



Planning and Development Acts 2000 to 2020

Planning Authority: Kerry County Council

Planning Register Reference Number: 20/28

APPEAL by Mel Ferguson of 21 Lawrence Road, Clontarf, Dublin against the decision made on the 11th day of June, 2020 by Kerry County Council to grant subject to conditions a permission to Donal O'Donoghue and Grainne Cronin care of Hickey Design and Associates of 10 Priory Paddocks, Muckcross Road, Killarney, County Kerry for the proposed development.

Proposed Development: Construct a dwelling house, served by an effluent treatment tank and sandcel polishing filter at Farranaspig, Aghadoe, Killarney, County Kerry, as amended by the further public notice received by the planning authority on the 27th day of April, 2020.

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 site is located within a Secondary Special Amenity Area, which is outside the development boundary for Killarney town in a Rural Area Under Strong Urban Influence, as identified in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in 2007 which has experienced intense pressure for urban generated housing development, and where it is the policy of the planning authority, as set out in the Settlement Strategy contained in the Kerry County Development Plan and in the Killarney Municipal District Local Area Plan, to facilitate the rural housing needs of immediate family members on family farms/landholdings, while directing urban generated housing into towns and villages, and where it is Government policy, under National Policy Objectives 15 and 19 respectively, of the National Planning Framework Plan, to manage the growth of such areas in order to avoid over-development and to require the social and economic need of the applicant to reside in these areas to be clearly demonstrated. Having regard to these national and local policies, it is considered that the applicants do not come within the housing need criteria as set out in the Guidelines and in the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural

development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, materially contravene the policies contained in the National Framework Plan (2018), the Sustainable Rural Housing Guidelines (2007), the Kerry County Development Plan (2015) and the Killarney Municipal District Local Area Plan (2018) and would be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is located within a rural area designated as a Secondary Special Amenity Area in the current Kerry County Development Plan 2015-2021, wherein it is required that development is designed to be sympathetic and sensitive to the landscape, and is zoned Landscape Protection Area G3 in the current Killarney Municipal District Local Area Plan 2018-2024, and where the Zoning Objective ZL-1 is “to protect the landscape of the County as a major economic asset and as an invaluable amenity which contributes to the quality of people’s lives”. This objective is considered reasonable. The proposed development, which is not related to the amenity potential of the area or the use of the area for agriculture, would materially contravene that development objective for the use primarily for the purpose of protecting the landscape as an asset and as an amenity, and where residential units are not normally permitted. The proposed development would, therefore, fail to comply with the provisions of the Kerry County Development Plan and the Killarney Municipal District Local Area Plan and would be contrary to the proper planning and sustainable development of the area.

3. It is considered that, taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive concentration of development served by individual private effluent treatment systems in the area. The proposed development would, therefore, be prejudicial to public health.

4. The site is accessed by means of an unsurfaced minor laneway with no road markings and poor visibility, by a local road which is substandard in width and alignment and is lined by ribbon development. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements it would generate on this poorly aligned and substandard road network.

Stephen Bohan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.