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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 17/796**

**Appeal** by Thomas McInerney and Gary McInerney care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 1<sup>st</sup> day of February, 2018 by Kilkenny County Council to refuse permission to the said Thomas and Gary McInerney.

**Proposed Development:** Change of use of part of former horticultural site to residential occupation of 2 no. caravans for a period of 5 years, connections to on-site septic tank system, change of use of horticultural utility building to non-habitable residential utility use and all associated site works at Ballygriffin, Kilmacow, County Kilkenny.

**Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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**

Having regard to the former use of and the location of the subject site in proximity to existing services, together with the pattern of development in the area and the submissions made in connection with the planning application and the appeal it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the Kilkenny County Development Plan 2014-20220, would be acceptable in terms of servicing of the site, traffic safety and convenience, would not seriously injure the visual and residential amenities of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. This permission shall be for a period of five years from the date of this order. The caravans shall then be removed from the site unless, prior to the end of the period, permission for their retention has been obtained.

**Reason:** To allow for a review of the development having regard to the circumstances then pertaining and in the interest of the proper planning and sustainable development of the area.

3. (1) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to An Bord Pleanála on the 21<sup>st</sup> day of February and the 15<sup>th</sup> day of May, 2018, and in accordance with the requirements of the document entitled “Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.  $\leq$  10)” – Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (2) Within three months of the date of this order, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

**Reason:** In the interest of public health.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, development described in Class 1 or Class 3 of Part 1 of Schedule 2 to those Regulations shall not be carried out within the curtilage of the site without a prior grant of planning permission.

**Reason:** In order to ensure compliance with the temporary and limited nature of this planning permission and in the interests of the proper planning and sustainable development of the area.

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

**Dated this            day of            2018.**