

An
Bord
Pleanála

Board Order
ABP-314389-22

Planning and Development Acts 2000 to 2022

Planning Authority: Carlow County Council

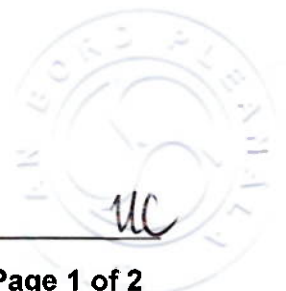
Planning Register Reference Number: 21/418

Appeal by Shane Murray and Madeline Ronan Murray care of Hayes Higgins Partnership of The Arches, Gas House Lane, Kilkenny against the decision made on the 25th day of July, 2022 by Carlow County Council to grant subject to conditions a permission to John Gardiner and Claire Loughran Gardiner care of Peter Bolger Consulting Limited of Newton House, Bachelors Walk, Bagenalstown, County Carlow.

Proposed Development: Construction of a two-storey dwelling, stable building, on-site wastewater treatment system, bored well, splayed entrance and all associated site development works, all at Kilcarrig, Bagenalstown, County Carlow.

Decision

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



Reasons and Considerations

The proposed development is proposed on lands to which an agricultural zoning objective pertains and where the objective of that zoning seeks to retain and protect agricultural uses. Table 12 of the Muine Bheag/Royal Oak Local Area Plan 2017-2023, as extended, states that the purpose of this zoning is to ensure the retention of agricultural uses and to protect them from urban sprawl and ribbon development. Having regard to the scale of the proposed dwelling and its location in the centre of this agriculturally zoned site, and the ancillary nature of the stables development on the site, it is considered that the development, as proposed, would militate against the use of the site for agricultural purposes, for which it is zoned. Furthermore, the Board does not consider that it has not been satisfactorily demonstrated, in the documentation submitted with the planning application and the appeal, that the applicants have a genuine need to live in the agricultural zone, in accordance with this zoning objective. It is considered that the development, as proposed, would contravene the agricultural zoning objective, as set out in the Muine Bheag/Royal Oak Local Area Plan 2017-2023, as extended, and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Una Crosse

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

Dated this 21st day of February 2024.