



Planning and Development Acts 2000 to 2019

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 19/64

APPEAL by Margaret Kirby and David Kirby care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 12th day of June, 2019 by Kilkenny County Council to grant subject to conditions a permission to Edel Ryan and Thomas Phelan care of Martin Holden of Coolmore, Knocktopher, County Kilkenny.

Proposed Development: Construction of a dwellinghouse, sewerage treatment system and percolation area, including all necessary site works at Legan, Thomastown, County Kilkenny.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. The subject site is located in a rural area which is identified as an Area Under Urban Influence in the Kilkenny County Development Plan 2014–2020 and identified as being under strong urban influence in the ‘Sustainable Rural Housing Guidelines for Planning Authorities’ issued by the Department of the Environment, Heritage and Local Government in April, 2005, wherein it is policy to distinguish between urban-generated and rural-generated housing need for dwellings in rural locations. Furthermore, it is national policy, as set out in the National Planning Framework, under National Policy Objective 19, 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, having regard to the viability of smaller towns and rural settlements”. On the basis of the documentation submitted with the application and appeal, including the lack of any agricultural or other rural-based employment which would necessitate the applicants living in a rural location, the Board is not satisfied that the applicants have a demonstrable economic or social need to live in this rural area, or that their housing need could not be satisfactorily met in an established smaller town or village/settlement centre. The Board is satisfied, therefore, that the applicants have not demonstrated any rural generated housing need for a dwelling at this rural location as set out in National Policy Objective 19 of the National Planning Framework 2019. The

proposed development would, therefore, contravene these Ministerial Guidelines, would be contrary to the over-arching national policy as set out in the National Planning Framework and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development, which would be located in an unzoned, unserviced rural area outside the development boundary of Thomastown, would constitute random residential development in a rural area that is under strong development pressure, and which already has an excessive density of housing development. It is the policy of the planning authority, as set out in the Kilkenny County Development Plan 2014-2020, to channel housing into suitably zoned land in areas where the appropriate social, community and physical infrastructure either exists or is planned, and to restrict development in rural areas. It is considered that the proposed development would exacerbate the haphazard and unplanned form of development in this rural area, would intensify urban sprawl on the road, would exacerbate ribbon development, would militate against the preservation of the rural environment, would represent an undesirable precedent for further such development in the area, and would be contrary to the policies set out in the development plan and the Thomastown Local Area Plan 2019. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Terry Ó Niadh

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.