



An
Bord
Pleanála

Board Direction
BD-004127-19
ABP-304442-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/09/2019.

The Board decided to refuse outline permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

Having regard to the access arrangements associated with the site, the relationship of these access arrangements to adjoining properties, and to the location of the proposed house to the rear of an existing house, it is considered that the proposed development would constitute inappropriate and piecemeal, backland development, and would seriously injure the amenities of adjoining residential property. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: Having regard to the location of the site within an area under 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 April, 2005 and in an area where housing is restricted to persons demonstrating a local need in accordance with the Kilkenny County Development Plan 2014-2020, and to National Policy Objective 19 of the National Planning Framework, adopted by the Government, in relation to rural areas under urban influence, such as in the current case, which states that it is policy 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”, and having regard to the documentation submitted with the planning application and appeal, including confirmation of the location of the current dwelling occupied by the applicants, the Board considered that the applicants did not demonstrate that they come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location in the open countryside, and that they have not demonstrated an economic or social need to live in a new house in this rural area, in accordance with national policy and Kilkenny County Development Plan, 2014-2020. Furthermore, and noting the location of the applicants’ current house, the Board was not satisfied that the applicants’ aspirations for a new house, could not be satisfactorily met in an established smaller town or village/settlement centre. The Board therefore considered that the proposed development, in the absence of any definable or demonstrable 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 and would, therefore, contravene the Ministerial Guidelines, be contrary to national policy, would conflict with the provisions of the current Kilkenny County Development Plan would be contrary to the proper planning and sustainable development of the area. Notwithstanding this, the Board considered that this would constitute a new issue, in the context of the current appeal and having regard to the substantive reason for refusal as set above, it was decided not to pursue this matter further under the current appeal.

Board Member

Date: 27/09/2019

Chris McGarry