



Planning and Development Acts 2000 to 2020

Planning Authority: Kerry County Council

Planning Register Reference Number: 20/823

APPEAL by Denis Lyons of Prison North, Balla, County Mayo and by Michael and Joan O'Shea of Killoe, Caherciveen, County Kerry against the decision made on the 4th day of November, 2020 by Kerry County Council to grant subject to conditions a permission to Muiris Brennan care of Frank Curran of 16 Main Street, Caherciveen, County Kerry.

Proposed Development: Construction of a dwellinghouse and private garage/store served by an effluent treatment tank and polishing filter and the upgrading of and alteration to existing access road at Killoe, Cahersiveen, 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

Having regard to the location of the site to the south of the town of Caherciveen in a rural area under urban influence, and to National Policy Objective 19 of the National Planning Framework (February, 2018) which, for rural areas under urban influence, seeks 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. The Board considered, on the basis of the documentation submitted with the planning application and the appeal, including information on the applicant's current employment, that the applicant has not demonstrated an economic or social need to live in this rural area, or that their housing need could not be satisfactorily met in an established smaller town or village/settlement centre. The proposed development would, therefore, contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would contravene the provisions of the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board accepted that the applicant had established links to the area generally in accordance with the rural housing policies and objectives of the Kerry County Development Plan 2015-2021. However, the Board was not satisfied, based on the information on the file, including the applicant's current employment, that the applicant had a demonstrable need to live in this rural area in compliance with the overarching requirements of national guidelines and policy.

DR. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

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

Dated this 5th day of July 2021.