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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 20164**

**APPEAL** by Siobhán Ní Dhubhda and Labhrás O'Maidín of 38 Laune View, Killorglin, County Kerry against the decision made on the 20<sup>th</sup> day of April, 2020 by Kerry County Council to refuse permission to Siobhán Ní Dhubhda and Labhrás O'Maidín.

**Proposed Development** (1) Construct a new dwelling house and stand-alone domestic garage. (2) Construct a new site access and driveway from the public road to proposed site with splayed entrance walls, including all associates ancillary site works. (3) Proposed new connection to existing public sewer. All at Murreagh, Ballydavid, Tralee, County Kerry.

**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 in a rural area where there is significant development pressure for one-off housing and holiday homes, to its siting within an Area of Secondary Special Amenity, as designated in the Kerry County Development Plan 2015 - 2021, and having regard to the provisions of the "Sustainable Rural Housing Guidelines for Planning Authorities", issued by the Department of the Environment, Heritage and Local Government in April, 2005, it is considered that the applicants do not come within the scope of the housing need criteria, as set out in the Guidelines, for a house at this rural location. The proposed development, in the absence of any identified locally based need for a house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary the Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is located within an area designated as a Rural Secondary Special Amenity Area in the Kerry County Development Plan 2015 - 2021, which sets out a number of provisions to protect such landscape areas from development. These sensitive landscapes can only accommodate a limited level of development and this is dependent on the degree to which the development can be integrated into the landscape. The proposed development, when taken in conjunction with existing dwellings in the area, would constitute an excessive density of development, by virtue of its impact on the landscape and would interfere with the character of the surrounding rural landscape, which it is necessary to preserve, and would, therefore, be contrary to objective ZL-1 of the current Development Plan for the area, which seeks to protect the amenity value of the landscape of the county. Furthermore, the proposed development would be sited within views westwards from the local road onto which the site has frontage, which are protected views, and it would encroach on, hinder and obstruct these views to be preserved in accordance with Objective ZL-5 of the Development Plan. The proposed development would, therefore, be visually intrusive, would conflict with the provisions of the current Development Plan for the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the location of the subject site within the Dingle Peninsula Special Protection Area (Site Code: 004153), and on the basis of the information provided with the application and the appeal, and in the absence of a Natura impact statement, the Board cannot be satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on this European site in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting permission.

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**Michelle Fagan**

**Member of An Bord Pleanála**

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

**Dated this            day of            2020.**