



Planning and Development Acts 2000 to 2017

Planning Authority: Kerry County Council

Planning Register Reference Number: 17/1010

APPEAL by Lakes and Rivers of Kerry care of Michael Horgan of 2 Upper Cloonbeg, Tralee, County Kerry against the decision made on the 5th day of December, 2017 by Kerry County Council to grant subject to conditions a permission to Deirdre Buckley and John Hannon care of Patrick Collins and Associates of Hillards Lane, High Street, Killarney, County Kerry.

Proposed Development Construct a dormer dwelling house, domestic garage, treatment unit and polishing filter unit and all site development works at Coolies, Muckross, 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. Taken in conjunction with existing dwellings in the vicinity, it is considered that the proposed development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities, would exacerbate an emerging pattern of suburbanisation that is eroding the rural character in the vicinity, would result in an inappropriate extension of ribbon development along the public road and would conflict with Section 3.1 of the Kerry County Development Plan 2015 to 2021, which states that “urban sprawl on the edge and environs of the Hub towns...should be discouraged.” The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the site within an Area Under Strong Urban Influence, as identified in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005 and to National Policy Objective 19 of the National Planning Framework (February 2018) which seeks to ensure that the provision of single housing in rural areas under urban influence are provided based upon demonstrable economic or social need to live in a rural area, it is considered that the applicants do not come within the scope of the housing need criteria, as set out in the Guidelines and do not comply with National Policy Objective 19. The proposed development, in the absence of any identified locally based 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, contravene the provisions of the Sustainable Rural Housing Guidelines and the National Planning Framework and would be contrary to the proper planning and sustainable development of the area.

3. The proposed development site is located within an area designated as a Rural Secondary Special Amenity area in the Kerry County Development Plan 2015 to 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.

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

Dated this day of 2018.