

An  
Coimisiún  
Pleanála

**Commission Order  
PL-500677-KK-26**

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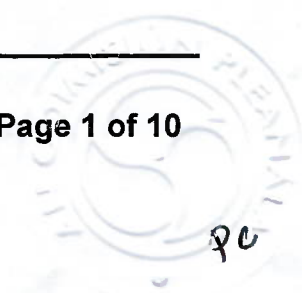
**Planning and Development Act 2000, as amended**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 2560387**

**Appeal** by Brian and Martina Wilson against the decision made on the 19<sup>th</sup> day of December, 2025 by Kilkenny County Council to grant, subject to conditions, a permission to Gerard and Sinéad Fennelly in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of demolition of original dwelling house, permission for retention of original garage as converted to a granny flat, planning permission to reconstruct the original dwelling house with alterations to design of house with attachment to above-mentioned garage/granny flat, planning permission for additional utility room to garage/granny flat, planning permission for a work shed/store, newly located site entrance, new sewage treatment system and percolation area, including all necessary site works, all at Castlebanny, Mullinavat, County Kilkenny, as revised by the further public notices received by the planning authority on the 25<sup>th</sup> day of November, 2025.



## **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 planning history of the site, including the established residential use on site, the specific policies of the Kilkenny City and County Development Plan 2021-2027 specifically Section 7.8.5 relating to refurbishment and replacement dwellings in rural areas and Section 13.15 relating to family flats together with the design and layout of the proposal and the pattern of development locally, it is considered that the proposed development, subject to compliance with the conditions set out below, would not adversely impact the character of the area, would not seriously injure the amenities of neighbouring properties, would not be prejudicial to public health and would be generally acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained and carried out in accordance with the plans and particulars lodged with the application, as amended by the significant further information, plans and particulars received by the planning authority on the 19<sup>th</sup> day of November 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 prior to commencement of development and the development shall be retained, carried out and completed in accordance with the agreed particulars.

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

2. Prior to the commencement of development, a revised site layout plan shall be submitted for the written agreement of the planning authority demonstrating the omission of the proposed work shed/store and associated area of hard standing with a single access serving the entire landholding.

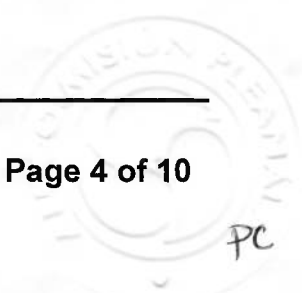
**Reason:** In the interest of clarity.

3. All works to achieve sight visibility splays, as detailed on Drawing Number 25/018 lodged with the planning authority on the 27<sup>th</sup> day of June 2025 shall be undertaken prior to the commencement of development in relation to the dwelling house.

Prior to the commencement of development, revised plans detailing the following shall be submitted for the written agreement of the planning authority:

- (a) A single entrance to serve the dwelling house shall be provided off the splayed entrance. The entrance previously intended to serve the work shed/store shall be removed.
- (b) All boundary treatment, including hedgerow planting, shall be set back behind the identified sight visibility lines and the required sight visibility lines in both directions shall at be kept free of all obstructions in perpetuity.
- (c) Details of the set back of the entrance gates from the roadside boundary, all finishes to the splayed recessed access and verge area between the front boundary and the public road, the design and finish of the front boundary walls/piers and all details relating to road side drainage shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of road traffic safety.



4. The independent family unit for a family member shall not be sold, let or otherwise conveyed as an independent living unit and shall revert to use as part of the main dwelling on the cessation of such use. The existing garden and curtilage of the overall residential property on this site shall not be subdivided.

**Reason:** In the interest of residential amenity and in order to comply with the provisions of the Kilkenny City and County Development Plan 2021 - 2027.

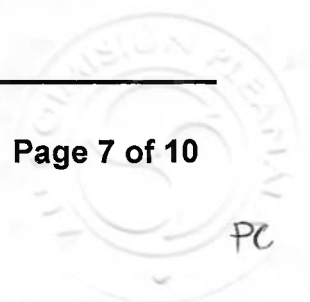
5. All surface water run-off from roofs, driveways and paved areas shall be collected and disposed of within the curtilage of the site in accordance with the report prepared by Byrne and McCabe Design Ltd date stamped 19<sup>th</sup> day of November 2025. Surface water run-off shall not be allowed to discharge onto the public road or interfere with adjoining properties. All soakways throughout the site shall be a minimum of five metres from the treatment system and associated percolation area/polishing filter and shall be designed and installed in accordance with BRE Digest 365 design standards.

**Reason:** In the interest of public health.

6. The following shall be complied with:
- (a) Within six months of this decision, the area of hardstanding to the western section of the site in proximity to third party dwelling house shall be reinstated with suitable topsoil and permanent grass to restore infiltration. The reinstatement works shall be carried out to an agreed method statement and shall be supervised by a suitably qualified and independent professional with relevant experience in soil restoration or civil engineering.
  - (b) On completion of works in (a) above, written certification from a suitably qualified and indemnified professional that all works been completed in accordance with the agreed method statement and confirming that the reinstated area is stable and the soil profile is appropriate for the slope and drainage conditions shall be submitted to the planning authority.
  - (c) the reinstated lands shall not thereafter be used for the storage of vehicles, equipment or other uses not directly related to the residential use of the site.

**Reason:** To ensure the appropriate disposal of surface water on site and in the interests of residential amenity.

7. The following shall be complied with:
- (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted on the 27<sup>th</sup> day of June 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) The system shall be designed to accommodate a total of 10 PE (8 PE as per the dwelling house and 2 PE from the family flat) Revised plans demonstrating this revision shall be submitted for the written agreement of the planning authority prior to the commencement of development on site.
  - (c) Treated effluent from the wastewater treatment system shall be discharged to a polishing filter which shall be provided 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.
  - (d) The existing wastewater treatment system shall be decommissioned in an environmentally safe manner.
  - (e) Within three months of the first occupation of the dwelling, 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.

8. Full details of all boundary planting, which shall comprise a double hedgerow with constituent mix of deciduous shrubs suitable for hedging and native to the area shall be submitted for the written agreement of the planning authority.

All planting shall be provided in the first planting season following commencement of construction on site and shall be maintained indefinitely thereafter, with supplementary planting of similar species where failure occurs.

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

9. The first floor of the dwelling house and family flat shall be used for storage purposes only and any change of use for habitable purposes shall require the written consent of the planning authority.

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

10. External finishes to the dwelling house shall comply with those indicated on plans and elevational drawings lodged on the 27<sup>th</sup> day of June 2025.

**Reason:** In the interest of visual amenities.

11. The water supply to serve the dwelling and family flat shall have sufficient yield to serve the proposed development, and the water quality shall be suitable for human consumption. Details, demonstrating compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that adequate water is provided to serve the proposed dwelling, in the interest of public health.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

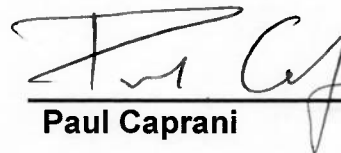
**Reason:** In the interests of visual and residential amenity.

13. If, during the course of site works any archaeological material is discovered, the County Archaeologist/planning authority shall be notified immediately. The developer is further advised that in this event, under the National Monuments Act, the National Monuments Service, Department of Housing, Local Government and Heritage and the National Museum of Ireland shall also be notified.

**Reason:** In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

14. 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.

**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.



**Paul Caprani**

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



Dated this 21<sup>st</sup> day of May 2026.