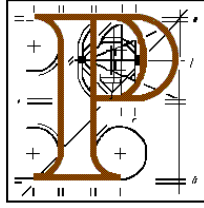


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

## Kerry County Council

**Planning Register Reference Number: 17/848**

An Bord Pleanála Reference Number: ABP-300169-17

**Appeal** by Michael Horgan of 2 Upper Cloonbeg, Tralee, County Kerry against the decision made on the 20<sup>th</sup> day of October, 2017 by Kerry County Council to grant subject to conditions a permission to Linda Spillane care of Hickey Design and Associates of 10 Priory Paddocks, Muckcross Road, Killarney, County Kerry.

**Proposed Development:** Construction of a dwelling house, garage, septic tank and percolation area at Coolies, Muckcross, Killarney, County Kerry.

## Decision

**REFUSE permission for the above proposed development based on 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. Having regard to the location of the site within Stronger Rural Area as designated in the current Kerry County Development Plan 2015 – 2021 and where, in accordance with the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005, it is policy to distinguish between urban-generated and rural-generated housing need, and, having regard to the nature and location of employment of the applicants, a rural generated housing need for a house at this location has not be identified. The proposed development, in the absence of any identified rural-generated need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the Ministerial Guidelines and be contrary to the proper planning and sustainable development of the area.
2. The proposed development is located within an area designated as a Rural Secondary Special Amenity area in the Kerry County Development Plan 2015-2021, which sets out a number of provisions to protect such landscape areas from development. These sensitive landscapes can only accommodate a limited level of development and this is dependent on the degree to which the development can be integrated into the landscape. The proposed development, when taken in conjunction with existing dwellings in the area, would constitute an excessive density of development by virtue of its impact on the landscape and would interfere with the character of the surrounding rural landscape, which it is necessary to preserve, and would, therefore, be contrary to objective ZL-1 of the Development Plan, which seeks to protect the amenity value of the landscape of the county. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

**Dated this                      day of                      2018.**