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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 20/500**

**APPEAL** by Stephen and Regina Breen of Inchiholahan House, Kells Road, Kilkenny, against the decision made on the 9<sup>th</sup> day of February, 2021 by Kilkenny County Council to grant subject to conditions a permission to David Walton and Sarah Tyrrell care of Michael Moloney of Butlerswood, Windgap, County Kilkenny.

**Proposed Development** Construct a one and a half storey dwelling, garage, entrance, wastewater treatment system with percolation area, borehole, soakpits and all other associated site works, all at Glebe, Kells Road, 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 the policy of the planning authority, as set out in the current Development Plan for the area, to control urban sprawl and ribbon development. This policy is considered reasonable. It is considered that the proposed development, when taken in conjunction with existing and permitted development in the vicinity of the site, would be in conflict with this policy and would consolidate and contribute to the build-up of ribbon development in an open rural area. This would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development would endanger public safety by reason of traffic hazard because the site is located alongside the Regional Route R697 at a point where a speed limit of 80 km/h applies and the traffic turning movements generated by the development would interfere with the safety and free-flow of traffic on the public road. The proposed development would also contravene the objectives of the planning authority, to restrict new access points to a minimum on regional roads, to preserve the level of service and carrying capacity of the road and to protect the public investment in the road, which are considered reasonable.



3. 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 in the current Kilkenny County Development Plan, 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, it is not considered that the applicant has a demonstrable economic or social need to live in this rural area. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria, as set out in the Ministerial 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 would be contrary to the proper planning and sustainable development of the area.

*T. Ó Niadh*

**Terry Ó Niadh**

**Member of An Bord Pleanála**

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

Dated this *25<sup>th</sup>* day of *June*, 2021.

