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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 17/1045**

**APPEAL** by Tim Dalton of 93 Templeville Drive, Templeogue, Dublin and by others against the decision made on the 11<sup>th</sup> day of April, 2018 by Kerry County Council to grant subject to conditions a permission to Tara Walsh and Graham Sheehy care of Des O'Sullivan of Bedford, Listowel, County Kerry.

**Proposed Development:** Construction of a storey and a half dwellinghouse with a septic tank and percolation area, provision of an access drive to same and all associated site works at Tullygarran, Chute Hall, Tralee Co.Kerry. Further public notices were received by the planning authority on the 23<sup>rd</sup> day of February, 2018.

**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 site is within an area under strong urban influence as designated in the 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. On the basis of the submissions made in connection with the planning application and the appeal, the Board is not satisfied that a rural generated housing need at this location has been 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. 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 and consolidate a trend towards the establishment of a pattern of haphazard rural housing in an unzoned rural area and would lead to the erosion of the rural and landscape character of the area.
  
3. Having regard to the density of development served by individual effluent treatment systems in the vicinity, soil conditions on site and the watercourse along the northern site boundary, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on site. The proposed development would, therefore, be prejudicial to public health.

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

**Dated this            day of            2018.**