



Planning and Development Acts 2000 to 2020

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 20/345

APPEAL by Alan Sullivan care of Cummins and Voortman Limited of Ballyline, via Callan, County Tipperary against the decision made on the 23rd day of July, 2020 by Kilkenny County Council to refuse permission for the proposed development.

Proposed Development: Development comprising (a) construction of a sustainable dormer bungalow, (b) demolition and replacement of existing shed, (c) installation of a rainwater harvesting tank, and (d) construction of a new site entrance and associated works, all at Fallows End, Station Road, Thomastown, 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 in a rural location in an 'Area Under Strong Urban Influence', as identified in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April, 2005 where it is national policy to distinguish between urban generated and rural generated housing need and in an "Area Under Urban Influence" in section 3.5.2 of the Kilkenny County Development Plan 2014-2020. Furthermore, it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, published by Government in February 2018, 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 submissions made in connection with the planning application and the appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area. It is considered, therefore, that the applicant does not come within the scope of 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, to over-arching national policy and to the relevant 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. It is the policy of the planning authority, as set out in the Kilkenny County Development Plan 2014-2020, to channel housing into suitably zoned land, to restrict development in rural areas and to discourage ribbon development in rural areas. Furthermore, it is the policy of the planning authority, as set out in the Thomastown Local Area Plan 2019, to support the continued consolidation of development within the development boundary of the town. These policies are considered reasonable. The proposed development would constitute undesirable ribbon development in an unzoned rural area and outside the designated development boundary of Thomastown. In this regard the proposed development would exacerbate haphazard development in this rural area, would set an undesirable precedent for further such development in this area and would be contrary to the relevant provisions of the Kilkenny County Development 2014-2020 and the Thomastown Local Area Plan 2019. 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.