



An
Bord
Pleanála

Inspector's Report ABP-311094-21

Development	A proposed dwelling, wastewater treatment system, garage and associated works
Location	Monastery, Enniskerry, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	21620
Applicant(s)	Oisín Barry
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First
Appellant(s)	Oisín Barry
Observer(s)	None
Date of Site Inspection	6 th January 2022
Inspector	Ian Boyle

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.4ha and is within the rural hinterland of Enniskerry, Co. Wicklow. It is mainly used for farming purposes and comprises grassland. Enniskerry town centre and the Glencullen River are approximately 1km and 500m to the south, respectively.
- 1.2. The site is situated within the Glencree/Glencullen Area of Outstanding Natural Beauty (AONB), which comprises the northern fringes of the County and areas close to the Wicklow Mountains.
- 1.3. The site is located a short distance from an existing dwelling called Rannock House, which is roughly 100m to the north. The dwelling is owned by the Applicant's parents and is the original farmhouse associated with the wider farming operation. There are further farm outbuildings, small structures and a second dwelling in this area, which, together, form part of a cluster of buildings nestled amongst a tall grove of mature trees. The second dwelling, The Granary, is occupied by Lisa and Dermot Fisher who are the Applicant's mother and stepfather, respectively.
- 1.4. The site is located on the eastern side of a narrow access road that connects to Monastery Road approximately 600m to the southwest. The road is meandering and has an uneven, rutted surface. The approach from Monastery Road to the appeal site is through existing farming land and fields. There is a further local road to the north of the appeal site that connects to Berryfield Lane. Berryfield Lane runs in a west – east direction and ultimately connects to the N11, and the western outskirts of Bray, which are to the east.
- 1.5. The site is mostly flat with a gradual fall towards the west. There is an existing hedgerow running along the west and south site boundaries. Open farming land is to the north and east.
- 1.6. The site is outside the settlement boundary for Enniskerry.

2.0 Proposed Development

- 2.1. The proposed development is for a dwelling, an onsite wastewater treatment system, garage, and ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission on 14th July 2021, subject to 2 no. reasons, which are as follows:

1. The proposed development is not a necessary dwelling in this AONB and would be contrary to the provisions of Section 4.4 of the County Development Plan 2016-2022. These provisions are required to maintain scenic amenities, recreational utility, existing character, and to preserve views of special amenity value and special interest and to conserve the attractiveness of the county for the development of tourism and tourist related employment. The Council's settlement strategy is to encourage further growth of existing settlements and to restrict rural housing development to cases where there is a *bona fide* necessity to live in the rural area instead of in existing settlements. It is considered that the applicant has failed to demonstrate that he comes within the scope of the housing need criteria as set out under Objective HD23 of the County Development Plan. The proliferation of non-essential housing in rural landscape areas erodes the landscape value of these areas and seriously detracts from views of special amenity value.
2. Having regard to:
 - a) the location of the site in a highly scenic and high quality rural area designated as an area of Outstanding Natural Beauty in the Wicklow County Development Plan 2016,
 - b) the proximity of the site to the development boundary of the settlement of Enniskerry,
 - c) the open nature of the site and surrounding rural landscape,
 - d) the location, siting, layout and design of the proposed development, and
 - e) the lack of a visual impact assessment,

it is considered that the proposed development would form an incongruous feature on the landscape at this location. Such development would add to the

suburbanisation of a rural area under increased pressure for development and contribute to the deterioration of this fragile rural landscape. To allow this development would be inconsistent with the maintenance of the area's rural character and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planning Officer recommended a Refusal for the two reasons set out in the Decision above.
- The Applicant has not demonstrated a need for a new dwelling in this rural area. The Applicant appears to be a permanent resident in Enniskerry and was born and raised within the settlement boundary of the town. While it is stated he moved to the rural area in 2009 (c. 12 years of age) no documentary evidence has been submitted to demonstrate this.
- The dwelling identified as the Applicant's family home on the submitted plans was only granted permission in 2012 with the development commencing in 2013 (c. 8 years ago when the Applicant was about 16 years of age). In addition, the documentation submitted to demonstrate the Applicant's place of residence between 2014 and 2020 is insufficient.
- The Applicant works part-time on the family farm. However, there is no evidence to demonstrate he is in receipt of income from the farm.
- It is stated that the Applicant is in line to inherit the farm with his brother when his stepfather retires. However, he does not currently own the landholding and it has not been demonstrated that a farm holding of 34ha would be large enough to sustain 2 fulltime employees or significant part-time occupations.
- The Applicant has attempted to demonstrate that the site is the optimum location for development within this land holding.
- In relation to design, a traditional two-storey farmhouse could potentially be acceptable in principle, if it could be demonstrated that the site can

accommodate a dwelling of the height and scale proposed. A detailed design brief would be required in this regard, however. This has not been provided.

- No visual impact assessment was submitted.
- The extent of hard surfacing proposed is considered excessive and would further contribute to the suburbanisation of this rural area.
- The laneway to the west is poorly surfaced and served by a sub-standard and deficient junction between it and Monastery Road. However, there is an alternative more suitable access to the site available to the north.
- The site is considered suitable for onsite effluent disposal.

3.2.2. **Other Technical Reports**

Environmental Health Officer: Recommended Grant Permission, subject to condition.

Area Engineer: The site access at its junction with the public road (Monastery Road) is severely deficient and has very poor visibility. Further information is required to demonstrate how this would be addressed in the interest of traffic safety. The Council Planner noted, however, that the alternative access to the north would be sufficient.

3.3. **Third Party Observations**

Representation made by John Brady TD requesting that the Planning Authority favourably consider the proposed development.

4.0 **Planning History**

Reg. Ref. 21/56: The Planning Authority refused permission on 16th March 2021 for a proposed dwelling, wastewater treatment system, garage and associate works for 2 no. reasons similar to those referenced under Section 3.1 above.

Reg. Ref. 12/6602: The Planning Authority granted permission on 9th November 2012 for the demolition of a farm shed and construction of a dwelling, wastewater treatment system, and site ancillary works subject to standards conditions. This house is The Granary.

5.0 Policy Context

5.1. Wicklow County Development Plan 2016-2022

Settlement Boundary and Zoning

The subject site is outside the settlement boundary for Enniskerry as according to Map 1 ('Enniskerry Town Plan') of the *Wicklow County Development Plan 2016-2022* ('Development Plan'). The site is not zoned.

The following objectives taken from the Development Plan are considered relevant:

Chapter 3 Settlement Strategy

Level 10 Rural Area (Open Countryside), Objective HD23 applies.

Chapter 4 Housing

Section 4.4 Housing Objectives

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.

A total of 16 circumstances are provided under which residential development in rural areas will be considered, including:

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.*
2. *A son or daughter, or niece/nephew considered to merit the same position as a son/daughter within the law (i.e. when the uncle/aunt has no children of his/her own), of a permanent native resident of a rural area, who can demonstrate a definable social or economic need to live in the area in which the proposal relates and not as speculation.*
3. *A son or daughter, or niece/nephew considered to merit the same position as a son/daughter within the law (i.e. when the uncle/aunt has no children of his/her own), of a permanent native resident of a rural area, whose place of employment is outside of the immediate environs of the local rural area to which the application relates and who can demonstrate a definable social or economic need to live in the area to which the proposal relates and not as speculation.*
5. *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.*
6. *An immediate family member (i.e. son or daughter) of a person described in 5, who is occupied in agriculture and can demonstrate that the nature of the agricultural employment is sufficient to support full time or significant part time occupation.*
7. *A person whose principal occupation is in a rural resource based activity (i.e. agriculture, forestry, mariculture, agri-tourism etc.) can demonstrate a need to live in a rural area in order to carry out their occupation. The Planning Authority will strictly require any applicant to show that there is a particular aspect or characteristic of their employment that requires them to live in that rural area, as opposed to a local settlement.*

8. *A close relative who has inherited, either as a gift or on death, an agricultural holding or site for his/her own purposes and not for speculation and who can demonstrate a definable social and / or economic need to live in the area to which the proposal relates.*
9. *The son or daughter of a landowner who has inherited a site for the purpose of building a one off rural house and where the land has been in family ownership as at 11th October 2004 for at least 10 years prior to the application for planning permission and not as speculation.*
11. *Persons 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*
14. *A person whose business requires them to reside in the rural area and who can demonstrate the adequacy of the business proposals and the capacity of the business to support them full time.*

HD24

Where permission is granted for a single rural house, the applicant will be required to lodge with the Land Registry a burden on the property, in the form of a Section 47 agreement, restricting the use of the dwelling for a period of 7 years to the applicant, or to those persons who fulfil the criteria set out in Objective HD23 or to other such persons as the Planning Authority may agree to in writing

Chapter 10 Heritage

Table 10.4 Landscape Categories – Landscape Area - The North Eastern Valley.
The site is within the Mountain and Lakeshore AONB.

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.

NH50

Any application for permission in the AONB which may have the potential to significantly adversely impact the landscape area shall be accompanied by a Landscape / Visual Impact Assessment, which shall include, inter alia, an evaluation of visibility and prominence of the proposed development in its immediate environs and in the wider landscape, a series of photos or photomontages of the site / development from clearly identified vantage points, an evaluation of impacts on any listed views / prospects and an assessment of vegetation / land cover type in the area (with particular regard to commercial forestry plantations which may be felled thus altering character / visibility). The Assessment shall demonstrate that landscape impacts have been anticipated and avoided to a level consistent with the sensitivity of the landscape and the nature of the designation.

NH51

To resist development that would significantly or unnecessarily alter the natural landscape and topography, including land infilling / reclamation projects or projects involving significant landscape remodelling, unless it can be demonstrated that the development would enhance the landscape and /or not give rise to adverse impacts.

NH52

To protect listed views and prospects from development that would either obstruct the view / prospect from the identified vantage point or form an obtrusive or incongruous feature in that view / prospect. Due regard will be paid in assessing development applications to the span and scope of the view / prospect and the location of the development within that view / prospect.

Section 4.5.1 The Mountain and Lakeshore Area of Outstanding Natural Beauty

1(d) The North Eastern Valley/Glenree:

This area is situated along the northern extremities of the County and is based around the drainage pattern of the Glenree and Dargle Rivers and the surrounding road network. This area is very scenic, with attractive views

and number of tourist attractions such as Powerscourt House and Demesne, Charleville Demesne and Glencree Drive. This landscape provides for extensive forested areas made up of both coniferous and deciduous woodlands.

5.3.4 Glencree/Glencullen KDC (see Appendix 4 Map 10.13(b))

1. *To protect listed views and vantage points across the valley and to resist development proposals that would negatively impact on the valley setting and views from the west at Glencree towards the Great Sugar Loaf.*
2. *To maintain and preserve views across the valley towards the Wicklow Mountains.*

Volume 3 – Appendix 1 – Development Design Standards

The Development Plan under ‘Volume 3 - Appendix 1 – Development Design Standards’ sets out the requirements with respect to development and design standards. It to set out the principal factors that should be considered in the design of new development, including residential.

5.2. Project Ireland 2040 – National Planning Framework (NPF), 2018

5.2.1. National Policy Objective (NPO) 19 states it is an objective to ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere.

- In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.
- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.3. Sustainable Rural Housing Guidelines for Planning Authorities, 2005

- 5.3.1. The subject site is located within an 'Area under Strong Urban Influence' as identified in Map 1: Indicative Outline of the NSS rural area types in the Sustainable Rural Housing Guidelines for Planning Authorities, 2005. The Guidelines note that in these areas the objective should be on the one hand to facilitate the housing requirements of the rural community, as identified by the Planning Authority in the light of local conditions, while on the other hand directing urban generated development to areas zoned for new housing development in cities, towns and villages in the development plan.
- 5.3.2. Circular Letter SP 5/08 was issued after the publication of the guidelines on 30th September 2009. The letter states that all planning applications for houses in rural area, regardless of where the applicant comes from, or whether they qualify under specific criteria, must continue to be determined on the basis of proper planning and sustainable development of the area, in accordance with Development Plan policies regarding overarching environmental concerns, including the protection of natural assets, landscape, siting and design, traffic safety, etc.

5.4. Southern Regional Assembly Regional Spatial & Economic Strategy for the Southern Region (RSES), 2020

- 5.4.1. Section 3.7 (Rural Areas) states the countryside is, and will continue to be, a living and lived-in landscape focusing on the requirements of rural economies and rural communities, based on agriculture, forestry, tourism and rural enterprise, while at the same time avoiding ribbon and over spill development from urban areas and protecting environmental qualities.
- 5.4.2. The RSES, like the NPF, makes a distinction between areas under urban influence and rural areas outside these catchments. Development Plans will set an appropriate rural housing policy response to avoid ribbon and over-spill development from urban areas, support revitalised towns and villages, achieve sustainable compact growth targets and protect the rural resource for rural communities, including people with an established local connection to the area.
- 5.4.3. Regional Policy Objective (RPO) 27 seeks to support rural economies and rural communities through implementing a sustainable rural housing policy which provides

a distinction between areas under urban influence and other rural areas through the implementation of NPO 19. The four requirements for Local Authorities are to:

- a. Include policies for the protection of the viability of smaller towns and rural settlements as key priority within Development Plans;*
- b. Have regard for the viability of smaller towns and rural settlements. Core Strategies shall identify areas under urban influence and set the appropriate sustainable rural housing policy response which facilitates the provision of single housing in the countryside based on the core consideration of demonstrable economic, social or local exceptional need to live in a rural area and siting, environmental and design criteria for rural housing in statutory guidelines and plans;*
- c. Having regard for the viability of smaller towns and rural settlements, in rural areas elsewhere, facilitate the sustainable provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans;*
- d. Provide for flexibility in zoning and density requirements to ensure that rural villages provide attractive easily developed options for housing.*

5.5. Natural Heritage Designations

No natural heritage designations apply to the subject site.

The closest European Site is Knocksink Wood SAC (Site Code: 000725) which is to the southwest at a remove of roughly 340m. The site is also a pNHA.

The Ballyman Glen SAC (Site Code: 000713) is approximately 450m to the north. The site is also a pNHA.

The Wicklow Mountains SAC (Site Code: 002122) and SPA (Site Code: 004040), are approximately 3.6km and 4.1km to the west, respectively.

The pNHA Powerscourt Woodland (Site Code: 001768) is approximately 900m to the south.

The Dargle River Valley pNHA (Site Code: 001754) is approximately 1.5km to the south.

5.6. EIA Screening

Having regard to the limited nature and small scale of the proposed development, which is for a single dwelling, wastewater treatment system and ancillary site works, and the absence of any significant environmental sensitivity in the vicinity, there is no real likelihood of significant effects on the environment arising from the proposed development.

The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The Applicant is a farming family member and has addressed the previous concerns raised by the Planning Authority in their refusal of a previous, similar application on this (Reg. Ref. 21/56).
- The Applicant is the son of Lisa Fisher and stepson of Dermot Fisher who own and operate the farm at Rannock House, which is the original family farmhouse.
- The Applicant was born at Berryfield, Enniskerry, which is located near the entrance to the farm and has lived all his life in this part of Enniskerry. He moved with his mother to Rannock House in 2009.
- Dermot and Lisa Fisher built their current home, the Granary, on the farm in 2012 (permitted under Reg. Ref. 12/6602).
- The Applicant has now lived on the farm for the past 12 years. As he is helping his stepfather and brother run the farm, he is entitled to construct a dwelling for himself under Objective HD23 of the County Development Plan.
- The original application demonstrates that the Applicant complies with Objective HD23 and it is argued that the proposal cannot be considered as 'non-essential housing' as it would be the permanent home of a family

member who is farming the land and who will inherit the farm in the future when his father retires. In this regard, the Applicant satisfies 10 of the 16 conditions under Objective HD23.

- There are precedent cases in the surrounding area where permission has been granted for dwellings in 2013 (Reg. Ref. 13/8647 and 2014 (Reg. Ref. 13/8730). The farm holdings are smaller than the Applicant's farm.
- The proposed dwelling would be adjacent the existing traditional farmhouse (Rannock House) and near his parents' house (The Granary).
- The proposed development would also be set against a backdrop of extensive farm buildings and trees meaning the new house would not be sporadic development and instead assimilate with the landscape.
- The enclosed drone photographs show that the subject site has been carefully chosen, and with the proposed landscaping, would not add to the suburbanisation of the farm or rural area, or the deterioration of this rural landscape.
- Documentation submitted with the original application is appended to the appeal, including a birth cert, baptismal cert, parents' marriage cert, school attendance clarification, agricultural qualifications, and various formal correspondence.

7.0 Assessment

The main planning considerations relevant to this appeal case are:

- Rural Housing Need
- Visual Amenity / Sensitive Landscape
- Appropriate Assessment

7.1. Rural Housing Need

- 7.1.1. The Planning Authority's first Reason for Refusal is that the proposed development would be contrary to the provisions of Section 4.4 of the Development Plan, which seek to maintain the scenic amenity and existing character of the area. It also seeks

to preserve views of special amenity value and special interest in the interests of inter alia promoting tourism.

- 7.1.2. The Planning Authority also did not consider that the Applicant had a bona fide necessity to live in this rural area, instead of in existing settlement, and that they had failed to demonstrate compliance with the local housing need criteria, which is set out under Objective HD23 of the Development Plan. It was further considered that the proposed dwelling would lead to a proliferation of non-essential housing in a rural area, contribute to the visual erosion of the landscape and seriously detract from views of special amenity value.
- 7.1.3. In terms of the character of the area, I note that the appeal site is within an area of sustained pressure for development. It is designated in the Sustainable Rural Housing Guidelines 2005, Map 1 Indicative Outline of NSS Rural Area Types as an 'Area under Strong Urban Influence'. These areas are typically close to larger urban centres, which are under pressure for housing in the countryside, and have road networks which are heavily trafficked. The Guidelines suggest that certain classes of persons, e.g. those occupied full time or part-time in agriculture, forestry, those who are an intrinsic part of the rural community, sons/daughters of farmers and returning emigrants, may be considered for housing in the countryside.
- 7.1.4. The National Planning Framework ('Project Ireland 2040: Building Ireland's Future') states that it will be necessary for an Applicant to demonstrate 'a functional economic or social requirement for housing need'. National Policy Objective No. 19 also states that the provision of single housing in a rural area under urban influence is to be based on the core consideration of a 'demonstrable economic or social need' to live in a rural area and the siting and design criteria for rural housing contained in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.
- 7.1.5. The site is also in a Level 10 – Rural Area, as according to the Council's Settlement Strategy. This designation applies to 'open countryside' and Objective HD23 applies. Objective HD23 states that residential development will be considered in the open countryside when it is for those with a definable social and economic need to live there.

- 7.1.6. There are 16 criteria ('circumstances') for which residential development will be permissible. The Applicant states that they are compliant with Circumstances 1, 2, 3, 5, 6, 7, 8, 9, 11 and 14. These generally apply to a person who is permanent native of the rural area, and who has resided in the area for at least 10 years; a family member who has a 'definable social or economic need' to live in the area; a person whose primary occupation is in fulltime or significant part-time agriculture, a rural based activity, or is intrinsically linked to the rural area; or whose business requires them to reside in the rural area.
- 7.1.7. The site is essentially rural in nature and is part of an overall farming enterprise. I note that urban pressures are visible in the area, however. I have completed a physical inspection of the site and viewed mapping and aerial photography for the surrounding vicinity, which confirms that there is a strong demand for rural one-off housing in this location and that it is the prevailing form of residential development. As such, I consider the restrictive policies of the Development Plan to be reasonable and consistent with national policy in terms of the proper planning and sustainable development of the area.
- 7.1.8. The Applicant previously applied for a dwelling on the site and was refused permission by the Planning Authority for reasons similar to those stated for the current application (see Section 4.0 above).
- 7.1.9. In terms of Circumstance 1, proof of address is provided in the form of various bank statements, letters from service providers and other formal correspondence. The Applicant attended the local school, St. Mary's and St. Gerard's National School, which is approximately 1.2km to the south in Enniskerry town centre and Presentation College Bray, for second level (roughly 9km away). He has provided copies of his birth cert, baptismal certs, and various formal correspondence (insurance, finance and tax related letters) to confirm proof of address. The documents are dated between 2014 and 2019, which, I note, is less than the minimum 10 years required under Circumstance 1 of Objective HD23. I note also that there is no documentation on file confirming the Applicant's place of residence prior to 2014.
- 7.1.10. As detailed in the planning application and appeal, the Applicant (Oisín Barry) lives in the original family home (Rannock), which is roughly 400m to the northwest of the

location for the proposed dwelling. His parents (Dermot and Lisa Fisher) reside in a house, called The Granary, which was built in 2012 and permitted under Reg. Ref. 12/6602. This house would be roughly 550m to the northwest of the new house. It is stated that the Applicant has lived on the farm for the past 12 years and works there part-time. He also has another job working as a truck driver delivering machinery for a company called Gaelic Plant Hire. Gaelic Plant Hire is based in Coolbeg, Ballinacloy, Co. Wicklow, which is approximately 34km to the south of the appeal site. His work on the farm is confined to 'evenings and weekends' and the specific farming tasks and responsibilities undertaken are not clarified in the application.

- 7.1.11. Therefore, as the Applicant works part-time on the farm only, and as there is an absence of information on file which clearly demonstrates a 'definable social or economic need to live in the area' or that 'the nature of employment is sufficient to support full time or significant part time occupation' I do not consider that Circumstances 2, 3, 5, 6, 8, 11, 14 of Objective HD23 have been satisfied. Furthermore, Circumstance 7 does not apply, in my opinion, as the Applicant has not shown any particular aspect or characteristic of his employment – which is working as a truck driver and farming part-time – that would require him to live in this rural area.
- 7.1.12. I further note that there are already two dwellings present on the land that are linked to the existing farm. The Applicant states that Rannock House is used to 'operate the farm' whilst the Applicant's parents live in The Granary, which was built in 2012. I would, therefore, question the need for a further, third dwelling on the land to help oversee and help manage fulltime (or significantly part time) the farming operation.
- 7.1.13. In summary, I have examined the documentation on file, and considered the points made in terms of national policy as set out in the 'Sustainable Rural Housing Guidelines for Planning Authorities' and the rural housing policy sections of the Development Plan. Having regard to the information submitted with the planning application and the appeal, I am not satisfied that the Applicant complies with the provisions Objective HD23 of the Development Plan. The proposed development would add to the proliferation of development threatening to detract from the landscape within the area.

7.2. Visual Amenity / Sensitive Landscape

- 7.2.1. The Planning Authority's second Reason for Refusal is that the proposed development would form an incongruous feature on the landscape in this location and that it would add to the suburbanisation of a rural area, under increased pressure for development, and contribute to the deterioration of this fragile rural landscape.
- 7.2.2. The site is located within the Glencree/Glencullen Area of Outstanding Natural Beauty (AONB), which comprises the northern fringes of the County and areas close to the Wicklow Mountains. This area is described in the Development Plan as based around the drainage pattern of the Glencree and Dargle Rivers and the surrounding road network. The area is very scenic with attractive views and includes several tourist attractions, such as Powerscourt House and Demesne, Charleville Demesne and Glencree Drive. The surrounding area is therefore highly scenic and visual impact is a key consideration in the assessment of the proposal.
- 7.2.3. I note that the Applicant previously applied for permission to construct a house in a similar location, east of the farm lane and south of the existing houses and farm sheds and outbuildings. The Planning Authority, however, refused permission for 2 no. reasons similar to those referenced by the Planning Authority in their assessment of the current proposal.
- 7.2.4. The Applicant has sought to address the previous refusal by relocating the proposed dwelling closer to the existing houses (Rannock and The Granary) and various nearby agricultural outbuildings. The proposed house would be positioned approximately 300m further north compared with the location of the previous proposal. The Applicant submits that this would assist in screening views and that it would ultimately reduce any potential impact on vantage points. It would also avoid the sporadic development from occurring in the area and the suburbanisation of the farm and surrounding rural area.
- 7.2.5. I note the proposed landscaping details shown on the 'Proposed Site Layout Plan (Drwg. No. OB-21-10). In summary, the overall landscaping strategy is to assimilate the proposed dwelling into the landscape through planting trees and boundary hedgerows using a mixture of blackthorn, beech, holly and bramble.

- 7.2.6. The Applicant has provided aerial drone imagery to support their argument that the proposed development would not be in isolation as it would be against a backdrop of existing development (houses, shed, etc.). However, no detailed Landscape Visual Impact Assessment (LVIA) has been prepared to evaluate the likely visibility and prominence of the proposed development in its immediate environs and within the wider landscape, which is a requirement under Objective NH50 of the Development Plan. Furthermore, given the visually sensitive nature of the site, specifically its elevated and prominent setting, which is subject to views and prospects of special amenity along the Glencree River Valley, I consider that it would seriously injure the visual amenities of this highly sensitive rural landscape.
- 7.2.7. The proposed dwelling has a stated floor area 229sqm and a ridge height of 8.5m, approximately. The finished floor level is indicated on the site layout plan as 99.25m OD. The dwelling is orientated to face eastwards and would take advantage of sweeping views across open countryside and towards mountainous regions further afield. In my opinion, the house would be situated in a prominent setting and, notwithstanding its backdrop against existing buildings and trees, would likely be very visually apparent from certain vantage points, including from the northeast and east. Whilst a two-storey house could potentially be acceptable in this location I note that Objective NH50 requires a detailed Landscape and Visual Impact Assessment to be prepared, which includes, *inter alia*, 'an evaluation of visibility and prominence of the proposed development in its immediate environs and in the wider landscape, a series of photos or photomontages of the site / development from clearly identified vantage points, an evaluation of impacts on any listed views / prospects and an assessment of vegetation / land cover type in the area'. Such an assessment was not provided as part of the application, or appeal, and I note also that this was a reason for refusal by the Planning Authority.
- 7.2.8. In summary, having regard to the location of the site within a remote location in an Area of Outstanding Natural Beauty, I am not satisfied that the proposed development would satisfactorily integrate with its surroundings or that it would not have a significant adverse impact on the landscape.

7.3. **Appropriate Assessment**

No designations apply to the subject site.

Having regard to the nature and small scale of the proposed development, which is for a single dwelling and ancillary site works, the suitability of the site for onsite treatment, the absence of a hydrological pathway and distance from any European site, that no Appropriate Assessment issues arise. Therefore, 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. I recommend that planning permission be refused for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

9.1. 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 (2005)* and in an area where housing is restricted to persons demonstrating local need in accordance with the current *Wicklow County Development Plan 2016-2022*, it is considered that the Applicant does not come within the scope of housing need criteria as set out in the Guidelines or Objective HD23 of 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, militate against the preservation of the rural environment and efficient provision of public services and infrastructure, contribute to the proliferation of non-essential housing in a rural landscape area, and erode the landscape value of this rural area by seriously detracting from views of special amenity value. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

9.2. Having regard to the location of the proposed development in an area designated as an 'Area of Outstanding Natural Beauty' in the *Wicklow County Development Plan 2016-2022* which has views and prospects of special amenity along the North Eastern Valley / Glencree Valley, it is considered by reason of its siting in a prominent position at a visually remote location within a designated landscape, that it would form a visually incongruous and intrusive feature that would seriously injure the visual amenities of the area, and that it would not be in accordance with Objective NH50 of the *Wicklow County Development Plan 2016-2022*. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Ian Boyle
Planning Inspector

23rd February 2022