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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 21/118**

**APPEAL** by Patricia Cantlon of Cullintra House, The Rower, Inistigoe, County Kilkenny against the decision made on the 19<sup>th</sup> day of April, 2021 by Kilkenny County Council to grant subject to conditions a permission to Eilis Mernagh and Owen Lennon of Raheenduff, The Rower, County Kilkenny.

**Proposed Development:** Construction of a single storey dwelling, installation of a new wastewater treatment system, new well, new entrance, construction of a domestic garage and all associated ancillary site works at Mungan, The Rower, 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**

Having regard to the location of the site within an Area Under Urban Influence according to the current Kilkenny City and County Development Plan 2021-2027 and to National Policy Objective 19 of the National Planning Framework (February 2018) which, for rural areas under urban influence, facilitates 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, it is considered, on the basis of the information on the file, including the employment details of the applicants and the applicants not demonstrating an economic or social need to live in this particular rural area, and having regard to the viability of smaller towns and rural settlements such as New Ross and The Rower Village, that the proposed development does not comply with National Policy Objective 19. It is considered that the proposed development would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure, and would contravene the provisions of the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board noted that the proposed development was located within an Area Under Urban Influence according to the Kilkenny City and County

Development Plan 2021-2027 and, notwithstanding the links of one of the applicant's to the broader Rower area, the Board considered on the basis of the information on the file that the applicants did not have a demonstrable economic or social need to live at this particular location. The Board also had regard to the viability of the smaller towns and rural settlements in the area such as The Rower Village and New Ross and considered that the applicants' housing needs might be more appropriately met in these areas and that granting the proposed development would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure contrary to the provisions of the National Planning Framework.

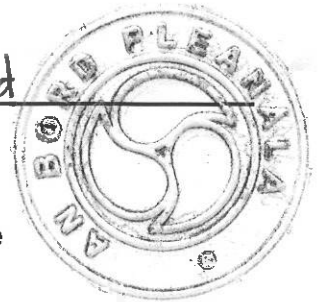
*Dr. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board**



Dated this 17<sup>th</sup> day of Jan. 2022