



Planning and Development Acts 2000 to 2020

Planning Authority: Kerry County Council

Planning Register Reference Number: 20/326

Appeal by Niall and Patricia FitzGerald and others of Sliabh Solas, Knocknagoshel West, Tralee, County Kerry and by Thomas and Joan Griffin care of Ross Planning and Design of Rossanean, Currow, Killarney, County Kerry against the decision made on the 30th day of November, 2020 by Kerry County Council for permission for development comprising the construction of new splayed entrance walls and piers with access gates, including chain link or equal approved boundary treatment to existing access road, with all associated ancillary site works at Knocknagashel West, Knocknagashel, Tralee, County Kerry in accordance with the plans and particulars lodged with the said Council which decision was to grant subject to conditions permission for the construction of chain link or equal approved boundary treatment to existing access road, with all associated ancillary site works and to refuse permission for new splayed entrance walls and piers with access gates.

Decision

REFUSE permission for the above proposed development based on 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 locational context of the site, it is considered that the proposed development which comprises an entrance gate, piers and length of chain link fencing by reason of its design and likely impact on an established sod and stone ditch and distance from the dwelling site would detract from the visual and rural amenities of the area, would interfere with the character of the landscape, and would set an undesirable precedent for similar future development in the area. The proposed development would be contrary to Rural Housing objective RS-4 to ensure that the provision of rural housing will protect the landscape, the natural and built heritage, the economic assets and the environment of the County and would be contrary to the standards for boundary treatment in respect of residential development in rural areas (section 13.4) of the Kerry County Development Plan 2015-2021. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the locational context of the site, it is not considered that sufficient justification has been given relative to the need for the proposed entrance gates and fencing based on the evidence provided, the Board is not satisfied that the proposed development would not, if permitted, interfere with an established right of way. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Stephen Bohan

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

Dated this *27th* day of *April* 2021

