



An
Bord
Pleanála

Inspector's Report ABP-313185-22

Development

New dwelling, new garage, wastewater treatment system and percolation to EPA guidelines as previously granted (PRR 126802) connection to all services and all associated site works as previously granted (PRR 126802).

Location

Trudder, Newtownmountkennedy, Co. Wicklow.

Planning Authority

Wicklow County Council.

Planning Authority Reg. Ref.

21910.

Applicant

Catriona Mooney.

Type of Application

Permission.

Planning Authority Decision

Refuse permission.

Type of Appeal

First Party v Refusal of Permission

Appellant

Catriona Mooney.

Observer(s)

None

Date of Site Inspection

31/08/2022

Inspector

Enda Duignan

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
4.0 Planning History.....	6
5.0 Policy and Context.....	6
6.0 The Appeal	10
7.0 Assessment.....	11
8.0 Recommendation.....	18
9.0 Reasons and Considerations.....	18

1.0 Site Location and Description

- 1.1.** The appeal site has a stated area of c. 0.3ha. and is located c.1.2km to the south of the town centre of Newtownmount Kennedy. The site comprises agricultural lands which are accessed from the eastern side of L1051 road, in the townland of Trudder. There is an existing agricultural access to the appeal site with the remainder of the roadside boundary comprising hedging and trees. It is evident that excavation works associated with a previous permission on site had previously been undertaken on site.
- 1.2.** In terms of the site surrounds, a single storey cottage is located directly to the north of the site with a vacant dwelling and outbuildings located further to the south of the site. Playing pitches associated with Newtown GAA are located on the opposite side of the L1051 road, further to the north-west. The remainder of the lands within the surrounds of the site are typically in agricultural use.

2.0 Proposed Development

- 2.1.** The proposal seeks planning consent to construct a new single storey dwelling on the subject site. The proposed 'L' shaped dwelling will comprise an entrance hall, 3 no. bedrooms, bathroom, utility, pantry, living room and open plan kitchen/snug/dining room. The dwelling has a floor area of c. 170sq.m and will be sited within the western portion of the landholding. A single storey garage with a floor area of c. 30sq.m. is proposed to be located to the north-east of the dwelling, behind its rear building line.
- 2.2.** The dwelling will be accessed via a recessed vehicular entrance with a connecting driveway leading to a car parking area to the front of the dwelling and the garage to the dwelling's north-east. The dwelling will be served by a front garden and a large area of amenity space to its rear.
- 2.3.** The proposed dwelling will have a contemporary architectural design with vernacular features including a pitched roof form. A total of 6 no. rooflights are proposed on the front roof slope. Materials and finishes for the proposed dwelling will comprise a combination of render and natural stone for the principal elevations. The pitched roofs will be a blue black slate with a profiled metal flashing utilised for the flat roof and canopy areas.

- 2.4.** The proposed development includes the installation of a wastewater treatment system and percolation area which is to be located to within the eastern portion of the site.

3.0 Planning Authority Decision

3.1. Decision

Wicklow County Council refused planning permission for the development for the following 1 no. reason:

1. The proposed development would not represent a necessary dwelling in this Landscape designated (Mountain and Lakeshore AONB, Coastal AONB, Area of High Amenity, Access Corridor Area, Rolling Lowlands) contrary to the provisions of Section 4.4 of the county Development Plan 2016-1022. 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 does not come 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.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Wicklow County Council Planning Reports form the basis of the decision. The first Planning Report provides a description of the site and surrounds and outlines a description of the proposed development. The report sets out the planning history of the site and provides an overview of the policy that is applicable to the development proposal. The report identifies the site as being located within a Level 10 Rural area and as such, the Applicant is required to demonstrate that they qualify for special

consideration to build in this area in accordance with the Policy HD23 of the Wicklow County Development Plan, 2016-2022. In terms of the assessment, the report highlights that no particulars are submitted to show how the applicant qualifies for a rural dwelling.

In terms of traffic and transportation, no concerns are raised with respect to the works to the existing agricultural entrance and it is noted that the proposed sightlines are 90m in each direction which is deemed to be acceptable.

With respect to dwelling design, the Planning Authority recommend that a single external wall finish would be preferable to the originally proposed palette of materials and finishes.

In terms of foul drainage, a Euro-bio wastewater treatment system and percolation area is proposed which is deemed to be acceptable by the Planning Authority. Irish Water indicate that it is not feasible to connect to the public main for water supply and further information to address this matter is recommended by the Planning Authority.

The second Planning Report provide an assessment of the Applicant's response and it is considered by the Planning Authority that the Applicant would not qualify for special consideration under policy HD23 as the housing need of the applicant has already been met. On the basis of the foregoing, a refusal of planning permission is recommended.

3.2.2. Other Technical Reports

EHO: No objection subject to compliance with conditions.

3.2.3. Prescribed Bodies

Irish Water: Report received recommending a request for further information.

DCC: Report received stating no objection.

3.2.4. Third Party Observations

None.

4.0 Planning History

- 4.1.** There are 5 no. relevant decisions on the appeal site, the details of which can be summarised as follows:

17/545: Extension of duration granted in relation to reg. ref. 12/6288 for the construction of a revised dwelling, wastewater treatment system, garage and site ancillary works on site previously granted under reg. ref. 07/2381.

12/6802: Planning permission granted for the construction of a revised dwelling, wastewater treatment system, garage and site ancillary works on site previously granted under reg. ref. 07/2381.

12/6288: Extension of duration granted in relation to reg. ref. 07/2381 for the construction of a dwelling, wastewater treatment system and garage.

07/2381: Planning permission granted for the construction of a dwelling, wastewater treatment system and garage.

06/5525: Planning permission granted for the construction of a dwelling, waste water treatment system and garage.

4.2. Enforcement History

None stated.

5.0 Policy and Context

5.1. National Policy

5.1.1. Project Ireland 2040 National Planning Framework (NPF) Local Policy

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.

5.1.2. Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES).

Section 4.8 (Rural Places: Towns, Villages and the Countryside) of the RSES indicates that support for housing and population growth within rural towns and villages will help to act as a viable alternative to rural one-off housing, contributing to the principle of compact growth. Regional Policy Objective (RPO) 4.80 is relevant to the development proposal which notes that 'Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.1.3. Sustainable Rural Housing Guidelines for Planning Authorities, 2005.

The overarching aim of the Guidelines is to ensure that people who are part of a rural community should be facilitated by the planning system in all rural areas, including those under strong urban based pressures. To ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated. Circular Letter SP 5/08 was issued after the publication of the guidelines.

5.2. Local Policy

5.2.1. Wicklow County Development Plan (CDP), 2016-2022.

The appeal site is located within a Level 10 Rural Area. The policy contained with current CDP indicates that development within the rural area should be strictly limited

to proposals where it is proven that there is a social or economic need to locate in the area. Protection of the environmental and ecological quality of the rural area is of paramount importance and as such particular attention should be focused on ensuring that the scenic value, heritage value and/or environmental / ecological / conservation quality of the area is protected.

Given the location of the appeal site, Policy Objective HD23 is particularly relevant to the consideration of the development proposal which states that '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' and shall only be permissible in certain circumstances. Policy Objective HD24 is also of relevance to the proposal and indicates 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.

In terms of the site's landscape category, the site is located within Corridor Area 3(a) (The North East Mountain Lowlands). This area is described as "Transitional lands located between the corridor zone and the AONB, comprising of Trooperstown Hill, large tracts of forestry lands, including Devil's Glen (a listed County Geological site) and a number of views and prospects in particular those surrounding the Vartry Reservoir."

Relevant Appendices

- Appendix 1: Development and Design Standards; and,
- Appendix 2: Single Rural Houses Design Guidelines; and,
- Appendix 5: Landscape Assessment.

5.2.2. Draft Wicklow County Development Plan, 2021-2027.

I wish to bring to the Board's attention the imminent implementation of the Draft Wicklow County Development Plan, 2021-2027. I note that the site remains within a Level 10 Rural Area and proposals for a one off houses are subject to the Rural

Housing Policy which generally aligns with the policy contained within the current CDP. Policy Objective CPO 6.41 (Housing in the Open Countryside) seeks to “Facilitate residential development in the open countryside for those with a housing need based on the core consideration of demonstrable functional social or economic need to live in the open countryside in accordance with the requirements set out in Table 6.3. A housing need is defined as those who can demonstrate a clear need for new housing, for example:

- First time home owners;
- Someone that previously owned a home and is no longer in possession of that home as it had to be disposed of following legal separation / divorce / repossession by a lending institution, the transfer of a home attached to a farm to a family member or the past sale of a home following emigration;
- Someone that already owns / owned a home who requires a new purpose built specially adapted house due to a verified medical condition and who can show that their existing home cannot be adapted to meet their particular needs; and,
- Other such circumstances that clearly demonstrate a bona fide need for a new dwelling in the open countryside notwithstanding previous / current ownership of a home as may be considered acceptable to the Planning Authority.

Other relevant policy objectives of the draft CDP include:

- **CPO 6.42:** Where permission is granted for a single rural house in the open countryside, 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 CPO 6.41 or to other such persons as the Planning Authority may agree to in writing.
- **CPO 6.44** To require that rural housing is well-designed, simple, unobtrusive, responds to the site’s characteristics and is informed by the principles set out in the Wicklow Single Rural House Design Guide. All new rural dwelling houses should demonstrate good integration within the wider landscape.

In terms of the site’s landscape category, the site remains within Corridor Area 3(a) (The North East Mountain Lowlands).

5.3. Natural Heritage Designations

There are no European designated sites within the immediate vicinity of the site. The nearest designated site is the Carriggower Bog Special Area of Conservation (SAC) (Site Code: 000716), c. 4.1km to the north-west of the site. The Murrough Special Protection Area (SPA) (Site Code: 004186) and the Murrough Wetlands Special Area of Conservation (SAC) (Site Code: 002249) are located c. 4.75km to the east of the site. The 'Proposed Natural Heritage Area: The Murrough' is also located c. 4.75km to the east of the site.

5.4. EIA Screening

Having regard to the nature and scale the development which consists of a single house in a rural location, 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 main points made can be summarised as follows:

- The Applicant had previously been granted planning permission for a rural home by the Planning Authority and works associated with the development commenced circa 2014 and included site clearance and the construction of foundations. However, the Applicant became very ill and was unable to proceed with the construction of the development. An extension of duration was then applied for given the Applicant was not able to proceed at that time.
- Given the Applicant's health circumstances, they were advised to purchase an investment property until such a time that they were once again in a position to build their own home. This would secure her ability to build her own home once she returned to full health as she could sell the investment property and continue the build.
- The Applicant confirmed to the Planning Authority that she had purchased a 3-bedroom mid terrace property in Newtownmountkennedy. This property was bought for investment purposes only in order to maintain the mortgage

previously agreed by the banks prior to the Applicant becoming sick. It is stated that the Applicant has never lived at the property and has remained at the family home in Trudder throughout her illness.

- It is stated that the Applicant is willing to guarantee or issue any legal document to the Planning Authority that the property in Newtownmountkennedy will be sold before any works would be carried out at Trudder. The Applicant is also happy to accept any conditions should the Board deem fit with respect to same.
- It is stated that the property was purchased to secure the Applicant's future financial situation at a time when she was very vulnerable and unsure of any outcome from her illness but also to maintain the possibility of completing her own home. Had the Applicant not bought the dwelling she would have lost the mortgage and would have found it extremely difficult to have got a similar mortgage amount due to her health status and age profile.
- Whilst the Appellant understand the reasoning behind the Planning Authority's decision, they purport that there are special circumstances relating to this application that warrant further consideration. The Applicant had started on site to build their own home until they became unwell. They were unfortunate to become so unwell that they could not continue the build or work at the time and they were circumstances outside of the Applicant's control that could not be helped in this specific case.

6.2. Planning Authority Response

None.

6.3. Observations

None.

6.4. Further Responses

None sought.

7.0 Assessment

The main issues are those raised in the grounds of appeal and the Planning Report, and I am satisfied that no other substantive issues arise. The issue of appropriate

assessment also needs to be addressed. I again wish to highlight the impending implementation of the Draft Wicklow County Development Plan, 2021-2027. It is noted that the subject proposal has been assessed against the policy provisions of the current CDP and the Board will need to have due regard to policy that is in place at the time of their determination. On the basis of the foregoing, the items to be addressed within this assessment will be considered under the following headings:

- Compliance with Rural Housing Policy
- Waste Water Treatment & Drainage
- Other Matters
- Appropriate Assessment

7.1. Compliance with Rural Housing Policy

7.1.1. Compliance with rural housing policy is a core consideration for any planning application for a one-off house in a rural area. It was cited as the singular reason for refusal under the current application and forms the primary issue in the grounds of appeal by the Applicant.

7.1.2. As indicated earlier in this report, the site is located in a Level 10 settlement (i.e. The Rural Area) as defined in Chapter 3 of the current CDP. This is the 'rural area' of County Wicklow and forms the 'open countryside' and includes all lands outside of the designated settlement boundaries. The policy of the current CDP notes that development within the rural area should be strictly limited to proposals where it is proven that there is a social or economic need to locate in the area. Policy Objective HD23 of the current CDP sets out a series of circumstances where residential development can be considered.

7.1.3. At planning application stage, the Planning Authority highlight that no particulars are submitted to show how the applicant qualifies for a rural dwelling. In response to the Planning Authority's request for additional information, the Applicant provided the following information:

- Confirmation that the applicant's place of residence has not changed since their original application, and they have always continued to reside at the family home in Trudder and on the family farm.

- A map showing the family lands. It is stated that the lands are now farmed by the Applicant's brother and the Applicant owns her own site, which originally formed part of the family farm.
- A map showing the locations of family members on the farm holding.
- Confirmation that the applicant owns a property in Newtownmountkennedy, and a rationale has been included as to why this was necessary given the circumstances surrounding the Applicant's health at the time. It is confirmed that the applicant has never lived in the house and have always rented the property. It is stated that there are currently tenants residing in the property and the property was purchased in 2015.

7.1.4. The Planning Authority in their second Planning Report acknowledge that the Applicant is a permanent native resident of the rural area. However, they note that the Applicant's housing need has already been met and they therefore no longer qualify for a rural house. It is noted by the Planning Authority that the applicant's existing investment property is located c. 1km away from the current site and would be proximate to the Applicant's family and friends. A refusal of planning permission was therefore recommended given the proposal was considered to be contrary policy HD23 of the current CDP.

7.1.5. Policy Objective HD23 states that "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". On the basis of the information submitted, I am satisfied that the Applicant is a permanent native resident, and an application would therefore need to be considered having regard to Item No. 1 which is included as follows:

- "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."

- 7.1.6. I am conscious of the planning history of the site, whereby the current Applicant obtained planning permission on a number of occasions for a rural house at this location. I also note that a robust rationale has been put forward as to why it was not feasible to proceed with the permissions due to the Applicant being in ill health which is acknowledged. From the information submitted, it would appear that the Applicant is residing in the family home which is located to the east of the appeal site and has done so since the original planning applications on the appeal site were approved. However, it is unclear whether the Applicant is the primary resident of this dwelling or whether they are residing with other family members. An argument has not been put forward as to why it is not possible for the Applicant to renovate or extend the existing dwelling on the family landholding to meet their needs.
- 7.1.7. On the basis of the detail included within the Planning Reports, the primary reason for the Applicant's disqualification for a rural house would appear to relate to the fact they own a separate investment property. The Applicant indicates that this house has always been rented and there are currently tenants residing in the property so I acknowledge that this may not now directly satisfy their housing need due to the current arrangements. Although it is not clearly stipulated under Policy Objective HD23 that a prospective applicant is prohibited from owning another property, I am not satisfied that the Applicant has demonstrated a rural housing need in accordance with Policy HD23 of the current County Development Plan, i.e. whereby it includes a requirement for a definable social or economic need to live in the area. Whilst I acknowledge the Applicant's links to the area, I do not consider that these alone are sufficient to require a house in a rural area under urban influence given, inter alia, regional and national policy support for the revitalisation of smaller towns, villages and rural settlements such as Newtownmountkennedy.
- 7.1.8. In terms of regional and national planning guidance, the site's identified location in a rural area is consistent with the Sustainable Rural Housing Guidelines for Planning Authorities, 2005, which similarly identifies the site and its wider rural setting. I note that the Regional Spatial Economic Strategy – Eastern & Midland Region, 2019-2031, under RPO 4.80 sets out that Local Authorities shall manage growth in rural areas under strong urban influence by ensuring that in these areas the provision of single

houses in the open countryside is based on the core consideration of demonstratable economic or social need to live in a rural area, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

- 7.1.9. In relation to locations identified as being under strong urban influence, the National Planning Framework, NPO 19, requires developments like this to demonstrate a functional economic or social requirement for housing need in areas under urban influence, with this being stated as a necessity. Whilst the Applicant appears to have a desire as opposed to a need to live in this rural, this in itself does not override the public good necessity for such applications to meet local through to national planning provisions. These provisions seek to safeguard such rural locations from the proliferation of what is essentially a type of development that planning provisions seek to channel to appropriate serviced land within settlements where they can be more sustainably absorbed whilst safeguarding the rural environment from further diminishment of its character and predominant rural land use based function, i.e. agriculture.
- 7.1.10. In keeping with this, I note that National Policy Objective 3a of the National Planning Framework seeks to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements. In addition, NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development as well as at an appropriate scale of provision relative to location. There are settlements within the wider location, including those with infrastructural services such as mains drainage and potable water through to other services as well as amenities, where there is capacity to absorb additional residential development in a sustainable manner than at this location.
- 7.1.11. Therefore, to permit the proposed development sought under this application where a genuine demonstratable economic and/or social reason for such a development has not been demonstrated would be contrary to Policy HD23 of the current CDP. It would also result in a haphazard and unsustainable form of development in an un-serviced area, it would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment that is sensitive

to change, and it would give rise to inefficient and unsustainable provision of public services and infrastructure at remote from settlement locations. Further, it would also undermine the settlement strategy set out in the current CDP that seeks to direct this type of development to appropriately zoned land within settlements such as Newtownmountkennedy. For these reasons the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area. This is reason in itself for the development sought under this application to be refused.

7.2. Waste Water Treatment & Drainage

- 7.2.1. Planning permission is sought for the installation of a waste water treatment system (WWTs) and percolation area which is to be located within the eastern portion of the site, to the rear of the proposed dwelling. The submitted plans and Site Characterisation Form indicate that the WWTs will be design in accordance with the EPA 2009 Standards. However, I note that these guidelines have now been superseded by the EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent ≤ 10 (2021).
- 7.2.2. I note the Planning Authority has raised no objection to the Applicant's proposals for the disposal and treatment of wastewater on site. Assessment of the wastewater treatment element of a rural one-off house is a standard consideration. The site is in an area with a poor aquifer of moderate/low vulnerability. In terms of the Source Protection Area, the site is identified as being located within the inner protection area (SI). The Site Characterisation Form notes that groundwater was not encountered in the 2.3m deep trial hole. Bedrock was not encountered at a depth of 2.3m. The soil was slightly stoney silt in the upper 300mm, sand/silt below 700mm and and slightly stoney silt clay below 1.1m. Table E1 (Response Matrix for DWWTs) of the EPA Code of Practice Domestic Wastewater Treatment (Population Equivalent ≤ 10), 2021, identifies an R2⁴ response category i.e. "Acceptable subject to normal good practice, conditions 1, 2 and 3 above and the following additional condition: 4. No on-site treatment system should be located within 60m of the public, group scheme or industrial water supply source". I note that the submitted Site Characterisation Form indicates a Groundwater Protection Response of R2¹ for the subject site.

- 7.2.3. The T-test result was 36.11 which is noted as being within the acceptable range as per the EPA Code of Practice and there was no requirement for a P-test to be undertaken. I consider the results to be consistent with the ground conditions observed on site. Section 3.1 of the Site Characterisation Form states the ground condition was dry and firm under foot. Though the trial hole and percolation test holes had been filled in, the site comprises an agricultural field with no indication of, for example, water ponding, outcrops etc. Section 4.0 (Conclusion of Site Characterisation) of the Site Characterisation form states that the site is suitable for development including septic tank system and a secondary treatment system, all of which are discharging to ground water. Section 5.0 (Recommendation) of the Site Characterisation Form recommends that a packaged treatment system (i.e. secondary) and soil polishing filter (Bio Treatment Unit) be installed on site as indicated on the proposed site layout plan.
- 7.2.4. Overall, I am generally satisfied that the Applicant's proposals for the disposal and treatment of wastewater are acceptable. However, should the Board be minded to grant permission for the proposed development, I would recommend the inclusion of a condition which shall require the design and installation of the proposed WWTS to comply with the EPA Code of Practice Domestic Waste Water Treatment Systems, Population Equivalent ≤ 10 (2021).
- 7.2.5. In terms of surface water drainage, the planning application form and drawings indicate that the surface water disposal shall be via a soakpit located to the front of the proposed dwelling. I note the Planning Authority have raised no concerns in relation to surface water disposal on site and I am satisfied that proposals are generally acceptable subject to compliance with appropriate conditions. Should the Board be minded to grant permission for the proposed development, a condition should be included which shall require the Applicant to submit design and construction details to the Planning Authority for written agreement which comply with BRE Digest 365 "Soakaway Design".

7.3. Other Matters

- 7.3.1. In terms of the proposed water connection, I note that the Applicant's proposals to sink a well on site in lieu of connecting to the public water main, as revised by way of

additional information, was deemed to be acceptable by the Planning Authority. This matter is considered to be acceptable.

- 7.3.2. I also note the Planning Authority have also raised no concerns with respect to the proposed vehicular entrance and the achievable sightlines. The submitted site layout plan indicates sightlines to the north and south of the proposed entrance which exceed 90m in each direction. I note Appendix 2 (Single Rural Houses Design Guidelines) of the current CDP indicates that “New entrances shall be required to comply with current engineering safety standards with respect to sightlines and gradient and set back sufficiently to allow a car to pull off the road while a gate is being opened or closed.” Given the achievable sightlines as indicated on the submitted site layout plan, I am satisfied that the proposals are acceptable.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the development proposed, a single house on an un-serviced rural site, and to the nature of the receiving environment, remote from and with no hydrological or ecological pathway to any 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.

8.0 Recommendation

I recommend that the planning application be refused for 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 and within an area that is designated as Level 10 (The Rural Area) settlement in the Wicklow County Development Plan, 2016-2022. Furthermore, the subject site is located in an area that is designated as an area under urban influence, where it is national policy, as set out in

National Policy Objective 19 of the National Planning Framework, to 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 having regard to the viability of smaller towns and rural settlements. Having regard to the documentation submitted with the planning application and appeal, the Board is not satisfied that the Applicant has a demonstrable economic or social need to live in this rural area, or that the housing need of the Applicant could not be met in a smaller town or rural settlement. It is considered, therefore, that the Applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. The proposed development would also be contrary to Objective HD23 of the Wicklow County Development Plan, 2016-2022 and would, therefore, be contrary to the proper planning and sustainable development of the area.

Enda Duignan
Planning Inspector

12/09/2022