



An
Bord
Pleanála

Board Order
ABP-314678-22

Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 22/712

APPEAL by Nuala Breen care of Setanta Solicitors, 92/93 Saint Stephens Green, Dublin against the decision made on the 25th day of August, 2022 by Kerry County Council to refuse permission.

Proposed Development: Construction of a dwelling house and domestic garage, installation of a septic tank and percolation area, and all associated site services at Beaufort, Killarney, County Kerry.

Decision

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

pm

Reasons and Considerations

Having regard to the location of the site, within an 'Area Under Significant Urban Influence', as set out in the Kerry County Development Plan 2022-2028 to the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April 2005, 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 as per Policy KCDP 5-14 of the Development Plan or the National Policy Objective 19 of the National Planning Framework 2018 or 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 the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Peter Mullan

Member of An Bord Pleanála

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

Dated this *13th* day of *November*, 2023.