



An
Coimisiún
Pleanála

Inspector's Report

ACP-323578-25

Development	Two storey house
Location	Main Street, Ferns Upper, County Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20250793
Applicant	Sharon Osborne
Type of Application	Permission
Planning Authority Decision	Grant permission subject to conditions
Type of Appeal	Third Party v. decision
Appellant	Simon Horgan
Observers	None
Date of Site Inspection	20 October 2025
Inspector	B. Wyse

1.0 Site Location and Description

- 1.1** The site is located in the centre of Ferns on the northern side of Main Street, R772. It has a stated area of 0.0199has and currently comprises the remains of a largely demolished street front house and associated overgrown garden area. The application form indicates that the site was added to the Derelict Sites Register in 2025. The drawings indicate that a larger plot to the rear is also within the applicants ownership.
- 1.2.** The appellant's property is immediately adjacent to the northwest. According to the planning authority Planning Report the building was originally a bank and more recently was used as a restaurant but is now disused. The adjacent property to the east comprises a modern two storey house and associated garden areas.
- 1.3.** Being the village centre there is a broad mix of residential, commercial and community uses in the general vicinity.

2.0 Proposed Development

- 2.1** The proposal is to demolish the remains of the existing house and to replace it with a two storey, 3 bedroom, house. The new house would be set back from the street frontage with a railing and pedestrian gate to a small front garden. The rear garden would include a pedestrian gate to the plot to the rear that is within the applicant's ownership.
- 2.2.** The proposed house is of contemporary design. It features an L-shaped plan with the bulk of the house close to the eastern site boundary. A single storey storage annex extends towards the western side boundary.

3.0 Planning Authority Decision

3.1 Decision

The decision to grant permission is subject to 6 standard conditions.

3.2. Planning Authority Reports

3.2.1. **Planning Report**

Basis for planning authority decision. Includes:

- Reference to application being a repeat of previous proposal granted permission by An Bord Pleanála in 2018.
- Further information recommended by the Roads Department considered not necessary given village centre location where there is no requirement for car parking spaces and noting that the original house on the site did not have off-street parking.
- No requirement for environmental impact assessment or appropriate assessment.

3.2.2. **Other Technical Reports**

Roads Department – recommended further information (see Section 3.2.1 above).

3.3. **Prescribed Bodies**

Uisce Éireann – no response received.

3.4. **Third Party Observations**

One submission by the appellant raising similar issues to those in the grounds of appeal (see Section 7.1 below).

4.0 Planning History

PA Ref 20170824, ABP Ref 26.249240

This is the previous 2018 permission for the same development (file attached).

PA Ref 20170824E

This is a 2023 refusal to extend the duration of the above permission.

PA Ref 20170825, ABP 26.249237

This is a 2017 refusal of permission for three houses on the plot to the rear that is also in the applicant's ownership.

Adjacent 'Bank' Building

PA Refs 20190508 and 20190528

These are June 2019 permissions for a change of use to a health and wellness centre and change of use of first floor and intermediate floor to living accommodation respectively. It is not clear if this development was carried out.

PA Ref 20230821

This is a November 2023 permission for a change of use from health and wellness centre at ground floor to two apartments. Again it is not clear if this development was carried out.

5.0 Policy Context

5.1 Development Plan

Wexford County Development Plan 2022-2028

Zoning; none.

Table 3-2; Within the Core Strategy Settlement Hierarchy Ferns is designated as a Level 3a Service Settlement.

Section 3.6.3; Such settlements are considered important service centres for their local communities and their wider rural hinterlands. The development approach to these settlements includes a focus on regeneration and renewal.

The appellants property adjacent to the west (former bank building) is recorded on the National Inventory of Architectural Heritage [NIAH No.15612012]. I have been unable to locate the property on the Record of Protected Structures (RPS) so, contrary to the indication in the planning authority Planning Report, it does not appear to be a Protected Structure.

Ferns is identified as a Historic Town on the Sites and Monuments Record [Ref WX015-003] and the associated zone of archaeological potential includes most of the town, including the area where the subject site is located.

5.3. Natural Heritage Designations

None relevant.

6.0 Environmental Impact Assessment (EIA)

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR (Report) is not required.

7.0 The Appeal

7.1 Grounds of Appeal

The appeal is lodged by Simon Horgan, owner of the adjacent former bank/restaurant building to the northwest of the subject property. The main grounds of appeal can be summarised as follows:

- The appellant intends to convert his building, recently purchased, into residential units.

- When permission was previously granted for the proposed development in 2018 the adjacent building was unoccupied and had been used commercially (as a restaurant, since closed down) prior to this time.
- The proposed development butts up against the appellant's boundary wall thereby blocking natural light.
- Most of the windows to the side of the appellant's building are likely to be impacted by the proposed development.
- The main concern relates to the former banking hall which was recently designed to house a kitchen. Production of the kitchen has been cancelled pending the outcome of the subject planning application.
- The upstairs windows of the appellant's building will also be negatively impacted due to the scale and height of the proposed development.
- The proposed development is out of scale for the small site and out of kilter with the streetscape.

7.2. Applicant Response

Includes:

- While the previous owner did lodge a planning application for apartment use there appears to be no associated commencement notice. Therefore, the property currently has extant commercial use.
- Planning permission for the appellant's proposals for his building has not been applied for.
- While the single storey element of the proposed house is directly adjacent to the party wall, the main two-storey element is fully set back.
- All the large primary windows of the bank building are on the front façade facing directly southwest. The secondary windows referred to are on the east side of the building and will not be subject to any significant impact. The party wall on this east side is almost 3m high.

- Due to the site levels the proposed roof ridge is below the first floor window heads of the bank.
- The bank building looms vastly larger in scale than the proposed modest infill house.

7.3. Planning Authority Response

None received.

7.4. Observations

Department of Housing, Local Government and Heritage

Responding to the Commission's article 28 notification the Department notes the location of the site within the Zone of Archaeological Potential in Ferns and recommends the attachment of a condition requiring archaeological monitoring of site clearance works and pre-development archaeological testing to any grant of permission.

No responses were received to the other article 28 referrals.

8.0 Assessment

- 8.1. The main issues in this appeal are those raised in the grounds of appeal and the matter of archaeology as raised in the submission to the Commission by the Department of Housing, Local Government and Heritage. I am satisfied that no other substantive issues arise.
- 8.2. The issues raised in the appeal grounds relate to the possible impact of the proposed house on the appellants building (the bank building) adjacent to the northwest and to its impact on the local streetscape.
- 8.3. In relation to the impact on the bank building it is clear from the application drawings and from photographs that there is a significant ground level difference between the subject site and the site of the bank building, with the latter at a much higher level. In addition to this, and as noted at Section 2.2 above, the proposed house is L-shaped in plan with the bulk of the structure close to the eastern site boundary and furthest removed from the side of the bank building. Only the single

storey annex extends to the common boundary between the two properties. The effective separation distances, therefore, are substantial and, when combined with the ground level differences, it can be concluded with confidence, in my view, that there would be no adverse impact on the bank building in terms of daylight, or otherwise, as contended by the appellant.

- 8.4. In relation to the impact on the streetscape there is no sense, in my view, that the proposed house could be deemed to be out of kilter. The house is modest in scale and its clean, contemporary lines can only enhance what can best be described as a very mixed quality streetscape.
- 8.5. In relation to the matter of archaeology it is noted that the subject site is identified, on this occasion, as falling within a zone of archaeological potential associated with Ferns Historic Town (Section 5.1 above) and that the Department, responding to an article 28 notification from the Commission, is recommending the attachment of a condition requiring site clearance monitoring and pre-development testing (See Section 7.4 above). In the circumstances, I consider that such a condition should be attached. The Commission might want to consider if the matter should be referred to the applicant for comment under Section 137 of the Act prior to issuing a final decision.
- 8.5. As noted, at Section 4.0 above, the proposed development is the same as that previously granted permission under PA Ref 20170824, ABP Ref 26.249240 in 2018. There has not been any significant change of circumstances in the meantime. I consider, therefore, that permission should be granted again and subject to similar conditions as before. It will be noted that I have omitted the previous Condition 2 from the schedule below, which required agreement on materials, colours etc, as these matters are sufficiently clear from the application drawings and the planning authority has not sought such a condition. The schedule as recommended also includes an appropriate archaeological condition. This is essentially the condition as recommended by the Department and is a modified

version of the Commission's standard condition C3. I consider this modified version to be better suited to the particular circumstances in this case.

9.0 Appropriate Assessment Screening

- 9.1. Having considered the nature, small scale and location of the project within an established and serviced urban area, and taking account of the screening determination of the planning authority, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.2. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Appropriate Assessment, therefore, is not required.

10.0 Water Framework Directive

- 10.1 I have assessed the development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status) and to prevent deterioration. Having considered the nature, small scale and location of the project in a serviced urban area, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies.

11.0 Recommendation

- 11.1. I recommend that permission be granted subject to conditions.

12.0 Reasons and Considerations

Having regard to the pattern of development in the area and to the nature and scale of the proposed development, it is considered that, subject to compliance

with the conditions set out below, the proposed development would be acceptable in terms of design, would not injure the visual or residential amenities of the area, including the adjacent former bank building to the north west, and would not contravene the policies or provisions of the current development plan for the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

Reason: In the interest of clarity.

2. (1) The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out archaeological monitoring of all demolition and site clearance works and a programme of pre-development archaeological testing in the proposed development site and to submit an archaeological impact assessment report to the Planning Authority and the Department of Housing, Local Government and Heritage in advance of any construction works. The report shall include an archaeological impact statement and mitigation strategy. No construction works shall be carried out on site until the archaeologist's report has been submitted and approval to proceed is agreed in writing by the Planning Authority.

(2) Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record (archaeological excavation) and/or monitoring may be required. Any further archaeological mitigation requirements specified by the

Planning Authority, following consultation with the Department, shall be complied with by the developer.

(3) Where necessary, a final archaeological report, describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work, shall be submitted to the Planning Authority and the Department.

(4) All archaeological costs shall be borne by the developer.

Reason: As the site is located within a zone of archaeological potential associated with Ferns Historic Town [Sites and Monuments Record Ref WX015-003] there is a risk that archaeological material could be damaged or destroyed as a result of the development.

3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

4. Prior to the commencement of development the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

5. Site development and building works shall be carried out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on

Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

7. The developer shall pay to the planning authority a financial contribution 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 the 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. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

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.

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.

B. Wyse
Planning Inspector
3 November 2025

Appendix A: Form 1 EIA Pre-Screening

Case Reference	323578
Proposed Development Summary	Replacement house and associated works.
Development Address	Main Street Ferns, Ferns Upper, County Wexford.
IN ALL CASES CHECK BOX /OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input type="checkbox"/> X Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input type="checkbox"/> X No, it is not a Class specified in Part 1. Proceed to Q	
1. Is the proposed development of a CLASS specified in <u>Part 2</u>, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of	

proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) Class 10(b)(i)...Threshold – more than 500 houses
2. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Preliminary examination required as above

Inspector: ___B. Wyse Date: ___3 November 2025

Appendix B: Form 2 - EIA Preliminary Examination

Case Reference	323578
Proposed Development Summary	Replacement house and associated works.
Development Address	Main Street Ferns, Ferns Upper, County Wexford.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Briefly comment on the key characteristics of the development, having regard to the criteria listed. The development is a single house that replaces a previous house, largely demolished, on the site. It requires just minor further demolition works and small scale construction works.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	Briefly comment on the location of the development, having regard to the criteria listed The development is situated in a village centre where infrastructural services are available. The adjacent building to the west, a former bank building, is recorded on the National Inventory of Architectural Heritage [NIAH No.15612012] as being of regional architectural and artistic interest.
Types and characteristics of potential impacts	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.

(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the modest nature of the proposed development and its location in a village centre where infrastructural services are readily available, there is no potential for likely significant effects such that would warrant the carrying out of environmental impact assessment.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
<p>There is no real likelihood of significant effects on the environment.</p> <p>X</p>	<p>EIA is not required.</p> <p>Include the following paragraph under EIA Screening (a separate heading) in the Inspectors report.</p> <p>The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.</p>
<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	<p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>
<p>There is a real likelihood of significant effects on the environment.</p>	<p>EIAR required.</p>

Inspector: _B. Wyse **Date:** ____3 November 2025