

An  
Bord  
Pleanála

**Board Order  
ABP-309150-21**

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 20/84**

**Appeal** by Kevin and Breda Gertberg care of Sean Lucy and Associates Limited of 23E Lough Sheever Corporate Park, Mullingar, County Westmeath against the decision made on the 8<sup>th</sup> day of December, 2020 by Kilkenny County Council to grant subject to conditions a permission to Walter Lennon care of Brian Dunlop Architects of Patricks Court, Patrick Street, Kilkenny.

**Proposed Development:** Retention of building as constructed and permission for use of retained building as a dwellinghouse, alterations to the building, a new waste water treatment system and all site ancillary works, and permission for change of use of existing farm house to a permanent farm storage building, at Kilarree, Threecastles, County Kilkenny.

## **Decision**

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

## Matters Considered

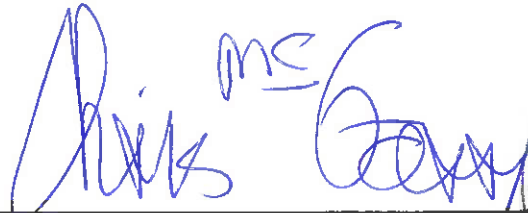
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## Reasons and Considerations

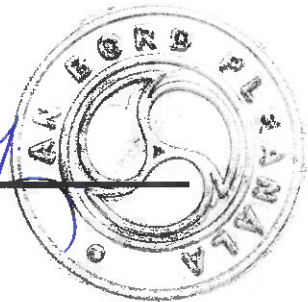
1. It is considered that the proposed building for which retention permission is sought and for which a change of use to residential use is proposed, by reason of its excessive length, unbalanced ratio of rising wall to roof proportions, double height porch feature and proliferation of rooflight/dormer features would be visually incongruous and obtrusive in this rural area. The proposed development would be contrary to the provisions of the Kilkenny Rural Design Guide in terms of form and proportion and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The subject site is located within a 'rural area under pressure for rural housing, as identified in the Kilkenny County Development Plan 2014-2020 and is located within an "Area Under Strong Urban Influence" as set out in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April 2005. Furthermore, the subject site is located in an area that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, 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 documentation submitted with the application and appeal, the Board is not satisfied that the applicant who currently resides in an existing dwelling on site, has demonstrated compliance with Section 3.5.2.5 of the Kilkenny County Development Plan 2014-2020, which states that the Council will encourage and



facilitate the appropriate refurbishment of existing housing stock and in certain limited cases the replacement of existing dwellings. On the basis of the information submitted with the application and appeal, the Board is not satisfied that the existing habitable residence of the applicant is not capable of refurbishment. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the over-arching national policy and having regard to the relevant provisions of the Kilkenny County Development Plan 2014-2020, and would be contrary to the proper planning and sustainable development of the area.



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



Dated this 18<sup>th</sup> day of May 2021