



Planning and Development Acts 2000 to 2019

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 18/829

APPEAL by Olivia Hamilton of Rathcusack, Bennettsbridge, County Kilkenny against the decision made on the 3rd day of April, 2019 by Kilkenny County Council to grant subject to conditions a permission to David and Patricia Dowling of 4B Marion Place, Bennettsbridge, County Kilkenny.

Proposed Development: A new dwellinghouse, new vehicular entrance, wastewater treatment system, percolation area and all associated site works at Rathcusack or Rathcorrig Townland, Bennettsbridge, 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. Having regard to the location of the site within a rural area under urban influence, and to National Policy Objective 19 of the National Planning Framework (February, 2018) which, for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements, it is considered that the applicant has not demonstrated an economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements and, therefore, the proposed development does not comply with National Policy Objective 19. The proposed development would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would contravene the provisions of the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the location of the proposed development along a rural road where there are several other existing detached houses, and its position at the south of these houses, the proposed development, or the precedent it would set for future similar developments, would give rise to undesirable ribbon development with an associated unsustainable demand for services along a rural road within an area under urban influence. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

John Connolly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.