



Planning and Development Acts 2000 to 2019

Planning Authority: Kilkenny County Council

Planning Register Reference Number: P.19/32

APPEAL by Linda Kavanagh of Ballycrony, Glenmore, County Kilkenny and by Others against the decision made on the 13th day of June, 2019 by Kilkenny County Council to grant subject to conditions a permission to Lynda Tracey and Paul Coughlan care of W. Raymond Walsh, Design, Planning and Surveying of Ballinlaw, Slieverue, Waterford.

Proposed Development: Construction of a dwelling house, detached garage, sewage treatment system and all ancillary works at Ballycrony, Glenmore, 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 site of the proposed development is located within an “Area Under Strong Urban Influence” as set out in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April 2005 and within an area that is designated as an ‘Area Under Urban Influence’ in the Kilkenny County Development Plan 2014-2020. Furthermore, the subject site is located in an area that is designated as an area under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, 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 and having regard to the viability of smaller towns and rural settlements. Having regard to the documentation submitted with the planning application and appeal, including the stated current employment of the applicants, the Board is not satisfied that the applicants have a demonstrable economic or social need to live in this rural area, or that the housing need of the applicants could not be met in a smaller town or rural settlement. It is considered, therefore, that the applicants do not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. The proposed development would be contrary to the

Ministerial Guidelines and to the over-arching national policy, notwithstanding to the provisions of the Kilkenny County Development Plan 2014-2020 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is located within an upland area forming part of the 'South-Eastern Hills' as designated in the Landscape Character Assessment set out at Figure 8.2 of the Kilkenny County Development Plan 2014-2020. The appeal site occupies an open and visually exposed site within a visually attractive and scenic landscape. It is considered that the proposed development by reason of its position, form and scale would result in serious injury to the visual amenities of the area by reason of visual intrusiveness and would contravene policy as set out at Section 8.2.10.6 of the Kilkenny County Development Plan 2014-2020, which relates to the protection of scenic amenity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Chris McGarry

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

Dated this day of 2020