



An  
Bord  
Pleanála

Board Order  
ABP-314592-22

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kerry County Council**

**Planning Register Reference Number: 22/257**

**APPEAL** by Der O'Sullivan and David Condon care of Ger O'Keeffe Consulting Engineers Limited of Friary Lane/4 Day Place, Tralee, County Kerry against the decision made on the 18<sup>th</sup> day of August, 2022 by Kerry County Council to grant subject to conditions a permission to Bridget O'Brien care of Frank Curran of 16 Main Street, Cahersiveen, County Kerry.

**Proposed Development** Construct a dwelling house and domestic garage served by an effluent treatment tank, polishing filter and ancillary site development works, all at Clahane, Ballyard, Tralee, 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 the location of the site in an unserviced rural area under significant urban influence, and to the documentation submitted with the application and the appeal, the Board is not satisfied that the applicant has demonstrated compliance with the qualifying criteria for rural housing, as set out under Policy KCDP 5-14 of the Kerry County Development Plan 2022 - 2028 or the 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. 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 Tralee. 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.



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**Peter Mullan**

**Member of An Bord Pleanála**

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

Dated this *7th* day of *November*, 2023.