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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 21/997**

**Appeal** by Brendan Dawson and Carole McInerney care of Bluett and O'Donoghue of 2 John Street, Kilkenny against the decision made on the 30<sup>th</sup> day of March, 2022 by Kilkenny County Council to grant permission, subject to conditions to Padraic Rafter of 24 New Orchard, Kilkenny.

**Proposed Development:** (a) Erection of dwelling house, (b) erection of garage, (c) installation of new waste treatment system, (d) water supply from new borehole, (e) new entrance from public road and (f) associated works at Tower Road, Jenkinstown, County Kilkenny.

**Decision**

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

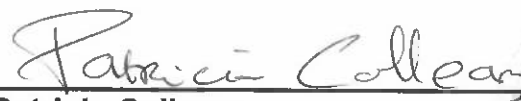
P.C.

## Reasons and Considerations

1. Having regard to the location of the site in an unserviced rural area under urban influence, and to the documentation submitted with the application and appeal, the Board is not satisfied that the applicant has demonstrated compliance with the qualifying criteria for rural housing of economic or social need as per Section 7.8.4 of the Kilkenny City and County Development Plan 2021-2027 or with National Policy Objective 19 of the National Planning Framework 2018 and the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005, that 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. Accordingly, the Board is not satisfied that the applicant has provided sufficient justification for a rural housing need to live in this rural area, or that the applicant's housing need cannot be satisfied in a serviced settlement, particularly in light of the site's proximity to Kilkenny City. In the absence of a sufficient justification, it is considered that the proposed development would contribute to the development of random rural housing in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would, therefore, be contrary to the proper planning and sustainable development of the area.

P.C.

2. The proposed house design, by reference to its proportion, massing and volume, excessive length and the inclusion of incongruous gable projections that interrupt the building form along its front elevation, does not accord with the best practice design principles set out in the County Kilkenny Rural Design Guide, as contained in the Kilkenny City and County Development Plan 2021-2027. Accordingly, the proposed development would not successfully integrate with the receiving rural landscape. The proposed development would fail to achieve the objectives set out in Section 13.22 of the development plan, including 'to improve the overall design quality' and 'to ensure maximum integration with the landscape' and would, therefore, be contrary to the proper planning and sustainable development of the area.



**Patricia Calleary**

**Member of An Bord Pleanála**

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

Dated this 25 day of July 2023.