



The submissions on this file and the Inspector's report were considered at a meeting held on 31 March 2026.

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

Planning Commissioner:

Emer Maughan

Date:

31st day of March 2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. Having regard to the soil conditions and high water table within an area of flood risk potential, the Commission is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on site in

accordance with the EPA Code of Practice for Domestic Wastewater Treatment Systems 2021, notwithstanding the proposed use of a proprietary wastewater treatment system. The development proposed to be retained would, therefore, be prejudicial to public health and to the environment

2. Having regard to the totality of documentation submitted in support of the application and appeal and to the location of the site within an 'Area under Urban Influence' as indicated in Figure 7.1 Rural Housing Strategy of the current Kilkenny City and County Development Plan 2021-2027, the applicant has failed to demonstrate compliance with the Rural Housing Policy as set out in Section 7.8.4 of the development plan. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The site of the development proposed to be retained is located within an 'Area under Urban Influence' as indicated in the current Kilkenny City and County Development Plan 2021-2027 for the area, where emphasis is placed on the importance of designing with the landscape and of siting of development to minimise visual intrusion as set out in the current Kilkenny Rural House Design Guidelines 2008, which Guidelines are considered to be reasonable. Having regard to the location of the development proposed to be retained on a narrow plot of land at the end of a laneway serving an existing dwelling, to the design and siting of the structures, it is considered that the development proposed to be retained would form a discordant feature on the landscape at this location, would militate against the preservation of the rural environment and would set an undesirable precedent for other such located development in the vicinity. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: The Commission had regard to the response of the planning authority to the first party appeal (received on 4th December 2025) in determining this appeal.