



Planning and Development Acts 2000 to 2019

Planning Authority: Kerry County Council

Planning Register Reference Number: 19/232

APPEAL by The Crohane Residents Association care of Matthew Cronin of Crohane, Fossa, Killarney, County Kerry against the decision made on the 27th day of November, 2019 by Kerry County Council to grant subject to conditions a permission to Fiona O'Connor care of Brendan Williams Architects of HQ Tralee, Abbey Street, Tralee, County Kerry.

Proposed Development: Construction of a dwelling house, domestic garage, mechanical waste water treatment unit with intermittent filter and polishing filter, form new site access and access road at existing agricultural access, together with all associated site works at Crohane, Fossa, Killarney, County Kerry as amended by the revised public notices received by the planning authority on the 1st day of November 2019.

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, wherein it is the policy to distinguish between urban-generated and rural-generated housing need. Furthermore, the subject site is located in an area that is designated 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, having regard to siting and design criteria and the viability of smaller towns and rural settlements.”

Having regard to the location of the subject site, within the urban catchment of Killarney, and also having regard to the information submitted by the applicant as to the nature and location of her employment, which is within the development boundary of the village of Fossa and is not related to agricultural activity, to the location of her existing home, which is stated to be owned and is located within the development boundary of the town of Kilcummin, and the absence of any information of a social need that may require the applicant to reside within the rural countryside, the Board is not satisfied that the applicant comes within the scope of the housing need criteria as set out in the

Guidelines, nor has a demonstrable economic or social need to live in this rural area. Furthermore, the Board is not satisfied that the applicant's housing needs, if any, could not be satisfactorily met in an established smaller town or village/settlement centre.

The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the over-arching national policy, notwithstanding the provisions of the Kerry County Development Plan 2015 – 2021, and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to Rural Settlement Objective 4 of the Kerry County Development Plan 2015–2021 and to the elevated and highly visible position of the site when viewed from the R563 and the associated local road network, it is considered that the introduction of the proposed dwelling house and its associated means of access, and significant land remodelling, including cutting into the hillside, would extend the cluster of existing dwelling houses to the east of the site westwards towards the regional road in a manner that would be conspicuous and which would fail to ensure that it is capable of being adequately absorbed within the landscape. Consequently, the proposed development would fail to protect the local landscape, as mandated by Objective RS-4 of the Development Plan, and it would be seriously injurious to the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

Philip Jones

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this

day of

2020