



Planning and Development Acts 2000 to 2018

Planning Authority: Carlow County Council

Planning Register Reference Number: 18/349

APPEAL by Derek Kennedy of Rathrush, Rathoe, County Carlow against the decision made on the 24th day of October, 2018 by Carlow County Council to refuse permission for the proposed development.

Proposed Development: (A) Construction of new agricultural shed, with associated holding tanks, yards and aprons and (B) construction of new dwelling house, domestic garage, install ETU with percolation area, and form new entrance with all associated site works at Ballintrane Townland, Fenagh, County Carlow.

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. It is considered that the proposed development, which would result in the intensification of use of an access onto the National Secondary Road N80 at a point where a speed limit of 100 km/h applies, would endanger public safety by reason of traffic hazard and the additional and conflicting traffic movements generated by the development would interfere with the safety and free flow of traffic on the public road.

2. Having regard to the:
 - (a) the nature of the site which is open to intermittent views from the adjoining N80 National Secondary Road,

 - (b) the scale and height of the proposed dwelling, and

 - (c) the siting of the house,

it is considered that the proposed development could not be effectively assimilated into the landscape and would, therefore, form an incongruous and obtrusive feature in this rural area. The proposed development would, therefore, materially contravene the policy set out in the current Carlow County Development Plan and would seriously injure the visual amenities of the area. 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 2019.