



Board Direction

Ref: PL08.246576

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12th September 2016. The Board decided to refuse permission generally in accordance with the Inspector's recommendation, and in accordance with the draft reasons and considerations set out below.

REASONS AND CONSIDERATIONS

1. The proposed development would result in the intensification of the use of an existing access onto the N72 National Secondary Road at a location where the maximum speed limit of 100 km/h applies. Having regard to the location of the site, it is considered that the proposed development by itself and by the precedent it would set for other development, would endanger public safety by reason of traffic hazard and obstruction of road users, would contravene national policy in relation to the control of development on national roads, as set out in the Spatial Planning and National Roads Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government (2012), which seeks to secure the efficiency, capacity and safety of the national road network. Furthermore, the proposed development would contravene objective RD-17, as set out in the Kerry County Development, 2015 – 2021, which seeks to protect the capacity and safety of the national road network in the County and ensure compliance with the said national Guidelines. The proposed development would also be contrary to Section 7.2.1.3 of the Development Plan, which sets out the circumstances under which intensification of an existing access onto the N72 would be favorably considered. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development is located within an 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 (2005), and in a Rural Area under Strong Urban Influence as set out in the Kerry County Development Plan 2015 – 2021, where housing is restricted to persons demonstrating local need in accordance with the provisions of that Plan. On the basis of the documentation on file, the Board is not satisfied that the applicants have adequately demonstrated that they come within the scope of the housing need criteria as set out in the Guidelines or on the Development Plan for a house. In the absence of an identified locally based need for the house, the proposed development 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, be contrary to the proper planning and sustainable development of the area.

Note:

The Board had serious concerns in relation to the design of the proposed house, in relation to the roof form in particular. This was considered to constitute a new issue in the context of the appeal, but having regard to the substantive reasons for refusal, the Board decided not to pursue this matter further.

Please issue a copy of this Direction with the Board Order.

Board Member: _____ Date: 12th September 2016
Fionna O' Regan