description**

- 1.1. The site of the proposed development is located approximately 1 km west of the village of Roundwood in County Wicklow. It is located in a rural area on agricultural lands that slope away from Local Road L1059 onto which it has frontage. There is a hedgerow along the site's frontage and trees along the south-western and south-eastern boundaries. Development in the vicinity includes an extensive number of detached houses opposite the site and to the west / south-west.

## **2.0 Proposed Development**

- 2.1. The proposed development would comprise a four bedroom single-storey dwelling on a stated site area of 0.404 hectares. The house would have a stated floor area of 190 square metres. The house would be served by a new effluent treatment system and a proposed well water supply.
- 2.2. Details submitted with the application include background details on the applicant's association with the area and his previous and current work arrangements, a letter from the landowner permitting the making of the application, and a site characterisation report.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 6<sup>th</sup> October, 2017, Wicklow County Council decided to refuse permission for the development for one reason relating to the creation of urban sprawl and ribbon development and the development being contrary to development plan provisions.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Planner noted planning history in the vicinity of the site, development plan provisions and interdepartmental reports received. It was considered that insufficient information was provided to determine if the applicant qualifies for a rural house. The house design was considered acceptable, while it was submitted that part of the

dwelling would be visually obtrusive from the R755 road. It was noted that the proposal would constitute the ninth house within a 500m section of the local road and would extend the ribbon development, would increase suburbanisation of the road, and erode the visual amenity of the high amenity area and views from the important tourist route of the R755. It was recommended that permission be refused for two reasons relating to excessive suburbanisation / extension of ribbon development and failure to meet the development plan objective relating to housing in the open countryside.

### 3.2.2. Other Technical Reports

The Environmental Health Officer had no objection to the proposal.

The Area Engineer had no objection to the proposal.

Further to the Planner's report, the applicant sought a four month extension of time which was approved. Unsolicited further information was then received by the planning authority from the applicant on 21<sup>st</sup> August, 2017 in response to the Planner's report.

Following this submission, the Planner considered the applicant is a permanent native resident of a rural area and qualifies for a rural dwelling, but it is noted that the site is 3.6km from the applicant's homestead. It was submitted that the development would contribute to ribbon development at this location. A refusal of permission for one reason was recommended relating to the creation of urban sprawl and ribbon development and the development being contrary to development plan provisions.

## 4.0 **Planning History**

I have no record of any previous planning application or appeal relating to this site.

## 5.0 **Policy Context**

### 5.1. **Wicklow County Development Plan 2016-2022**

#### Housing Objectives

Objectives include:

**HD1** New housing development shall be required to locate on suitably zoned or designated land in settlements, and will only be considered in the open countryside when it is for the provision of a rural dwelling to those with a housing, social or economic need to live in the open countryside.

**HD3** All new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standards set out in the *Development and Design Standards* document appended to this plan, which includes a *Wicklow Single Rural Houses Design Guide*.

**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.

Residential development will be considered in the countryside having regard to a range of circumstances. The Plan includes the following:

1. A permanent native resident seeking to build a house for his / her own family and not as speculation. A permanent native resident shall be a person who has resided in a rural area in County Wicklow for at least 10 years in total (including permanent native residents of levels 8 and 9), or resided in the rural area for at least 10 years in total prior to the application for planning permission ...

### Landscape Characterisation

The site is located in the North East Mountain Lowlands, which is a designated Area of High Amenity.

Objectives include:

**NH49** All development proposals shall have regard to the County landscape classification hierarchy in particular the key landscape features and characteristics identified in the Wicklow Landscape Assessment (set in Volume 3 of this plan) and the 'Key Development Considerations' set out for each landscape area set out in Section 5 of the Wicklow Landscape Assessment.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of the appeal may be synthesised as follows;

- Although located within an Area of High Amenity, the proposed development does not impact on the character of the landscape, including the fact that it does not impact on views and amenities.
- The proposed development is outside the area with a long ribbon of single houses.
- The statement that the proposed development is highly visible from the R755 regional road is refuted. The proposal is well screened and only partially visible from this road.
- The proposal is not in an urban area and, thus, cannot be considered sprawl. Should the development be permitted, it would better be termed as part of a 'cluster' of houses as opposed to 'excessive suburbanisation'. In addition, the proposal is more than 250m from the established ribbon of houses and it, therefore, cannot be considered as part of this existing ribbon.
- The proposed development will not erode the rural and scenic qualities of the area as it is a very low impact development. The development of industrially zoned land in the area will have the biggest visual impact.
- The proposed development is compliant with the requirements of Objective HD3 of the County Development Plan.

## 6.2. Planning Authority Response

I have no record of a response to the appeal from the planning authority.

## 7.0 Assessment

- 7.1. I consider the principal planning issues relate to the appellant's compliance with the planning authority's local housing need provisions and national guidance and the impact of the development on the rural amenities of the area.
- 7.2. On the issue of local need, I note that the applicant's family home is in Mullinaveigue, Roundwood. This is a rural area to the north of Roundwood village. The applicant has worked from 2003 in Galway and he is now moving as he is due to take up work in the Greater Dublin Area. The appellant's family lands have been subject to planning applications for houses, with two of his brothers having each received permission for a house on the family holding. The appellant has submitted that there is no additional land available for another house where the family holding is. The appellant is now seeking to develop a house in a rural area to the west of Roundwood where he has no known association with the landowner and where he has no ties. This is a speculative development. The appellant has no local rural housing need to be at the location now desired. It is illogical to suggest because the appellant comes from a rural area north of Roundwood that he has some sort of entitlement to a new dwelling in the countryside on someone else's holding to the west of Roundwood. The appellant is returning from Galway to work in the Dublin area. He will be a commuter from a rural area, an area under severe pressure for one-off housing in the countryside just off the N11. The appellant should be suitably accommodated in a serviced settlement in which public investment in infrastructure and social and community services have been developed at significant public cost to accommodate the needs of persons such as the appellant. Overall, I am satisfied to conclude that this development, located within an 'Area under Strong Urban Influence' as set out in the *Sustainable Rural Housing Guidelines for Planning Authorities*, clearly contravenes the provisions of these Guidelines. Within such an Area, urban generated development is required to be directed to areas zoned for new housing development in cities, towns and villages. The appellant's needs, in the context of proper planning and sustainable development, should be met within the

village of Roundwood or in some other serviced settlement in the area, not by a speculative house remote from the village. The consequences of permitting the appellant some entitlement to a rural dwelling at this location, remote from his family holding, would set a most undesirable precedent that is not sustainable.

7.3. Arising from the extent of one-off housing that has developed in this rural area west of Roundwood, the scale of such development and the form and character of such development has had significant adverse impact on the rural amenity of this area. The build-up of housing at this location and its form and character, much of which is suburban in design terms, creates suburbanisation of this location. The scale of such development, much being suburban in character, introduces a creeping sprawl of undesirable development in an area that is designated an area of high amenity in the Wicklow County Development Plan. Such areas require protection from unnecessary speculative development to sustain their inherent rural amenity value. The appellant's proposal seeks to add to this undesirable form of development, expanding development on the margins, clearly setting a precedent that will encourage the spread even further. This adverse effect is compounded by the appellant having no local housing need to be at this location. Thus, the planning authority's reason for refusal, in terms of the need to protect the amenities and assets of this rural area and to avoid suburbanisation, are well-founded in this instance, in my opinion. Finally, while I accept that the site would be visible from Regional Road R755, a busy tourist route, I also accept that distant views of the development from this road should not be overstated in the context of the build-up of housing already in the vicinity of the site. However, I do see the validity in the control of development to prohibit further unnecessary, disorderly development to protect the inherent qualities of this rural area of designated high amenity value.

## 8.0 Recommendation

I recommend that permission is refused in accordance with the following reasons and considerations.

## 9.0 Reasons and Considerations

1. The site of the proposed development is located within an “Area Under Strong Urban Influence” as set out in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005. Having regard to the location of the subject site, which is not in the immediate vicinity of the family home, and the lack of a demonstrated social and economic need to reside at this location, it is considered that, based on the submissions made in connection with the application and the appeal, the applicant does not come within the scope of the housing need criteria for a house at this location as set out in the said Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The site of the proposed development is located within the North East Mountain Lowlands Area of High Amenity as designated in the Wicklow County Development Plan 2016-2022. The proposed development, in the absence of any identified locally-based social and economic need for the house, would contribute to the encroachment of random rural development in this high amenity area, intensifying the suburban pattern of housing, and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Kevin Moore

Senior Planning Inspector

29<sup>th</sup> January, 2018.