



Planning and Development Acts 2000 to 2021

Planning Authority: Kerry County Council

Planning Register Reference Number: 21/955

APPEAL by Maria Keane and Denis Walsh care of Brendan Nolan of 28 Church Street, Listowel, County Kerry against the decision made on the 12th day of October, 2021 by Kerry County Council to refuse permission.

Proposed Development: Construction of a dwellinghouse, wastewater treatment unit, sand polishing filter and associated site works at Ballinruddery, Listowel, County Kerry.

Decision

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

Reasons and Considerations

Having regard to –

- (i) the location of the site within an "Area Under Strong Urban Influence" as identified in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005,
- (ii) National Policy Objective 19 of the National Planning Framework (February 2018), which, for rural areas under urban influence, seeks 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, and
- (iii) the objectives of the Kerry County Development Plan, 2015 to 2021 and the Listowel Municipal District Local Area Plan 2020-2026 which seek to discourage urban generated housing in rural areas and to direct the provision for housing into towns and villages such as Listowel,

it is considered that the nature of the housing need is urban generated and that the applicants have not demonstrated an economic or social need to live in a 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.

The proposed development would also 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.



Michelle Fagan

Member of An Bord Pleanála

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



Dated this *22nd* day of *August* 2022.