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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 21/754**

**APPEAL** by Liam Madden of Convent Road, Longford against the decision made on the 21<sup>st</sup> day of October, 2021 by Kerry County Council to grant subject to conditions a permission to Rachel and Jonathan Roche of Inchiapogh, Brosna, Tralee, County Kerry.

**Proposed Development:** Construction of a dwelling house with attic accommodation and a new site entrance served by an effluent treatment tank and polishing filter together with all associated site works at Meenyvoughaun, Brosna, County Kerry.

## **Decision**

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

## Reasons and Considerations

1. Having regard to:

- (a) 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,
- (b) 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 demonstratable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements, and
- (c) the objectives of the Kerry County Development Plan, 2022-2028 which seek to discourage urban generated housing in rural areas under strong urban influence and to direct the provision for housing into towns and villages such as Brosna or Listowel,

it is considered that the applicant has 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 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.

2. Notwithstanding the proposal to use a proprietary wastewater treatment system on site, the Board had regard to the proliferation of domestic wastewater treatment systems in this rural area, the surface ground conditions indicating poor drainage capability, the location of the site above an aquifer classified as locally important with groundwater vulnerability indicated as being extreme, and to the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 which recommend, in un-sewered rural areas, the avoidance of sites where it is inherently difficult to provide and maintain wastewater treatment and disposal facilities. The Board was not satisfied, on the basis of the information on the file, that the impact of the proposed development, in conjunction with existing wastewater treatments systems in the area, would not give rise to a risk of pollution. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

*DR. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

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



Dated this 30<sup>th</sup> day of Aug. 2022.