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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Laois County Council**

**Planning Register Reference Number: 20/696**

**APPEAL** by Michelle Byrne and Paul Gallagher of 9 Rathmiles Grove, The Heritage, Killenard, County Laois and by The Residents Fairways One and Fairways Two of The Heritage, Killenard, County Laois against the decision made on the 12<sup>th</sup> day of October, 2021 by Laois County Council to grant subject to conditions a permission to Midabey Construction Limited care of Meitheal Architects of 15 Father Mathew Quay, Cork.

**Proposed Development:** (A) The removal of existing boundary fences and associated hedging and the partial removal of the existing incomplete access road and dense undergrowth, (B) the construction of 32 number four-bedroom detached dwelling houses, new site boundaries, extension of the access road, footpaths, connection to foul and storm drainage, public lighting, landscaping and (C) all necessary site services and ancillary works necessary to facilitate the development at Fairways Two, Killenard, Portarlinton, County Laois which forms part of and is accessed through The Heritage Golf Resort. Further public notices were received by the planning authority on the 16<sup>th</sup> day of September, 2021.

## **Decision**

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

## **Reasons and Considerations**

Notwithstanding the location of the site within an edge of village site in Killenard Village, County Laois which is identified in the Laois County Development Plan 2017-2023, as a village where development growth should be low density relative to the scale of the settlement, and to DM03 of the Laois County Development Plan 2017-2023 which states that the number of dwellings to be provided on a site should be determined with reference to the document Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities (2009) and wherein it is noted that it is appropriate in controlled circumstances to consider proposals for development with densities of less than 15-20 dwellings per hectare along or inside the edge of smaller towns and villages, the Board considered that whilst lower density settlement was generally acceptable at this location, a very low density of 4.8 dwellings per hectare represented an inappropriate form of development on land to be connected to public services. The proposed development would not be in accordance with the national guidance set out in the National Planning Framework and the Sustainable Residential Development in Urban Areas Guidelines (Cities, Towns and Villages) for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in May 2009, which seeks to deliver consolidated development at suitable densities and would, therefore not, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board was not satisfied that the very low density of the proposed development represented an appropriate form of development on land to be connected to public services in accordance with overarching national guidance set out in the National Planning Framework and the Sustainable Residential Development in Urban Areas Guidelines (Cities, Towns and Villages) for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in May 2009, which seeks to deliver consolidated development at suitable densities.

*DR. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

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



Dated this 15<sup>th</sup> day of Sept. ' 2022.