



An  
Bord  
Pleanála

**Board Direction**  
**BD-006211-20**  
**ABP-307155-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/08/2020.

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

### **Reasons and Considerations**

1. Having regard to the location of the site in a rural area where there is significant development pressure for one-off housing and holiday homes, its siting within an Area of Secondary Special Amenity Area as designated in the Kerry County Development Plan 2014, and having regard to the provisions of the *Sustainable Rural Housing Guidelines for Planning Authorities*, it is considered that the applicants do not come within the scope of the housing need criteria as set out in the Rural Housing Guidelines for a house at this rural 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, thus, be contrary these Ministerial Guidelines and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The site of the proposed development is located within an area designated as a Rural Secondary Special Amenity Area in the Kerry County Development Plan 2015-2021, which sets out a number of provisions to protect such landscape

areas from development. These sensitive landscapes can only accommodate a limited level of development and this is dependent on the degree to which the development can be integrated into the landscape. The proposed development, when taken in conjunction with existing dwellings in the area, would constitute an excessive density of development by virtue of its impact on the landscape and would interfere with the character of the surrounding rural landscape, which it is necessary to preserve, and would, therefore, be contrary to objective ZL-1 of the Development Plan, which seeks to protect the amenity value of the landscape of the county. Furthermore, the proposed development would be sited within views westwards from the local road onto which the site has frontage, which are protected views, and it would encroach on, hinder and obstruct these views to be preserved in accordance with Objective ZL-5 of the Kerry County Development Plan. The proposed development would, therefore, be visually intrusive, would conflict with the provisions of the Development Plan and would, thus, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the subject site within the Dingle Special Protection Area (Site Code: 004153), and on the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on this European Site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting permission.

**Board Member**

**Date:** 05/08/2020

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Michelle Fagan

**Note:**

- Baile na nGall is designated a small rural settlement in the Dingle Functional Area Local Area Plan with a defined development boundary. It is the objective

of the Plan to encourage the development of a compact and sustainable village structure by ensuring that new development is contiguous with existing development and makes effective use of backland and infill sites in the settlement, while all new development is required to occur within the development boundary. Having regard to the site of the proposed development being located to the north of and outside of the village's development boundary, it is considered that the proposal would be contrary to the objective of the Plan, would contribute to disorderly development on the approaches to the village, and would set an undesirable precedent for development of a similar nature in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- It is considered that the proposed development would be premature by reference to the existing deficiencies in the public piped sewerage facilities serving the area and the period within which the constraints involved may reasonably be expected to cease.

(Please attach a copy of the Board Direction to the Board Order.)