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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 21/294**

**APPEAL** by Kate Spillane care of Ger Murphy Architectural of Glebe Lane, Killarney, County Kerry against the decision made on the 17<sup>th</sup> day of May, 2021 by Kerry County Council to refuse outline permission.

**Proposed Development:** Construction of a dormer style dwelling house with septic tank at Tullorum, Killarney, County Kerry.

**Decision**

**REFUSE** outline 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, and as set out at Section 3.3 of the Kerry County Development Plan 2015-2021. 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, 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 needs cannot be satisfied in an existing 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 and in national policy for a house at this location, and that the proposed development would, therefore, be contrary to the Ministerial Guidelines and to the overarching national policy, and to the relevant provisions of the Kerry County Development Plan 2015-2021, including objective RS-7. 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  day of  2021.

