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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kilkenny County Council.**

**Planning Register Reference Number: 19/64**

**Application for Leave to Appeal** against the decision of the planning authority by Margaret Kirby and David Kirby care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Meath having an interest in land adjoining the land in respect of which Kilkenny County Council decided on the 20<sup>th</sup> day of June, 2019 to grant subject to conditions permission to Edel Ryan and Thomas Phelan care of Martin Holden of Coolmore, Knocktopher, County Kilkenny.

**Proposed Development:** Construction of a dwellinghouse, sewerage treatment system and percolation area, including all necessary site works, all at Legan, Thomastown, County Kilkenny.

**Decision**

**GRANT** leave to appeal under section 37 (6) of the Planning and Development Act, 2000, as amended, based on 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**

Having regard to the submissions and documents received in connection with the application for leave to appeal and the conditions set out in the planning authority's decision, it is considered that it has been shown that -

- (i) the development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission by reason of condition numbered 1 imposed by the planning authority to which the grant is subject, and
- (ii) the imposition of condition numbered 1 will materially affect the applicant's enjoyment of the land adjoining the land in respect of which it has been decided to grant permission or reduce the value of the land.

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

**Dated this            day of            2019.**