



Planning and Development Acts 2000 to 2018

Planning Authority: Kerry County Council

Planning Register Reference Number: 17/853

APPEAL by Lakes and Rivers of Kerry, Salmon and Trout Conservation and Protection Association care of Michael Horgan of 2 Upper Cloonbeg, Tralee, County Kerry against the decision made on the 30th day of November, 2017 by Kerry County Council to grant subject to conditions a permission to Cathal Moynihan and Marie Colman care of Niall Lyne of Countess Grove, Killarney, County Kerry.

Proposed Development: Construction of a domestic dwellinghouse and garage. Permission is further sought for a site entrance and access road, installation of a new septic tank and percolation area and all associated ancillary site development works including landscaping and boundary treatments, all 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. 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 applicant does not come within the scope of the housing need criteria as set out in the Guidelines or in the Kerry County Development Plan 2015–2021 for a house at this sensitive rural location and does 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, be contrary to the Guidelines, and the provisions of the National Planning Framework and of the Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. 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, and would conflict with Section 3.1 of the Kerry County Development Plan 2015-2021, 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.

Maria FitzGerald

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

Dated this day of 2018.