

Planning and Development Acts 2000 to 2020

Planning Authority: Kerry County Council

Planning Register Reference Number: 21/69

APPEAL by Myriam Dennehy of Station House, Headford, Killarney, County Kerry and by others against the decision made on the 19th day of May, 2021 by Kerry County Council to grant subject to conditions a permission to Brigitte Sheehan and Brendan Stack care of Oliver Daly Architects of 6 Church Street, Castleisland, County Kerry.

Proposed Development: Construction of a new dwellinghouse, detached garage, connection to a mechanical treatment unit, polishing filter and all associated site works at Cools, Headford, Killarney, County Kerry.

Decision


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

Matters Considered

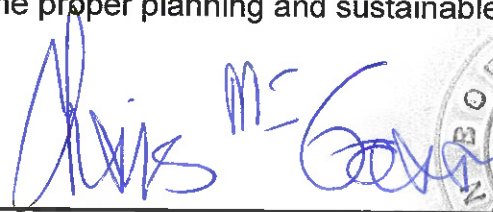
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

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. In addition, 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, in areas under urban influence, based on the core consideration of demonstrable economic or social need to live in a rural area and having regard to siting and design criteria and the viability of smaller towns and rural settlements and, in rural areas elsewhere, having regard to the viability of smaller towns and rural settlements. Furthermore, the site of the proposed development is located within the area designated "Stronger Rural Area" as designated in the Kerry County Development Plan 2015-2021 and which is proximate to Killarney. Policy RS10 and 11 of the County Development Plan seeks to facilitate the provision of dwellings for persons who are an intrinsic part of the rural community and to consolidate and sustain the stability of the rural population and to promote a balance between development activity in urban areas and villages and the wider rural area. Having regard to the documentation



submitted with the planning application and noting the location of the employment positions held by the applicants, it is considered that the applicants have not demonstrated an economic or social need to live in this specific rural area having regard to the viability of smaller towns and rural settlements, and, therefore, the proposed development does not comply with National Policy Objective 19, nor with Policy RS 10 and RS 11 of the Kerry County Development Plan 2015-2021. 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 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 be contrary to the above-mentioned Ministerial Guidelines and to over-arching national policy and having regard to the relevant provisions of the Kerry County Development Plan 2015-2021. The proposed development would, therefore, 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 20th day of September 2021.