



An  
Coimisiún  
Pleanála

Direction  
CD-021976-26  
ACP-323020-25

The submissions on this file and the Inspector's report were considered at a meeting held on 04/03/2026.

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

**Planning**

Commissioner:

Mick Long

Date: 04/03/2026

**DRAFT WORDING FOR ORDER**

**Reasons and Considerations**

1. Having regard to the planning history of the site, including planning enforcement issues from previous planning applications associated with the subject site, it is considered that the proposed development to include an alteration of the site boundary, would contravene conditions attached to an existing permission for development, including condition numbers 1, 4, 5, 6 and 7 under planning register reference number 23/118 attached to the permission granted by Kilkenny County Council on the 12th day of April 2024. The Commission cannot be satisfied that the proposed development would not facilitate the consolidation and intensification of unauthorised development and non-compliance with previous planning permissions permitted at the subject site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the Amenity/Greenlink/Biodiversity conservation/Open space/Recreation zoning objective in Kilkenny City and County Development Plan 2021, wherein the northern portion of the site is located, the Commission considers that the proposed development, of extending the residential boundary and curtilage would materially contravene the zoning objective, as set out in the Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

**Notes:**

- The Commission noted the proposal to fill and culvert the drain to the north of the site, within lands zoned as Amenity/Greenlink/Biodiversity conservation/open space/recreation, and shared the concerns of the Inspector on the lack of information relating to the impact of such works in terms of flooding given the proximity of the Nore river but did not seek further information given the substantive nature of the reasons for refusal.
- In relation to the concerns raised about legal interest, the Commission noted the provisions of Section 34(13) of the Planning and Development Act, as amended which provides that 'Where a person shall not be entitled solely by reason of a permission under this section to carry out any development'.