



An
Bord
Pleanála

Inspector's Report ABP 301495 - 18

Development	House, garage, site entrance, connection to services.
Location	Lathaleere, Baltinglass, County Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	17/1230
Applicant(s)	Thomas Cullen
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	Applicant v Refusal
Appellant(s)	Thomas Cullen
Observer(s)	None
Date of Site Inspection	12 th July 2018
Inspector	Hugh Mannion

1.0 Site Location and Description

1.1. The application site has a stated area of 0.24ha and is located to the south of Baltinglass village centre and accessed off a local road which runs south out of the town. This local road is on the eastern side of the Slaney, the N81 runs south on the western side of the river. The site is part of a larger landholding with a recent planning history set out below. On the adjoining site to the south is a part single storey/part two storey house in the ownership of the applicant's family. Immediately south of this house is a converted former outbuilding in residential use. Behind these houses is a large shed. The roadside boundary has been partially removed to create an access to the site and the area immediately inside the site entrance has been gravelled. The site is in the 60kph speed limit zone.

2.0 Proposed Development

2.1. The proposed development comprises the erection of a house and garage, create a new site entrance, and connect to public sewer and water at Lathaleere, Baltinglass, County Wicklow.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused because.

- The application site is in open countryside where it is an objective to restrict development in accordance with Chapter 4 of the County Development Plan and the applicant does not qualify for specific consideration under objective HD23 in relation to rural housing need.
- The proposed development would endanger public safety because of inadequate access to the public road.
- The proposed development would add to suburbanisation of the outskirts of Baltinglass and adversely impact on the visual amenity of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report recommended refusal as set out in the manager's order.

3.2.2. Other Technical Reports:

3.2.3. Area Engineer recommended refusal in accordance with previous cases.

Irish Water reported no objection

4.0 Planning History

PL27.248510/ P.A. Ref. 17/218

The proposed development comprised the retention of the change of use of a stable to use as living accommodation. The proposal included 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 was proposed to be served by mains water and sewer. Permission granted on appeal.

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. Development Plan

Wicklow County Development Plan 2016-2022 is the county development plan for the area.

5.2. Natural Heritage Designations

See AA screening section below.

6.0 The Appeal

6.1. Grounds of Appeal

- The applicant is a native of the area and lived much of his life within 400m of the application site. His parents and grandparents live in the area and he demonstrates social and sporting links to the area. The applicant is a part-time sheep farmer.
- The site is within the Baltinglass 60kph speed limits area, is served by public water and mains sewerage.
- The application site has an existing agricultural entrance and was previously inspected by a planning authority engineers who stated that there was no difficulty with access.
- The site is 50m outside the Baltinglass town development boundary, has access to all public services and should be included in the development area.

6.2. Planning Authority Response

- The application is the owner of other residential property on the landholding of which the subject site forms part.
- The applicant is not a full-time farmer.
- The proposed development would blur the distinction between the town and surrounding country side.
- There is no separate agricultural entrance to this site.

6.3. **Observations**

- There are no observations

6.4. **Further Responses**

There are no further responses.

7.0 **Assessment**

7.1. **Background**

7.2. In the recent past there was a landholding illustrated on the 'record place map' submitted with appeal reference PL27.248510 which stretched from the local road which fronts to application site southwest to the river Slaney. There was an original part two storey/part single storey house in the ownership of William Cullen with two associated outbuildings to the south. Under appeal reference PL27.248510 permission was granted for the retention of the change of use to residential use of the more easterly (closer to the local road) of these two outbuildings. The application indicated that the applicant was Billy Cullen, son of William Cullen. This application (appeal ABP 301495-18) is made by Thomas Cullen, another son of William Cullen. The proposed site is another element of the original landholding illustrated in the 'record place map' submitted with PL27.248510.

7.3. **Planning Policy**

7.4. The Wicklow County Development Plan includes a core strategy which ranks towns and smaller settlements within the County in a settlement hierarchy of metropolitan town, large growth town I, large growth town II, moderate growth town and small growth town. Baltinglass is a small growth town. The plan states that these small growth towns are not prioritised for major growth or investment. Objective SS4 in the Plan is "to require new housing development to locate on designated housing land within the boundaries of settlements, in accordance with the development policies for the settlement". The application site is on un-zoned outside the development boundary of Baltinglass.

7.5. The Sustainable Rural Housing Guidelines require planning authorities in addressing demand for rural housing to distinguish between rural generated housing need and

urban generated housing need. Rural generated housing needs should, generally, arise from demonstrable connections to the site, to rural based occupations and/or relationship with the landowners. The Guidelines include an indicative map which distinguishes between rural area types. The application site is in an area designated as 'under strong urban influence' where the Guidelines have identified areas as being under pressure for housing development due to proximity to larger cities and towns.

- 7.6. Objective HD 23 in the county development plan states that residential development will be considered in the open countryside where the applicant, *inter alia*, has been resident in the open countryside for at least 10 years, is the son or daughter of a permanent native, who can demonstrate a definable social or economic need to live in the area to which the proposal relates and not as speculation, a person whose principal occupation is in agriculture and can demonstrate that the nature of the agricultural employment is sufficient to support full time or significant part time occupation, a person whose work is intrinsically linked to the rural area and who can prove a definable social or economic need to live in the rural area.
- 7.7. The application/appeal makes the case that the applicant has lived in the area for a number of years, has local connections and is a part-time farmer.
- 7.8. In this case there are competing objectives in the County Development Plan. On the one hand it is an objective of the planning authority to accommodate housing development in rural areas where there is a demonstrable need to construct a new house outside the boundary of settlements designated for development in the core strategy and defined in the plan. On the other hand, it is an objective of national and local policy to protect the character of rural areas, rural environmental quality and ensure investment funds are expended efficiently in the provision for public services by concentrating development in designated settlements.
- 7.9. Notwithstanding the points made in the application and appeal I consider that the applicant has not demonstrated that the exceptions provided for in Objective HD 23 apply in that his principal occupation is one which establishes a need to develop on the application site rather than within the designated development boundary of Baltinglass village which is about 50m from the site. I conclude further that the proposed development does not arise from a rural generated housing need as

envisaged in the Sustainable Residential Development in Rural Areas Guidelines, that it would materially contravene the core strategy and settlement strategy set out in the county development plan and would be contrary to the proper planning and sustainable development of the area.

7.10. Traffic Hazard

7.11. The applicant states that there is an existing agricultural entrance to the site. This is disputed by the planning authority. Based on my site inspection it appears that the proposed access is of recent making. The area engineer advises refusal as per a previous application.

7.12. The site is outside the development boundary of Baltinglass. There is no footpath/cyclepath connection to the village where community services are located. There is no public lighting or median line in the public road where the 60kmp speed limit applies. I conclude that the proposed development will give rise to a multiplicity of traffic turning movements into/out of the site on an inadequate road network in a manner so as to endanger public safety by reason of traffic hazard.

7.13. Suburbanisation.

7.14. The application site is in an area designated as Baltinglass Hills/Rolling Lowlands Area in Map number 10.13(a) in appendix 5 of the county development plan. The planning authority makes the point that the proposed development will contribute to the suburbanisation of the outskirts of Baltinglass. The applicant comments that the application site should have been included within the development boundary of the town.

7.15. The making of development plans is a reserved function of the planning authority and Wicklow County Council has exercised this function in the definition of a development boundary for Baltinglass village. There are two separate residential uses on the overall landholding outlined in PL27.248510. The proposed development would be a third. The construction of a house on this site would create an 'infill' site between the application site and the next existing house in an area outside the development boundary of the village.

7.16. In conclusion I agree with the planning authority that the proposed development would contribute to the suburbanisation of the countryside around Baltinglass.

7.17. Appropriate Assessment

7.18. Having regard to modest scale of the proposed development, the foreseeable emissions from the proposed development and its location in an area where public water and sewerage are available 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.

8.0 Recommendation

8.1. Having regard to the foregoing I recommend that permission be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. Having regard to the location of the site within an Area Under Strong Urban Influence as identified in Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and in an area where housing is restricted to persons demonstrating local need in accordance with the current Wicklow County Development Plan, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area 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.
2. It is the policy of the planning authority set out in the Wicklow County

Development Plan 2016 to 2022 to direct new residential development to designated development centres in accordance with the core strategy and to protect existing rural settlements outside these centres from urban overspill. The proposed development is located outside the development boundary of Baltinglass and would give rise to further suburbanisation of the approaches to the town, be contrary to the policy set out in the plan and to the proper planning and sustainable development of the area.

3. The proposed development would give rise to additional traffic turning movements on a road network which is narrow, without median lines, public lighting, footpaths or cyclepaths. Therefore, the proposed development would endanger public safety by reason of traffic hazard.

Hugh Mannion

Senior Planning Inspector

19th July 2018