



An  
Coimisiún  
Pleanála

Commission Order  
ACP-323622-25

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**Planning and Development Act 2000, as amended**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 2560280**

**Appeal** by Brid Quirke against the decision made on the 14<sup>th</sup> day of August, 2025 by Kilkenny County Council to grant, subject to conditions, a permission to Brian Lanigan for the proposed development.

**Proposed Development:** To retain a converted space over existing milking parlour to a liveable space which consist of an open plan living/kitchen area, two bedrooms and bathroom, with treatment system and percolation area and all associated site works at Lanigan's Dairy Farm, Rathreagh and Rathbane, Galmoy, County Kilkenny.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## Reasons and Considerations

Having regard to the policies and objectives of the Kilkenny City and County Development Plan 2021-2027, relevant National Guidelines including the Sustainable and Compact Settlement Guidelines for Planning Authorities and Sustainable Urban Housing: Design Standards for New Apartments and the nature, location, design and layout of the development proposed to be retained which is associated with an existing agricultural enterprise on site, it is considered that subject to compliance with the conditions set out below, the development proposed to be retained would constitute an appropriate form of residential development, would not be prejudicial to public health, would be acceptable in terms of pedestrian and traffic safety and would provide satisfactory standards of amenity and private open space for the occupants of the development. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission considered that the proposed development to be retained complies with the definition of an apartment as stated in Appendix A of the Sustainable and Compact Settlement Guidelines for Planning Authorities (2018) as follows: Apartment: A self-contained residential unit that forms part of a multi-unit building with horizontal divisions(s) between it and at least one other unit that is an apartment or other non-residential use. In this instance the non- residential use is an agricultural building. The Commission agreed with the Inspector that the unit complies with the standards outlined in 'Sustainable Urban Housing: Design Standards for New Apartments' in terms of floor area, room sizes, daylight, sunlight and storage areas. The Commission disagreed with the specific refusal reason in relation to the absence of readily usable safe and accessible private amenity open space in deciding not to accept the Inspector's recommendation to refuse permission. The Commission considered the qualitative and quantitative provision of the proposed private

amenity space as outlined on drawing number 001-FI-SP-PO1 rev B adjacent to the entrance to the apartment to the northeast of the building, and determined that the proposed area is sufficiently separated from the operation of the milking parlour, does not require entering the working area of the farm enterprise to access the amenity space from the apartment, and that there is sufficient space available within the circa 1.6 hectares site holding to provide usable and accessible amenity space for the occupants of the dwelling subject to compliance with conditions outlined below.

## Conditions

1. The development proposed to be retained shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 18<sup>th</sup> day of July 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority within three months of the date of this Order and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The first-floor apartment, the subject of this retention application, shall be occupied by the owner / farmer and his/her family of the associated dairy farm enterprise on site and shall not be sold, leased or otherwise disposed of separate from the farmyard complex of which it is connected to.

**Reason:** To ensure that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.

3. Within six months from the date of this order, the private amenity space shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority. This scheme shall include the following:

(a) Hedge / boundary between farmyard and open space area.

(b) Footpath between parking area and entrance to apartment.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.



4. Within three months from the date of this order, the applicant shall carry out the works at the entrance to the site from the local road and provide the required 70 metres sight lines in accordance with drawing number 001-FI-SP-P01 rev B. A double staggered row of native hedgerow species shall be planted one metre behind the visibility sightline where roadside boundary is removed. Confirmation that work has been completed shall be submitted to the planning authority immediately on completion.

**Reason:** In the interests of traffic safety and visual amenity.

5. (a) Within three months from the date of this order, the wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted on 18<sup>th</sup> day of July, 2025 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021.
- (c) Within three months from the date of this order, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the

Environmental Protection Agency document referred to above.

**Reason:** In the interest of public health and to prevent water pollution.

6. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage and shall comply with the requirements of the planning authority for such works. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) The access driveway to the development proposed to be retained shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

**Reason:** In the interest of traffic safety and to prevent flooding or pollution.

7. All service cables associated with the development proposed to be retained (such as electrical, telecommunications and television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

8. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and

off-site disposal of construction waste.

**Reason:** In the interest of public safety and amenity.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

  
Emer Maughan

Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.



Dated this 20<sup>th</sup> day of January 2026