



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318698-23

<b>Development</b>	Change of use of existing farm outbuilding within the curtilage of a protected structure and conversion to a new single family dwelling and connection to existing septic tank
<b>Location</b>	Clone House, Aughrim, Co. Wicklow
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	23745
<b>Applicant(s)</b>	Jeff Watson
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Jeff Watson
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	6 <sup>th</sup> March 2024
<b>Inspector</b>	Emma Nevin

## 1.0 Site Location and Description

- 1.1. The appeal site is located on the grounds of Clone House, a Victorian – Georgian style Protected Structure built c. 1798 and rebuilt in c.1800, c. 2.5km to the southeast of the village of Aughrim, Co, Wicklow. Clone House is a detached 3 bay, 2 storey structure now in use as a 12-bedroom guesthouse/private hire for venues.
- 1.2. Several rubblestone single-storey outbuildings are located in close proximity to the house and some of these are accessed through an archway from the parking area to the front of the house. Renovations were taking place to the outbuildings at time of site inspection.
- 1.3. The site is served by two vehicular accesses to the east and west of the site.

## 2.0 Proposed Development

- 2.1. The development comprises the change of use of a portion of the existing farm building to a single family two-storey 2-bedroom dwelling with a proposed floor area of 80 sq. m.
- 2.2. It is proposed to connect the new dwelling to the existing septic tank on site.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The Planning Authority refused permission on 17<sup>th</sup> November 2023, for the following reasons:

*“1. Having regard to: (a) the proposed to provide a dwelling by the conversion of an outhouse which previously formed part of the development permitted by An Bord Pleanála under ref. ABP-303741-19, and (b) the indication that the permitted development on site granted under ABP-303741-19 will be carried out,*

*It is considered that the current proposal which is a standalone permission and which does not seek the modification of the existing permission on site granted under ABP-303741-19, would materially contravene the development permitted by reference to ABP-303741-19, would result in cherry picking of elements of the permitted*

*development resulting in the inability to implement that permission and full, and would undermine the planning regulations. The proposed development would therefore not be in accordance with the proper planning and sustainable development of the area.*

*2. No evidence is available that the existing septic tank effluent percolation would be of suitable design or of sufficient capacity to serve the proposed dwelling, and existing development on site and if found to be unsuitable then this development would be prejudicial to public health”.*

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

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

The planners report (dated 14<sup>th</sup> November 2023) considered that although it is recognised that there is no limit on the number of planning permission being sought and granted for the same site, it is not possible to carry out various preferred elements of different permissions which all occupy the same site. Only one planning permission occupying a site can be carried out and other permissions for different developments on the same site will therefore fall away as being unimplementable. The single permission being commenced must be carried out in its entirety, unless subsequently amended. In this regard the subject application is indeed a standalone permission and does not seek the modification of the existing permission on site. The application would therefore render the previous application which is intended to be carried out unimplementable and is therefore not permissible.

In terms of heritage consideration, it was considered that the proposed works will not negatively impact upon the adjoining protected structure of clone house. The principle of the conversion of the existing outbuildings to habitable accommodation is pre-existing as per our previous grant of permission on site.

In terms of wastewater treatment, the proposed dwelling unit is to be connected to the existing septic tanks on site. It was stated that this connection shall be temporary in nature, with the unit to connect to the proposed 50 PE unit granted under ref. 18/139/ ABP 303741-19 when constructed in the phase of development. No details were provided with regard to the existing wastewater treatment system on site, hence it is concluded that inadequate evidence is available that the existing septic

tank would be sufficient capacity to serve the proposed dwelling and if found to be unsuitable then the development would be prejudicial to public health.

3.2.2. The planners report concluded that permission be refused as noted in Section 3.1.1 above.

3.2.3. Other Technical Reports

MDE: No report received.

EHO: Report received stating that the proposal indicates this dwelling is to connect into the existing wastewater treatment system, the existing wastewater treatment system as proposed under 18/139 is a 50PE secondary treatment system with a 100sqm sand polishing filter, the combined volume of wastewater discharge from this dwelling and the existing loading will exceed 5m<sup>3</sup> per day. A water discharge licence may be required under the Water Pollution Acts, and therefore, this application should be referred to Wicklow County Council Environment Section for assessment.

Water and Environment Services: Report received recommending that a report from a competent person in relation to the septic tank/wastewater treatment system and the water treatment system should be provided.

### 3.3. Prescribed Bodies

No reports received.

### 3.4. Third Party Observations

3.4.1. One third party submission was received, the issues raised can be summarised as follows:

- Site layout inaccurate, denotes agricultural cattle shed owned by submitted as a 'neighbouring dwelling'.
- Works currently being carried out on site prior to the granted of any permission.

## 4.0 Planning History

ABP303741-19/Ref: 18/139: Permission refused by Wicklow County Council on the 24<sup>th</sup> January 2019 but granted on appeal to An Bord Pleanála (ABP303741-19) on the 19<sup>th</sup> June 2019 for the refurbishment, part demolition, conversion, extension and change use of stable blocks to create 6 no. guesthouse accommodation units, venue building, car parking and entrance, a new single storey dwelling as the primary residence of the owner and an additional wastewater treatment plant and associated site works.

97/7216: Permission granted by Wicklow County Council on the 10<sup>th</sup> December 2002 for the change of use of residential house to guest house incorporating 12 bedrooms and site modifications and upgraded/ replacement septic tank.

## 5.0 Policy Context

### 5.1. Wicklow County Development Plan 2022 – 2028

- 5.1.1. Wicklow Settlement Strategy – the subject site is located in the rural area (open countryside), Level 10, which includes all the rural area outside of the designated settlements.
- 5.1.2. Table 17.1 Wicklow Landscape categories.
- 5.1.3. Section 5 Rolling Lowlands “*The gently rolling and undulating countryside best described as low-lying when compared to the rest of the terrain in Co. Wicklow. These landscape areas are generally located adjacent to the corridor zone or surrounded by more elevated lands within the ‘Area of High Amenity’.... “lands located to the east of Tinahely and Aughrim adjoining the Area of High Amenity to the south, and lands west of Arklow adjoining the foothills of Croghan Mountain”.*
- 5.1.4. Chapter 6 Housing.
  - Section 6.3.8 Rural Housing.
  - CPO 6.41 “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”.

- Table 6.3 Rural Housing Policy.
- 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”.*

5.1.5. Chapter 8 Built Heritage – 8.5 Built Heritage Objectives - Record of Protected Structures Objectives and Other Structures & Vernacular Architecture Objectives.

- CPO 8.13 *“To ensure the protection of all structures, items and features contained in the Record of Protected Structures”.*
- CPO 8.14 *“To positively consider proposals to alter or change the use of protected structures so as to render them viable for modern use, subject to architectural heritage assessment and to demonstration by a suitably qualified Conservation Architect / or other relevant expertise that the structure, character, appearance and setting will not be adversely affected and suitable design, materials and construction methods will be utilised”.*
- CPO 8.15 *“All development works on or at the sites of protected structures, including any site works necessary, shall be carried out using best heritage practice for the protection and preservation of those aspects or features of the structures / site that render it worthy of protection”.*
- CPO 8.16 *“To support the re-introduction of traditional features on protected structures where there is evidence that such features (e.g. window styles, finishes etc) previously existed”.*

- CPO 8.17 *“To strongly resist the demolition of protected structures or features of special interest unless it can be demonstrated that exceptional circumstances exist. All such cases will be subject to full heritage impact assessment and mitigation”.*
- CPO 8.18 *“To seek (through the development management process) the retention, conservation, appropriate repair and reuse of vernacular buildings and features such as traditional dwellings and outbuildings, historic shopfronts, thatched roofs and historic features such as stonewalls and milestones. The demolition of vernacular buildings will be discouraged”.*
- CPO 8.19 *“Development proposals affecting vernacular buildings and structures will be required to submit a detailed, true measured survey, photographic records and written analysis as part of the planning application process”.*
- CPO 8.20 *“Where an item or a structure (or any feature of a structure) is considered to be of heritage merit (where not identified in the RPS3 ), the Planning Authority reserves the right to refuse permission to remove or alter that structure / item, in the interests of the protection of the County’s architectural heritage”.*

5.1.6. Chapter 13 Water Services – 13.2 Water Services Objectives.

5.1.7. Chapter 17 Natural Heritage and Biodiversity Objectives.

## 5.2. **Wicklow County Development Plan 2022 – 2028 Appendices**

- Appendix 1 – Development and Design Standards.
- Appendix 2 – Single Rural House Design Guidelines.
- Appendix 4 – Record of Protected Structures – Clone House Ref No. 39-02, *“L-plan, three-bay, two-storey, mid-19<sup>th</sup> Century house with painted rendering”.*

## 5.3. **Volume 2 – Town Plans – Level 5 Aughrim Town Plan 2022-2028**

5.3.1. Section 3.8 Built & Natural Heritage.

## 5.4. **Section 28 Ministerial Guidelines**

5.4.1. Architectural Heritage Protection Guidelines for Planning Authorities, 2011.

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

## **5.5. Natural Heritage Designations**

5.5.1. The subject site is not located within any designated European Sites.

## **5.6. EIA Screening**

5.6.1. I refer the Board to the completed Form 1 and Form 2 in Appendix 1.

5.6.2. Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The grounds of the first party appeal can be summarised as follows:

In respect to the first reason for refusal –

- The appellant lodged a large ambitious planning application ref. 18/139 for the development of all the existing stone barn outbuildings.
- The appellant is fully committed to renovating the barns and protect the heritage of the house and outbuildings.
- Covid delayed the building work until November 2022.
- Investigations were carried out to the existing buildings, and it was determined to carry out work in two Phases – Phase 1 being the work in the existing barns and Phase 2 the new venue building.
- The appellant felt strongly that the permission would involve unnecessary demolition of many existing fixtures and loss of original building fabric. Emergency repair work was carried out.



- The appellant liaised with Wicklow County Council and was advised to send in a Section 57 or make a new application.
- Grants were secured for the proposed works however, this requires planning permission for the two bed home to avail of the grant.
- It was considered that it was a more sustainable response to repair the existing barns first and not build any new buildings in the grounds for a new home.
- Conscious of the timeframe of the existing permission (June 2024), the design was developed for the first phase and the application was lodged for the two-bedroom barn conversion in an attempt to get started on the first part of the project.
- The appellant disagrees with the Council's judgment in relation to cherry picking the planning permission.
- Wicklow County Council should have considered the merits of the renovation of one of the barns in line with the Development Plan and the Department of Housing, Local Government and Heritage aims for vacant buildings to be used as viable and sustainable homes and not be referring to the permission granted under ABP-303741-19/Ref: 18/139.
- The overall project is complicated, and the appellant cannot understand by Wicklow County Council have been unsupportive all the way.
- The appellant considers that the local authority assessment is not a professional or informed response to the proposal.
- The appellant wishes to live in one of the barns and requires permission to do so. The large venue building will be postponed and will be subject to another planning permission.

In respect to the second reason for refusal –

- Permission was granted for a new septic tank under ref. 97/7216, with capacity for 26 people. This septic tank was deemed acceptable by Wicklow County Council.

- At the time of lodging the current application the applicant did not have the old planning application information on the existing septic tank but knew it had capacity for 26 persons.
- Currently Clone House has 12 bedrooms and 4 are used for the immediate family, with 1 occupant in each room and the remaining 8 each have a maximum capacity of 2, resulting in capacity for 16 guests and 4 family members, resulting in 20 persons with an existing septic tank capacity of 26 persons.
- If the barn is converted to family accommodation there will be only a 4 person increase maximum at peak occupation and this is less than capacity of 26 allowable.

The appeal also includes a personal statement from the applicant (appellant) which reiterates the comments noted above and clarifies that the appellant wishes to renovate the barn to reside in on site.

## **6.2. Planning Authority Response**

None received.

## **6.3. Observations**

None received.

## **6.4. Further Responses**

None received.

## **7.0 Assessment**

7.1. Having inspected the site and considered the contents of the appeal, I consider the main issues which arise in relation to this appeal are as follows:

- I. Principle of the proposed development
- II. Planning History and Current Proposal
- III. Water and Wastewater

IV. Appropriate Assessment, and

V. Other Matters.

This assessment represents my de novo consideration of all planning issues material to the proposed development.

**7.1.1. Principle of the proposed development**

7.1.2. Clone House (a Protected Structure) and the associated grounds is located in the rural area (open countryside), with the existing house currently in use as a guesthouse. Noting the Development Plan requirements pertaining to development in the open countryside, any applicant must have a demonstrable functional economic need to live in the open countryside as per Policy Objective 6.41 of the Development Plan. The applicant is the owner and occupier of Clone House and, therefore, the provision of a single dwelling unit on site for the applicant would be considered acceptable in terms of local need.

7.1.3. The proposed development comprises the change of use of the existing courtyard outbuilding from a barn to a 2-bedroom single dwelling unit for the applicant to reside. The appellant has stated that the conversion of the outbuilding to a single dwelling unit will allow be at closer proximity to the main dwelling and the works to the barn were a more sustainable approach to their repair.

7.1.4. Nothing that the building is located within the curtilage of a Protected Structure, I reference Policy Objective 8.14 of the Development Plan, which relates to the change of use of protected structures to render them viable for modern use, ensuring that the character, appearance, and setting will not be adversely impacted. Following my inspection of the site, I consider that from a heritage consideration perspective that the renovation and repair works to the existing outbuilding is welcomed and will ensure that the original fabric of the outbuilding is repaired and restored. In addition, I consider that the proposed residential use of the existing outbuilding to be an appropriate use at this location and to be acceptable. Minimal external works, aside from repairs to the external façade are proposed to the building, and therefore I consider that the works would restore the courtyard building and would improve the visual appearance of the courtyard building within the curtilage of the Protected Structure and are in accordance with the above Policy Objective.

- 7.1.5. Therefore, I conclude that the proposed change of use of the existing outbuilding to a single residential dwelling unit is acceptable and is in accordance with the policies of the Development Plan. Noting the rural location of the site, I consider that an occupancy condition restricting occupancy of this dwelling house specifically to the applicant be attached to any grant of permission.

## **7.2. Planning History and Current Proposal**

- 7.2.1. The first reason for refusal refers to the development permitted under ABP-303741-19/Ref:18/139, which permitted the refurbishment, part demolition, conversion, extension and change use of stable blocks to create 6 no. guesthouse accommodation units, a new venue building, a new single storey dwelling as the primary residence of the owner, car parking and entrance and an additional wastewater treatment plant, and considered that the current proposal would materially contravene the development permitted under the aforementioned permission and would result in 'cherry picking' of elements of the development permitted.

It was also considered that the proposal to provide a dwelling for the applicant previously formed part of the development permitted on site.

- 7.2.2. The appellant has stated that he does not intend to build any of the new buildings on site (permitted under ABP-303741-19/Ref:18/139), aside from carrying out repair and renovation works to the outbuildings.
- 7.2.3. Following site inspection, I can confirm that no building work had commenced on foot of the development permitted under ABP-303741-19/Ref:18/139, and the outbuilding subject to the instant application, had not been converted into guesthouse accommodation at time of inspection. Some remedial works are being carried out to the outbuildings, which were noted in the appeal as emergency repair works including works to the existing roof of the outbuildings both internally and externally. I can also confirm, following site inspection, that the dwelling house permitted (under ABP-303741-19/Ref:18/139) has not commenced on site. I also note that the permission granted under ABP-303741-19/Ref:18/139 will expire in June 2024.
- 7.2.4. In this regard, and noting that the current application pertains to the change of use of the existing outbuilding to residential use, I do not considered that this proposal would materially contravene the permission granted under ABP-303741-

19/Ref:18/139, nor do I consider that the instant application would result in cherry picking elements of the previous permission granted, (which will expire in 2024), as the application subject to the appeal relates to a separate permission for a change of use of the existing outbuilding to a single residential unit, which will also be subject to an occupancy condition, as noted in Section 7.1.5 above.

- 7.2.5. The appellant has also stated that new planning applications will be made for any subsequent proposals for development works at this site. Therefore, I consider that the proposed change of use of the existing outbuilding to residential use to be an acceptable form of development, and to be in accordance with the proper planning and sustainable development of the area.

### **7.3. Water and Wastewater**

- 7.3.1. The second reason for refusal related to the inadequate evidence that the existing septic tank would be of sufficient capacity to serve the proposed development.
- 7.3.2. As part of the appeal the applicant has stated that a new septic tank system was installed under Ref. 97/7216, which has capacity for 26 people. Details of this planning application, in particular percolation tests, calculations in relation to the sizing of the septic tank and percolation area have been submitted as part of the first party appeal documentation. In terms of capacity the appeal clarifies that Clone House (the main dwelling) has 12 bedrooms, 4 of which are used by the immediate family. The remaining 8 bedrooms, have a maximum capacity of 2 persons, totalling 16 persons. The appellant states that the remaining 4 bedrooms, used by the family have a capacity of 1 person(s) each. This is a total of 20 persons.

The appellant further states that if the change of use from the outbuilding is approved, this will result in a 4 person increase in the main house at peak occupation which is still below the 26-person capacity of the existing septic tank. The appellant clarifies that they will not be proceeding with the new 3-bedroom family home or any newbuild events buildings permitted under ABP303741-19/Ref: 18/139.

- 7.3.3. In terms of assessment, the report received from the Water and Environmental Section, was not available at the time of the planner's assessment but has been submitted as part of the appeal documentation. I will note this as part of my assessment.

- 7.3.4. The Environmental Health Officers report recommended that a water discharge licence may be required under the Water Pollution Acts, and that the application should be referred to Wicklow County Council Environment Section.
- 7.3.5. The Water and Environmental Section of the local authority noted the previous planning permissions on site, which both included works to and a new wastewater treatment system. The Water and Environment Section require that reports by competent person on the condition of septic tank/wastewater treatment system including percolation area, and the water treatment system to which it is proposed to connect the development to are provided.
- 7.3.6. In terms of the disposal and treatment of wastewater, the applicant is proposing to connect to the existing wastewater treatment system onsite to cater for the proposed change of use of the existing outbuilding to 2-bedroom single family dwelling unit. Concerns were raised by the planning authority with respect to the inadequate evidence available that the existing septic tank would be of sufficient capacity to serve the proposed development. However, noting the above confirmation in terms of the existing capacity of the system and the resulting capacity from the proposed change of use, I consider that the existing system on site, permitted and installed under Ref. 97/7216, has adequate capacity to serve the proposed 2-bedroom residential unit, and therefore consider that the proposal is acceptable and would not be prejudicial to public health.

In this regard, a condition regarding the requirements of the wastewater treatment system should be included to any grant of permission.

- 7.3.7. In terms of water supply for the development, it is proposed to connect to the existing private well on site. I consider this arrangement to be acceptable. In this regard a condition regarding the disposal of surface water should be included to any grant of permission.

#### **7.4. Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment and the distance to the nearest 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.

## **7.5. Other Matters**

### **7.5.1. Funding and Local Authority**

Issues raised in respect to funding or grants received for building/renovation works and the relationship between the applicant and the location authority fall outside of the Board's remit in deciding this application.

## **8.0 Recommendation**

- 8.1. I recommend that planning permission should be granted, subject to conditions, as set out below, for the following reasons and considerations.

## **9.0 Reasons and Considerations**

- 9.1. Having regard to the rural zoning which applied to the site under the Wicklow County Development Plan 2022 – 2028, where new residential development is subject to demonstrating housing or economic need, subject to the conditions set out below the proposed development would be an appropriate form of development in terms of use, design and form, would not seriously injure the character or the visual amenities of the area, would not detract from the character of the existing Protected Structure on site and would be acceptable in terms of wastewater. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application [as amended by the further plans and particulars submitted to the local authority on the 2<sup>nd</sup> day of October 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) The proposed dwelling when completed shall be first occupied as the place of permanent residence by the applicant and shall remain so occupied for a period of seven years thereafter, unless consent is granted by the planning authority for its occupation by other persons who comply with the provisions of the Settlement Strategy for Rural Areas as set out in the County Development Plan. This requirement shall be embodied by a legal undertaking that shall be registered as a burden against the title of the land in the Land Registry or Registry of Deeds and shall be of seven years duration from the date of the first occupation.</p> <p>(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority, a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.</p> <p>(c) The Planning Authority will consent to any sale of the completed dwelling by a lending institution in exercise of its powers as Mortgager in possession of this property and likewise consent to any sale by any person deriving title from the lending institution.</p> <p>Reason: To ensure that the proposed dwelling is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted in accordance with the rural settlement strategy, to</p>

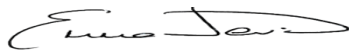


	protect the rural landscape, in the interests of proper planning and sustainable development.
3.	<p>(a) The septic tank drainage system existing on site shall be in accordance with the standards set out in the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2021.</p> <p>(b) Prior to the occupation of the dwelling the developer shall submit, details of which shall be and agreed in writing with, the planning authority, a report from a suitably qualified person with professional indemnity insurance certifying/including photographic evidence of the loading, sizing, integrity, capacity, condition of septic tank/wastewater treatment system including percolation area to which it is proposed to connect the proposed converted stables shall be submitted, stating that the effluent disposal system has been installed in accordance with this condition.</p> <p>(c) Prior to the occupation of the dwelling the developer shall submit, details of which shall be and agreed in writing with, the planning authority, a report by competent person on the water demand, sizing, integrity, capacity, condition of water treatment system to which it is proposed to connect the proposed converted stables.</p> <p>Reason: To ensure the provision of an adequate sewage disposal system, in the interests of public health and residential amenity.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of properties in the vicinity.</p>
5.	That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.

	Reason: To protect the amenities of the area.
6.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
7.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p>
8.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground.</p> <p>Reason: In the interest of visual amenity.</p>
9.	<p>A schedule of all materials to be used in the external treatment of the development to include proposed brick, roofing materials, windows, and doors shall be submitted to and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure an appropriate standard of development/conservation.</p>
10.	<p>All works to the protected structure, shall be carried out under the supervision of a qualified professional with specialised conservation expertise.</p> <p>Reason: To secure the authentic preservation of this [protected] structure and to ensure that the proposed works are carried out in accordance with best conservation practice.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The</p>

	<p>application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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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.




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Emma Nevin  
Planning Inspector

22nd April 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	318698-23		
<b>Proposed Development Summary</b>	Change of use of existing farm outbuilding within the curtilage of a Protected Structure and conversion to a new single-family dwelling and connection existing septic tank of main house.		
<b>Development Address</b>	Clone House (a Protected Structure) Aughrim, Co. Wicklow		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			
<b>No</b>	X		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>		N/A	
<b>Yes</b>	X	Class 10 Infrastructure Projects (b) (i)	Proposal is significantly below 500 unit threshold
			Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

## Appendix 1 - Form 2

### EIA Preliminary Examination

An Bord Pleanála Case Reference	318698-23	
Proposed Development Summary	Change of use of existing farm outbuilding within the curtilage of a Protected Structure and conversion to a new single-family dwelling and connection existing septic tank of main house.	
Development Address	Clone House (a Protected Structure) Aughrim, Co. Wicklow	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>Proposal for change of use of existing farm outbuilding (within the curtilage of a Protected Structure) and conversion to a new single-family dwelling on residential zoned land located in a rural area. However, the proposal is not considered exceptional in the context of the existing rural environment.</p> <p>The proposal will be connected to an existing wastewater treatment system, on site.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>Site measuring 1.983 ha. The proposed floor area will be 80 sq. m. The proposal is not considered exceptional in the context of the existing rural environment.</p> <p>There are no other developments under construction in the proximity of the site.</p>	No
Location of the	The appeal site is not located in proximity to any	No

<p>Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>Natura sites and therefore it is not considered that the development would have a significant impact on the ecological site.</p> <p>Any other nearest European site is located above 1km from the site and therefore can be excluded in terms of the potential for effects on other European sites during construction and operational phases of the proposed development.</p>	
<p style="text-align: center;">Conclusion</p>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p><b>EIA not required.</b></p>		

Inspector: \_\_\_\_\_  \_\_\_\_\_ Date: 22nd April 2024

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_  
(only where Schedule 7A information or EIAR required)