

An
Bord
Pleanála

Board Order

ABP- 311474-21

Planning and Development Acts 2000 to 2022

Planning Authority: Kilkenny County Council

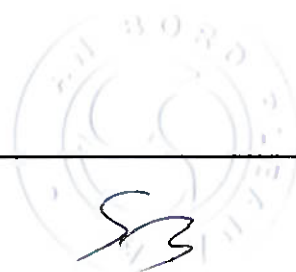
Planning Register Reference Number: 21/179

Appeal by Daniel and Elaine Comerford of Brookfield, Shellumsrath, Kilkenny against the decision made on the 3rd day of September, 2021 by Kilkenny County Council to grant permission, subject to conditions to Matthew and Fabiana O'Brien care of Billy Moran Architectural Services of The Square, Castlecomer, County Kilkenny for the proposed development.

Proposed Development: Construction of a dwelling house, detached garage, entrance, foul effluent treatment system and percolation area and all associated site works at Shellumsrath, County Kilkenny.

Decision


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



Reasons and Considerations

Having regard to the location of the site within an Area under Urban Influence as identified within the Kilkenny City and County Development Plan 2021-2027, and to the Qualifying Criteria for Rural Housing within Areas under Urban Influence as set out within the development plan, the policies, objectives and strategic aims of the development plan which promote sustainable rural settlement patterns and guides development to the existing network of towns and villages, the Board is not satisfied that the applicant has provided sufficient justification for a rural housing need to live in this rural area either in terms of engagement in 'full time' farming or in respect of social need, or that the applicant's housing need cannot be satisfied in a designated settlement within the Kilkenny City and County Settlement Hierarchy. The Board had particular regard to the location of the proposed development at a remove from the family landholding and to the proximity of Kilkenny city thereto.

The proposed development, in the absence of any definable or demonstrable need for the house, would contribute to the encroachment of random rural development in the area, and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the settlement hierarchy as set out in the development plan and contrary to the proper planning and sustainable development of the area.



Stephen Brophy
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 2nd day of October 2023

