

Planning and Development Acts 2000 to 2021

Planning Authority: Kerry County Council

Planning Register Reference Number: 21/1391

APPEAL by Pdraig and Breda Breen care of Patrick Griffin of Letter, Cahirciveen, County Kerry against the decision made on the 4th day of February, 2022 by Kerry County Council to refuse permission for the proposed development.

Proposed Development: Construction of a single storey retirement home and the installation of a wastewater treatment unit to serve same adjacent to farm buildings at Dromdoory, Glencar, County Kerry.

Decision

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

Reasons and Considerations


1. Having regard to:

- (i) the location of the site within an area designated as a rural area under urban influence in accordance with section 5.5 of the Kerry County Development Plan 2022-2028,
- (ii) National Policy Objective 19 of the National Planning Framework (February 2018) which 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,
- (iii) the provisions of the Kerry County Development Plan 2022-2028 and specifically Objective KCDP 5-13, which facilitates the provision of rural housing for local rural people building in their local rural area subject to certain criteria, and
- (iv) the fact that the applicants own two dwellings in the immediate vicinity of the site, and the absence of documentation submitted with the planning application and the appeal outlining the applicants' need for another house at this rural location,

the Board is not satisfied, on the basis of the information submitted with the planning application and the appeal, that the applicants come within the scope of either economic or social housing need criteria as set out in the overarching National Guidelines or the definition of a local rural person in accordance with the relevant criteria of the development plan. The proposed development, in the absence of any identified locally based need for a house at this location, would result in a haphazard and unsustainable form of development in an unserved area, 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 and would undermine the settlement strategy set out in the development plan. The proposed development would be contrary to the relevant provisions of the Kerry County Development Plan 2022-2028 and to over-arching national policy and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would result in the direct and permanent loss of part of a woodland area that is listed as a qualifying interest (old sessile oak woods with Ilex and Blechnum in the British Isles) of a European Site. On the basis of the information submitted with the planning application and the appeal, and in the absence of a Natura Impact Statement, the Board is not satisfied that the proposed development, both during construction and operation, in combination with other plans or projects, would not result in further adverse effects on the integrity of the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Area of Conservation (Site Code: 000365) in view of the site's Conservation Objectives. In such circumstances, the Board is precluded from granting permission for the proposed development.


Chris McGarry

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

Dated this 13th day of December 2022.

