

Planning and Development Acts 2000 to 2020

Planning Authority: Kerry County Council

Planning Register Reference Number: 20/836

APPEAL by Thomas O'Connor care of Frank Curran Consulting Engineers Limited of 16 Main Street, Caherciveen, County Kerry against the decision made on the 9th day of November, 2020 by Kerry County Council to refuse permission.

Proposed Development: Construction of a dwellinghouse served by a septic tank and percolation area and the construction of an access road at Kells, Cahersiveen, County Kerry.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

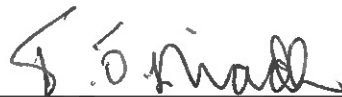
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. The site is located in a Stronger Rural Area which has experienced intense pressure for urban generated housing development and where it is the policy of the planning authority, as set out in the settlement strategy contained in the Kerry County Development Plan and the Iveragh Peninsula Local Area Plan, to facilitate the rural housing needs of people who are intrinsic to the local area while directing urban generated housing into towns and villages and where it is Government policy, under National Policy Objective 19 of the National Planning Framework Plan, to avoid over-development of rural areas and to have regard to the viability of smaller towns and villages in facilitating the provision of single houses in the countryside. Having regard to these national and local policies, it is considered that the applicant does not come within the housing need criteria as set out in the guidelines and in the development plan for a house at this location, and the Board is not satisfied that the housing need could not be satisfactorily met in an established settlement. The proposed development would give rise to an excessive density of development, would contribute to a suburban form of development in a rural area and would militate against the preservation of the rural environment, the efficient provision of public services and infrastructure and the viability of smaller rural settlements. The proposed development would, therefore, be contrary to national and local policy and to the proper planning and sustainable development of the area.

2. The site is located in an elevated position in an area designated in the current Kerry County Development Plan 2015-2021 as an area of Rural Secondary Special Amenity, by reason of its sensitive landscape quality, in relation to which policy Objective ZL-1 seeks to control development in order to protect the landscape. It is considered that the construction of a house on the site, in conjunction with existing adjacent development, would result in a highly visible and obtrusive feature which would be detrimental to the high scenic amenity of the area. The proposed development would, therefore, contravene this policy and would be contrary to the proper planning and sustainable development of the area.

3. On the basis of the information provided with the planning application and the appeal, and in the absence of a Natura impact statement, the Board cannot, therefore, be satisfied that the proposed development, both during construction and operation, individually or in combination with other plans or projects, would not result in adverse effects on the integrity of Killarney National Park, Macgillicuddy's Reeks and Caragh Lake Catchment Special Area of Conservation (Site Code: 000365) and Iveragh Peninsula Special Protection Area (Site Code: 004154) in view of the sites' conservation objectives. In such circumstances, the Board is precluded from granting permission.



Terry Ó Niadh

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 15th day of July, 2021.

