

An  
Bord  
Pleanála

**Board Direction**  
**BD-010159-22**  
**ABP-311489-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/03/2022.

The Board decided to refuse permission for the following reasons and considerations.

### **Reasons and Considerations**

Section 3.3.5 of the Kerry County Development Plan 2015-2021 provides that in Prime Special Amenity Areas, it is the policy of the planning authority to confine the renovation or restoration of existing and vacant buildings situated in rural areas to dwellings which are to be occupied by a person as their primary place of residence and who are sons and daughters of traditional landholders, the landholding having been in the applicant's or applicant's family's ownership for a period in excess of ten years while being the location of the principal family residence. This policy is considered reasonable.

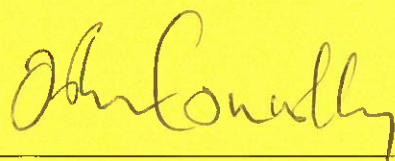
Having regard to the location of the site in an area of Prime Special Amenity as identified on Map 12.1p of the development plan, and to the information contained on the file including the recent condition of the structure on the site, it is considered that the development to be retained would not comply with Section 3.3.5 of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

**Note:**

Having regard to the location of the site within a rural area not under urban influence, and to National Policy Objective 19 of the National Planning Framework (February 2018) which, for rural areas not under urban influence, seeks to facilitate the provision of single housing in the countryside having regard to the viability of smaller towns and rural settlements, the Board considered that, having regard to the viability of smaller towns and rural settlements, the development to be retained might not comply with National Policy Objective 19. The development might contribute to the encroachment of random rural development in the area, might militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and might contravene the provisions of the National Planning Framework. The proposed development might, therefore, be contrary to the proper planning and sustainable development of the area. However, the Board considered this to be a new issue in the context of the planning application and appeal and, having regard to the substantive reason for refusal, decided not to pursue this matter further with the parties.

In deciding not to accept the Inspector's recommendation to grant permission, the Board had regard to the information contained on the file including the recent condition of the structure on the site, and considered that the development to be retained would not comply with Section 3.3.5 of the development plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

**Board Member**



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John Connolly

**Date:** 03/03/2022