

Board Order PL 08.248436

## Planning and Development Acts 2000 to 2017 Planning Authority: Kerry County Council Planning Register Reference Number: 16/1288

**Appeal** by Michael Horgan of 2 Upper Cloonbeg, Tralee, County Kerry against the decision made on the 10<sup>th</sup> day of April, 2017 by Kerry County Council to grant subject to conditions a permission to Richard Sheridan care of Oliver Daly Architects of 6 Church Street, Castleisland, County Kerry.

**Proposed Development:** Construction of a storage unit for tree surgeon services vehicles and related machinery, retain hard stand/yard and access road and all ancillary site works at Ballyfinnane, Firies, Killarney, County Kerry.

## Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

## **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.

## **Reasons and Considerations**

- 1. It is the policy of the planning authority, as set out in the current development plan for the area, to permit small rural industrial, business or community led enterprise in certain rural areas where it can be demonstrated that there is no suitable site within any settlement in the locality and the proposal would benefit the local economy or would contribute to community regeneration. This policy is considered to be reasonable. In the absence of any specific locational requirement which necessitates the development of the proposed storage shed/warehouse at this rural, unzoned and unserviced location, the Board is not satisfied that it is necessary to locate the proposed development in the countryside outside any existing settlement. It is considered that the proposed development would, therefore, contravene an objective as set out in the development plan and would be contrary to the proper planning and sustainable development of the area.
- 2. The proposed development, because of its scale and lack of toilet facilities, combined with a lack of details for surface water management on the site, poor soil drainage characteristics and location adjacent to a waterbody. may pose an unacceptable risk of water pollution and, as such, would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2017