



Planning and Development Acts 2000 to 2020

Planning Authority: Kerry County Council

Planning Register Reference Number: 20/942

APPEAL by Philip and Jasmin Stallard care of Declan Noonan and Associates of Upper Main Street, Dingle, County Kerry against the decision made on the 1st day of December, 2020 by Kerry County Council to refuse permission.

Proposed Development: Construct a single storey dwelling house with attic accommodation served by a septic tank and percolation area and also to include all associated site works at Ballinknockane, Camp, Tralee, 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. Having regard to the location of the site within a Stronger Rural Area as designated in the Kerry County Development Plan 2015-2021 and to the provisions of the Sustainable Rural Housing Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in April 2005 and the National Policy Objectives of the National Planning Framework, which seek to manage the growth of areas that are under strong urban influence to avoid over-development and to ensure that the provision of single housing in rural areas under urban influence are provided based upon demonstrable economic or social need to live in a rural area, it is considered that the applicants do not come within the scope of the housing need criteria as set out in the Kerry County Development Plan and the Sustainable Rural Housing Guidelines for a house at this rural location and do not comply with National Policy Objectives. The proposed development, in the absence of any identified locally based need for the house, 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. The proposed development would, thus, be contrary to the provisions of the Kerry County Development Plan, the Sustainable Rural Housing Guidelines for Planning Authorities, and the rural policy provisions of the National

Planning Framework, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to Policy RD-17 of the Kerry County Development Plan 2015-2021 to protect the capacity and safety of the strategically important regional road network in the County, which is considered reasonable, it is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a road at a point where sightlines are restricted. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



John Connolly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this *29th* day of *April* 2021

