



An
Bord
Pleanála

Inspector's Report

ABP-315302-22

Development	Retention and completion of a partially built, fully serviced dwelling previously granted under planning ref. 20000911 and planning permission for modifications to the roof to include roof windows and bedrooms on the first floor and all associated site works.
Location	Knocknoran, Kilmore, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20221099
Applicant(s)	William White
Type of Application	Retention and Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	William White.
Observer(s)	None
Date of Site Inspection	28 th June 2023.

Inspector

Peter Nelson

1.0 Site Location and Description

- 1.1. The site is located on the north side of a local road, approximately 1.3km from Kilmore Village, County Wexford. The site contains a partially built single-storey dwelling. To the west of the site is a single-storey dwelling. To the east is an open site and then a commercial shed. There is forestry to the rear of the site. There is a hedgerow boundary to the front of the site. The stated site size is 0.26 hectares.

2.0 Proposed Development

- 2.1. Permission is sought to retain and complete a partially built serviced dwelling previously granted permission under Reg. Ref.: 20000911. Planning permission is also sought for modifications to the roof to include roof windows and bedrooms on the first floor.

3.0 Planning Authority Decision

3.1. Decision

Wexford County Council issued a decision to refuse permission on the 11th November 2022 for the following reason:

1. The applicant has failed to adequately demonstrate rural linkages and housing need in accordance with the rural housing policy as set out in Volume 1 Table 4.6 of the Wexford County Development Plan 2022-2028. The proposal is therefore contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The first planning report, dated the 3rd October 2022, states that the site is in an Area Under Stronger Urban Influence, and the works on site are not

substantial. It was recommended to request Further Information relating to the applicant's linkages to this rural area for the last seven years, details of any rural house previously owned by the applicant, housing need and the need for additional tree planting to promote biodiversity.

- The second planning report, dated the 8th November 2022, states that the applicant has failed to adequately demonstrate rural linkages and housing need in accordance with the rural housing policy set out in the Wexford County Development Plan 2022-2028. The report noted that an updated layout plan was submitted, which indicated an area designated for biodiversity.

3.2.2. Other Technical Reports

- The Roads Inspection Report dated the 23rd August 2022 had no objection to the development to be retained and completed and recommended conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

4.0 Planning History

4.1. P.A. Reg.: 20000911

Permission was granted on the 23rd March 2000 to erect a fully serviced dwelling house with a septic tank, wastewater treatment unit and associated site works. There was no condition attached relating to the occupancy of the dwelling.

5.0 Policy Context

5.1. National Planning Framework

Policy Objective 19: 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;

5.2. **Development Plan**

5.2.1. The Wexford County Development Plan 2022-2028 is the operative Development Plan. This plan came into effect on 25th July 2022.

5.2.2. **4.9.1 Single (One-Off) Rural Housing Policy Context**

In order to be considered for a single dwelling in the open countryside, an applicant must meet one of the following categories:

A. A person who has a demonstrable social functional need to reside in a particular rural area (except for Structurally Weak Rural Areas)

Or

B. A person who has a demonstrable economic functional need to reside in a particular rural area (except for Structurally Weak Rural Areas)

5.2.3. **4.9.2 Unfinished single houses in the open countryside**

An instance may arise where planning permission is granted for a single house in the open countryside, and work commenced on the development. However, the original applicant may no longer be in a position to complete the house. The planning authority will consider a planning application for retention and completion of the house by a different applicant only where the new applicant complies with the rural housing policy pertaining to that particular rural area.

5.2.4. **Objective SH44**

To consider an application for retention and completion of a single house in the countryside by a different applicant to the original applicant only where the new

applicant complies with the rural housing policy pertaining to that particular rural area.

5.3. Natural Heritage Designations

None Relevant

5.4. EIA Screening

Having regard to the nature and scale of the proposed development, comprising of a domestic dwelling, 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 of the first-party appeal can be summarised as follows:

- The site was bought in 2004 with full unrestricted planning permission.
- The build started in 2005.
- The applicant had an accident and was unable to finish/supervise the build.
- Due to the recession, covid, and bad health, the applicant could not complete the build.
- Since March 2022, the applicant has been able to complete the build.
- Unfinished dwelling is being used for anti-social behaviour.
- The application was only for retention to finish an existing structure and not to build an entirely new structure.
- The applicant has owned the site and unfinished property for 18 years, and unfortunate circumstances through no fault of the applicant have delayed the finishing of the work.

6.2. **Planning Authority Response**

- None

6.3. **Observations**

- None

6.4. **Further Responses**

- None

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- **Compliance with Settlement Location Policy**
- **Appropriate Assessment**

7.2. **Compliance with Settlement Location Policy**

7.2.1. The site is in an Area Under Stronger Urban Influence as classified in the Wexford County Development Plan. 2022-2028

7.2.2. The applicant bought the site in 2004 and started to build the dwelling in 2005. There was no occupancy clause on the original planning application. Work to date consists of block work to eaves level, services and some internal walls. The gable walls have not been completed. The Local Authority Planner considered the works on site not 'Substantial.' I disagree and consider that the works to date do constitute substantial works.

7.2.3. Due to an accident, the recession, Covid and serious illness, the applicant states that he was unable to recommence the building of the dwelling until March 2022. I note the applicant's address in Tallaght, Dublin.

- 7.2.4. It is an objective of the Wexford Development Plan to consider an application for retention and completion of a single house in the countryside by a different applicant to the original applicant only where the new applicant complies with the rural housing policy pertaining to that particular rural area. Section 4.9.2 of the Plan elaborates on this policy and highlights that there are instances where planning permission is granted, and work has commenced; however, the original applicant may no longer be able in a position to complete the house.
- 7.2.5. I recognise that the current situation is slightly different as the applicant bought the site with a planning permission without an occupancy clause and then started to build the dwelling.
- 7.2.6. However, Objective SH44 of the Wexford Development Plan 2022-2028 clearly states that applications for retention and completion of a single house by a different applicant to the original applicant will only be considered where the new applicant complies with the rural housing policy.
- 7.2.7. For a site located in an area with Strong Urban Influence to meet the criteria for rural housing, a person must meet either a social or economic functional need. To meet a social functional need, a person must have lived full-time in a principal residence for a minimum of 7 years in that local rural area, and the site is within a 7km radius of where the applicant has lived or is living and who has never owned a rural house. While the applicant has owned the site since 2004, he has not lived on the site or within a 7km radius for a minimum of 7 years.
- 7.2.8. To meet an economic need, a need must be related to a rural resource-based activity such as full-time agriculture or horticulture, and the nature of the activity or business must require the person to live at on or in close proximity to the business. The applicant has not demonstrated any functional economic need to live in the area.
- 7.2.9. While I recognise that the partially built house has been left idle for many years and its completion would be of benefit to the area, the development plan policy is clear in requiring any permission for retention and completion to be considered only when the applicant has a social functional need or an economic functional need to reside in the area. The applicant has not demonstrated a social or economic functional

need to reside in the area and therefore does not comply with the Wexford Development Plan 2022-2028 policies.

7.3. Appropriate Assessment

In view of the limited nature and scale of the development and the separation distance to the nearest designated 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

8.1. I recommend that permission be REFUSED for the following reason:

9.0 Reasons and Considerations

Having regard to the location of the site within an Area Under Strong Urban Influence, as identified in the current Wexford Development Plan 2022-2008, which seeks to manage the growth of areas that are under strong urban influence to avoid over-development and to ensure that the retention and completion of single dwellings in the countryside are provided based upon demonstrable economic or social need to live in a rural area, the Board is not satisfied that the applicant comes within the scope of the housing need criteria as set out in Development Policy. The proposed development would, therefore, contravene Objective SH44 of the Wexford County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Peter Nelson
Planning Inspector

17th July 2023