

An
Bord
Pleanála

Board Direction
BD-019857-25
ABP-321894-25

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/06/2025.


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

Reasons and Considerations

1. Notwithstanding the proposal to use a tertiary treatment system and infiltration area and having regard to ground conditions within the site, the Board is not satisfied that it has been adequately demonstrated that effluent arising from the subject development can be satisfactorily treated and disposed of on the site in accordance with the Environmental Protection Agency's Code of Practice for Domestic Waste Water Treatment Systems (PE <10) (EPA 2021). The proposed development would be at variance with Objective KCDP 13-19 (Water and Waste Management) of the Kerry County Development Plan 2022-2028, would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Notwithstanding the location of the subject site which is approximately 200 metres to the south of an area designated as a 'Visually Sensitive Area', and having regard to the elevated and open nature of the site relative to the nature of the adjoining landscape, to the scale and height of the proposed dwelling and garage, the design of the proposed dwelling which doesn't adhere to the 'Building a house in Rural Kerry Design Guidelines 2009' in terms of siting, mass and building form and would therefore be at variance with KCDP 5-22

(design of rural houses), and KCDP 11-78 (protecting landscapes), it is considered that the proposed development would appear incongruous on the landscape, would seriously injure the visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

Board Member



Emer Maughan

Date: 11/06/2025

Note:

Based on consideration of the documentation on file, the Board was not satisfied that the applicant has adequately demonstrated an exceptional rural housing need as set out in Objective KC DP 5-15 of the Kerry County Development Plan 2022-2028, however given the substantive reasons for refusal set out above, decided not to pursue this matter further.