



Planning and Development Acts 2000 to 2018

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 18/70

APPEAL by Fionnula Taylor care of Larkin Associates Architects of 1a Saint Canice's Court, Dean Street, Kilkenny against the decision made on the 15th day of March, 2018 by Kilkenny County Council to refuse permission.

Proposed Development Conversion of existing stables to a two-bedroom family residential unit connected to the existing effluent treatment system and using the same access as the existing house on lands at Newtown, Legan, Thomastown, County Kilkenny.

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. The subject site is located in a rural area which is identified as an Area Under Urban Influence in the Kilkenny County Development Plan 2014-2020 and identified as being under strong urban influence in the 'Sustainable Rural Housing Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government (2005) wherein it is policy to distinguish between urban-generated housing need and rural-generated housing need. On the basis of the documentation submitted in support of the application and the planning appeal, the Board is not satisfied that the applicant has established that the proposed occupant of the development has a rural-generated housing need, and accordingly the proposed development would be contrary to these Ministerial Guidelines. Furthermore, having regard to the layout of the proposed development, and its lack of physical integration into the existing main house, the Board is not satisfied that the proposed development would comply with the provisions for a family flat in this rural location, as set out in the development plan and specifically Section 12.5.5. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development, which would be located in an unzoned, unserviced rural area outside the development boundary of Thomastown, would constitute random residential development in a rural area that is under strong development pressure, and which already has an excessive density of housing development. It is the policy of the planning authority, as set out in the Kilkenny County Development Plan 2014-2020, to channel housing into suitably zoned land in areas where the appropriate social, community and physical infrastructure either exists or is planned, and to restrict development in rural areas. It is considered that the proposed development would exacerbate the haphazard and unplanned form of development in this rural area, would militate against the preservation of the rural environment, would represent an undesirable precedent for further such development in the area, and would be contrary to the policies set out in the development plan for the area and the Thomastown Local Area Plan 2009-2020. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2018.