



**An
Bord
Pleanála**

**Board Order
ABP-309441-21**

Planning and Development Acts 2000 to 2020

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 20/450

APPEAL by Jerry Hennessy of Barragheere, Goresbridge, County Kilkenny against the decision made on the 19th day of January, 2021 by Kilkenny County Council to grant subject to conditions a permission to Criostal Hennessy and Patrick Healy care of Byrne and McCabe Design Limited of Upper Main Street, Graiguenamanagh, County Kilkenny.

Proposed Development: Construction of a dwellinghouse and domestic garage/store, installation of a treatment system and percolation area and all associated site works at Duninga, Goresbridge, 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. The site of the proposed development 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 viability of smaller towns and rural settlements. Having regard to the documentation submitted with the application and appeal, including information on the applicant’s employment situation, the Board is not satisfied that the applicant has a demonstrable economic or social need to live at this site within this rural area, or that the applicant’s housing need could not be met within a town or settlement. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or 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 would be contrary to the proper planning and sustainable development of the area

2. The site of the proposed development is located within 'Stronger Rural Areas under Significant Urban Influence' as set out in the current development plan for the area, where emphasis is placed on the importance of designing with the landscape and of siting of development to minimise visual intrusion on the open countryside. Notwithstanding the revisions made to the proposed development in response to the notice issued by the Board under Section 137 of the Planning and Development Act 2000, as amended, and having regard to the topography of the site, the elevated positioning of the proposed development and its scale, bulk and design, the Board considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, would fail to be adequately absorbed and integrated into the landscape, and would militate against the preservation of the rural environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Dr. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

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

Dated this 10th day of August 2021.

