



An
Bord
Pleanála

Board Order

PL 08.248071

Planning and Development Acts 2000 to 2016

Planning Authority: Kerry County Council

Planning Register Reference Number: 16/1181

Appeal by Derek Noble care of Walsh Architectural of Lakelands House, Waterville, County Kerry against the decision made on the 2nd day of February, 2017 by Kerry County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Fit new wastewater treatment system and retain existing house and integrated “granny flat” in its current use at Ballybrack, Waterville, County Kerry.

Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 2(a) and (b) and the reason therefor and to ATTACH a further condition so that it shall be as follows for the reason set out.

2. The dwelling house and integrated residential unit ('granny flat') shall remain as one integral unit under one ownership and neither property shall be disposed of as a separate entity.

Reason: In the interest of clarity.

Reasons and Considerations

Having regard to: -

- (a) the planning history associated with the subject appeal site,
- (b) the long established use of the house and integrated residential unit/'granny flat', and
- (c) the installation of a new wastewater treatment plant located and satisfactory nature of effluent management proposals,

the Board is satisfied that condition number 2(a) and (b) as attached by the planning authority are not reasonable or necessary in the interests of proper planning and sustainable development.

The Board agreed with the Inspector that a new condition regulating the future use of the combined units was appropriate. The Board, therefore, considered that condition number 2(a) and 2(b) should be omitted and a new condition number 2 should be attached.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017