



Planning and Development Acts 2000 to 2022

Planning Authority: Kerry County Council

Planning Register Reference Number: 23820

APPEAL by PJ Brick of Upper Annmount, Glounthane, County Cork, and by Others against the decision made on the 11th day of September, 2023 by Kerry County Council to grant, subject to conditions, a permission to John and Anna Lyne care of James Sugrue of Sugrue Design, Ballinvosherig, Tralee, County Kerry in accordance with the plans and particulars submitted to the said Council.

Proposed Development: Contruction of (a) a single storey dwelling, serviced by a mechanical treatment unit and polishing filter, (b) vehicular access and (c) all associated site works, at Lisnakealwee, Brandon, County Kerry.

Decision

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

Reasons and Considerations

1. The site is located within a 'Rural Area Under Urban Influence' as set out in the Kerry County Development Plan 2022-2028, where under the provisions of Objective KCDP5-15 and National Policy Objective 19 of the National Planning Framework, it is policy 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. Taking account of the documentation submitted with the application and the response to appeals, the Board is not satisfied that the applicant has adequately provided a genuine and demonstrable economic or social need to live in this rural area. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria, set out in the development plan and in national policy, for a house in this rural location. The proposed development would, therefore, be contrary to the provisions of the development plan and to the overarching national policy and would be contrary to the proper planning and sustainable development of the area.
2. The Board considered that the proposed development, due to its elevated position on this prominent and exposed site necessitating an extended roadway to provide access and the removal of a significant length of roadside vegetation to achieve adequate sightlines at the site entrance, would constitute an obtrusive feature on this 'visually sensitive area', would seriously damage the visual amenities of this area and, therefore, would be contrary to Objective KCDP 11-78 of the Kerry County Development Plan 2022-2028 in this regard. In addition, the proposed development would exacerbate random rural development and would seriously damage the ecology and character of the area, contrary to Objective KCDP 5-19 of the Kerry County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. On the basis of the information lodged with the application and the response to appeals, the Board is not satisfied that the applicant has control over sufficient land in order to achieve and retain in the future suitable visibility splays in a northern direction from the proposed access point on the public road. The proposed development would, therefore, endanger public safety by reason of traffic hazard and be contrary to the proper planning and sustainable development of the area.



Joe Boland

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

Dated this 25TH day of July 2024.