

Planning and Development Act 2000, as amended

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 2560561

APPEAL by Garreth Cahill against the decision made on the 24th day of October 2025 by Kilkenny County Council to refuse permission for the proposed development.

Proposed Development: Retention: 1. Single-storey log cabin for residential purposes. 2. One steel container for storage of animal feed and general domestic storage. 3. Planning Permission for New Sewage treatment system and associated percolation area and all associated screen landscape planting and associated site development works at Ballyhendricken, Ballycallan, County Kilkenny.

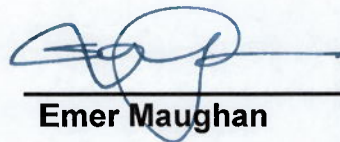
Decision

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

Reasons and Considerations

1. Having regard to the soil conditions and high water table within an area of flood risk potential, the Commission is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on site in accordance with the Environmental Protection Agency Code of Practice for Domestic Wastewater Treatment Systems 2021, notwithstanding the proposed use of a proprietary wastewater treatment system. The development proposed to be retained would, therefore, be prejudicial to public health and to the environment
2. Having regard to the totality of documentation submitted in support of the application and appeal, and to the location of the site within an 'Area under Urban Influence' as indicated in Figure 7.1 Rural Housing Strategy of the current Kilkenny City and County Development Plan 2021-2027, the applicant has failed to demonstrate compliance with the Rural Housing Policy as set out in Section 7.8.4 of the development plan. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The site of the development proposed to be retained is located within an 'Area under Urban Influence' as indicated in the current Kilkenny City and County Development Plan 2021-2027 for the area, where emphasis is placed on the importance of designing with the landscape and of siting of development to minimise visual intrusion as set out in the current Kilkenny Rural House Design Guidelines 2008, which Guidelines are considered to be reasonable. Having regard to the location of the development proposed to be retained on a narrow plot of land at the end of a laneway serving an existing dwelling, to the design and siting of the structures, it is considered that the development proposed to be retained would form a discordant feature on the landscape at this location, would militate against the preservation of the rural environment and would set an undesirable precedent for other such located development in the vicinity. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.



Emer Maughan

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 1st day of April 2026