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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 20/391**

**APPEAL** by Eamon Delahunty of Luffany, Mooncoin, County Kilkenny and by Paddy Delahunty of Luffany, Mooncoin, County Kilkenny against the decision made on the 17<sup>th</sup> day of August, 2020 by Kilkenny County Council to grant subject to conditions a permission to Mark Fitzgerald care of John Fitzgerald of Luffany, Mooncoin, County Kilkenny in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a new part single storey and part two-storey dwelling with effluent treatment system/percolation area, domestic garage and all associated site boundary and site development works at Luffany, Mooncoin, 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. Having regard to the location of the site within 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, wherein it is policy to distinguish between urban-generated and rural generated housing need, and having regard to National Policy Objective 19 of the National Planning Framework, adopted by the Government, in relation to rural areas under urban influence, such as in the current case, which states that it is policy 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 viability of smaller towns and rural settlements”, it is considered that the applicant has not demonstrated that he comes within the scope of the housing need criteria as set out in the Guidelines and has not demonstrated an economic or social need to live in this rural area in accordance with national policy. Furthermore, the Board is not satisfied on the basis of the information on the file, including the location of the applicant’s workplace in New Ross, County Wexford, that the applicant’s housing needs could not be satisfactorily met in an established smaller town or village/settlement centre. The proposed development, in the absence of any definable or demonstrable based need for a house in this rural area, 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. Accordingly, the proposed development would be contrary to the provisions of the 2005 Guidelines and would also be contrary to National Policy Objective 19 of the National Planning Framework notwithstanding the provisions of the Kilkenny County Development Plan 2014-2020. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the access for the proposed development being located on a narrow public laneway which the Board considered was not adequate to cater for the additional traffic associated with a rural dwelling, the Board considered that the proposed development would be haphazard in nature, would set an undesirable precedent for further dwellings along the laneway, and would not be acceptable in terms of pedestrian and traffic safety. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

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**Maria FitzGerald**

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

**Dated this            day of            2021.**