



An
Bord
Pleanála

Inspector's Report

ABP-308801-20

Development	Construction of a single storey house and a new site entrance.
Location	Rahelty, Rathmoyle, Co. Kilkenny.
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	20/532
Applicant(s)	Stephen and Laura Ryan
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Hubert Daniels
Observer(s)	None
Date of Site Inspection	13 th May 2021
Inspector	Phillippa Joyce

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Rahelty, approximately 7.5km to the northwest of Kilkenny City centre.
- 1.2. The site is part of a larger field presently in agricultural use, rectangular in configuration with a stated area of 0.81 ha. The site is bound to the northwest and northeast by the public road, a narrow local secondary road, referenced as LS 5018. To the southeast and southwest of the site are other agricultural lands.
- 1.3. The topography of the site is notable, with ground levels rising in a southeasterly direction, in places by c.2m, from the public road. The site is afforded strong hedgerows adjacent to the roadside along the northwest and northeast boundaries.
- 1.4. The appeal site is located in the northern corner of the wider farm holding, indicated as being under the ownership of the applicant's family and outlined in blue.
- 1.5. Development along the road is relatively limited, comprising a small number of traditional two storey farm dwellings with associated agricultural buildings and yard areas. These include the applicant's family home and farm buildings to the southeast of the site, and that of the most proximate residence and farm (those of the appellant), directly adjacent to the site, on the northeastern side of the road.

2.0 Proposed Development

- 2.1. The proposed development comprises a detached, single storey dwelling with new site entrance, bored private well, wastewater treatment plant with percolation area, and other site development works. The proposed dwelling is modest in scale, with a stated floor area of 139 sqm, principal height of 5.2m, and a simple architectural design and treatment.
- 2.2. The dwelling is sited towards the northwestern portion of the site, at a relatively high level within the site. The vehicular entrance proposed to serve the residence is located midway in the northeastern boundary, with wing walls (1.2m in height), and a connecting gravel driveway (c.65m in length).
- 2.3. The application is accompanied by a supplementary application form outlining the way in which the applicants qualify for a rural house. The application is made in the

names of Stephen and Laura Ryan, and for qualification purposes, the case submitted relates to Stephen Ryan stated as being the son of the landowner, John Ryan, and farmer of the family farm. The application includes a signed letter of consent from John Ryan for the applicants to make the application.

- 2.4. The planning authority requested Further Information (FI) highlighting concern in relation to the amount of hedgerow (c.110m) required to be removed to facilitate the proposed vehicular entrance, and inviting the applicants to consider an alternative location for the entrance.
- 2.5. The response to the FI request was received by the planning authority on the 14th October 2020 (deemed to be significant FI, thereby readvertised with an opportunity for a further third party submission). The FI response revised the entrance location 36m further to the southeast along the northeastern boundary (thereby necessitating the removal of c.44m of hedgerow). A subsequent letter of consent for the relocation of the entrance with removal of hedgerow was provided.
- 2.6. The FI response revised the location of the proposed entrance from being opposite the appellant's vehicular and farmyard entrance to being opposite the dwelling and front garden of the appellant's property.

3.0 Planning Authority Decision

3.1. Summary of the Decision

- 3.1.1. On the 4th November 2020, the planning authority issued a notification to grant permission for the proposed development, subject to eight conditions. The conditions are standard in nature, including the following:

Condition 1: comply with plans and particulars including those received in the FI response;

Condition 2: a development contribution;

Condition 3: an occupancy clause relating to the applicants for seven years;

Condition 4 and 5: water and wastewater services infrastructure;

Condition 6: standards for the construction, sight lines, gradient, and drainage of the entrance;

Condition 7: hedgerow to be replaced where removed to achieve the sight lines, species type and planting season specified; and

Condition 8: specification of external finishes for the proposed dwelling.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's reports are the basis for the planning authority decision. The key items from the planner's initial report and the subsequent FI report are summarised as follows:

- Site is located in an 'Area under Urban Influence' as identified in Figure 3.17 of the County Development Plan;
- The applicants are considered to comply with the rural housing policy as the male applicant is the son of the landowner, stated farmer of the family lands, and the applicants wish to build their first home on the family lands;
- The design of the dwelling is simple in form and shape;
- The site is elevated in level from the public road and the dwelling is located at a position stated to be the highest point within the site;
- The proposed entrance requires the removal of c.110m of mature roadside hedgerow to achieve sight lines which is considered excessive and will result in the loss of natural habitat;
- The removal of the hedgerow, the elevated nature of the site to the public road, and the siting of the dwelling at a high point within the site will result in an open and exposed site which will be detrimental to the rural character of the area;
- Applicants should investigate the possibility of a more favourable alternative site within the family landholding;
- FI request highlights concern about the extent of the hedgerow removal and invites the applicants to consider an alternative location for the entrance;
- FI response revises the initially proposed entrance to a location further to the southeast along the same northeastern boundary, thereby reducing to c.44m of hedgerow to be removed, which is considered acceptable; and

- Recommendation is made to grant permission subject to conditions.

3.2.2. Other Technical Reports

Environment Section – no objection subject to conditions in respect of the wastewater treatment plant.

Area Engineer – planner's initial report refers to an Area Engineer report. However, on request of same, the planning authority has informed An Bord Pleanála there is no report on file.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

3.4.1. One third party observer, the appellant, made two submissions (initial stage and at significant FI stage) to the planning authority. The main issues raised in the submissions can be summarised as follows:

- Appellant and sister live in the residence opposite the appeal site, their family have farmed the property for generations;
- Applicant does not have to build at the site as there are other fields in the family's ownership;
- Due to the narrowness of the road, vehicles at present have to pull into and stop at the appellant's entrance gate to pass safely;
- The road is busy with traffic, with a range of vehicles including agricultural machinery;
- The proposed entrance sited opposite the appellant's vehicular entrance would be dangerous for traffic using the entrances and the road;
- Large section of hedgerow to be removed for the sightlines will destroy the natural habitat;
- Shock expressed at significant FI response with the relocation of the proposed entrance to be directly opposite the appellant's house;
- The relocated entrance is at a very narrow point in the road which is dangerous;

- The appellant's house is 200 years old, has been built directly on the side of the road and vehicles using the proposed entrance or the road could crash into the house;
- Vehicles using the relocated entrance will cause noise and light disturbance, and loss of privacy to the appellant's property,
- Applicant showing a total disregard in proposing the relocated entrance so close to the appellant's house;
- Alternative location for the entrance to the northwest of the site (indicated on an accompanying map);
- Dissatisfaction with the location of the site notices; and
- Previous car crash in proximity to the proposed relocated entrance.

4.0 Planning History

Appeal Site

No planning history.

Lands within Blue Line Boundary

No planning history records available, referred to in the application particulars, or in the planner's reports.

5.0 Policy Context

5.1. National Policy

Sustainable Rural Housing Guidelines for Planning Authorities, 2005 and Circular SP5/08

- 5.1.1. The Rural Housing Guidelines, supplemented by the Department Circular, outlines the planning context for applicants seeking dwellings in rural areas, including those areas under urban influence, defines 'rural generated housing', and identifies the different categories of persons which can demonstrate a rural housing need. Section 3.2.3 of the Guidelines refer to 'Persons who are an intrinsic part of the rural community' and 'Persons working full-time or part-time in rural areas'.

- 5.1.2. For persons with a community related rural housing need, the Guidelines outline that: *‘Such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes. Examples in this regard might include sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first home near their family place of residence’.*
- 5.1.3. For persons with an employment related rural housing need, the Guidelines outline that: *‘Such circumstances will normally encompass persons involved in full-time farming, forestry, inland waterway or marine related occupations, as well as part time occupations where the predominant occupation is farming/ natural resource related. Such circumstances could also encompass persons whose work is intrinsically linked to rural areas such as teachers in rural schools or other persons whose work predominantly takes place within rural areas’.*

Project Ireland 2040: National Planning Framework, 2018

- 5.1.4. The National Planning Framework (NPF) postdates the Guidelines and Circular, and maintains the established policy that applicants for new rural dwellings in locations under urban influence demonstrate a functional economic or social requirement for housing need. The relevant National Policy Objective (NPO) is NPO 19.

NPO 19:

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- *In rural areas under urban influence, 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 and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements...*

5.2. Regional Policy

Regional Spatial and Economic Strategy for the Southern Region, 2019

- 5.2.1. The regional planning context for the appeal determination is set by the Regional Spatial and Economic Strategy (RSES) for the Southern Region.
- 5.2.2. The RSES is required to endorse the national planning policy context as outlined in the NPF. Regional Policy Objective (RPO) 27 reiterates the content and direction of NPO 19, and is as follows:

RPO 27:

To support rural economies and rural communities through implementing a sustainable rural housing policy in the Region which provides a distinction between areas under urban influence and other rural areas through the implementation of National Policy Objective 19 regarding Local Authority County Development Plan Core Strategies...

5.3. Local Policy

- 5.3.1. The applicable development plan is the Kilkenny County Development Plan 2014-2020 (CDP). The relevant CDP policy relates to the rural settlement strategy, in Section 3.5, and development management standards for rural housing, in Section 12.10.
- 5.3.2. Section 3.5.2 outlines the Council's rural housing policies which is based on and incorporates the requirements of the national planning guidelines outlined above. Of relevance to the national and regional policy context, the County is divided into three categories (Figure 3.17), and the appeal site is located within Category 1: Areas under Urban Influence. In such locations, only persons with a rural generated housing need will be facilitated.

Section 3.5.2.1 Areas Under Urban Influence:

It is the Council's objective for areas of urban influence to facilitate the rural generated housing requirements of the local rural community while on the other hand directing urban generated rural housing to areas zoned for new housing development in the city, towns and villages.

- 5.3.3. The CDP defines rural generated housing need through reference to five scenarios. As the applicant states he qualifies for a rural dwelling through being a farmer, two are of relevance to the appeal case.

Section 3.5.2.3 Rural Generated Housing Need

In areas under urban influence ... the Council will permit (subject to other planning criteria) single houses for persons where the following stipulations are met:

- 1. Persons who are employed full-time in rural-based activity such as farming, horticulture, forestry, bloodstock or other rural-based activity in the area in which they wish to build or whose employment is intrinsically linked to the rural area in which they wish to build such teachers in rural schools or other persons by the nature of their work have a functional need to reside permanently in the rural area close to their place of work.*
- 2. A fulltime farm owner or an immediate family member (son, daughter, mother, father, sister, brother, heir) wishing to build a permanent home for their own use on family lands....*

- 5.3.4. Section 12.10 contains the key development management standards in respect to rural housing on location, siting, landscaping and design, vehicular access and sight lines, and wastewater treatment systems. Of relevance to the appeal case include:

Section 12.10 Rural Housing

- Existing mature landscaping, particularly trees and hedges, should be retained where possible. Existing trees, buildings, slopes and other natural features can provide a setting. Where possible, well established boundaries (on all sides) which assist in assimilating the site naturally into its surroundings is encouraged. Sites which are carved out of the centre of larger fields are discouraged.*
- In siting a new dwelling, it is essential to look at the attributes and restrictions of the particular site, the site contours and the scale, form and orientation of any proximate or adjoining dwellings. The location, siting, orientation and the design of a proposed new dwelling in a rural location should be sensitive to its surroundings and should seek to integrate as much as possible into the landscape and not be a prominent feature that visually dominates its rural surroundings.*
- Cutting and filling of sites is not desirable.*
- Houses ideally should not break or significantly impose on the skyline when viewed from nearby roads or distant locations.*

- *Driveways should follow the contours of the site.*
 - *The design of entrance gates should be in keeping with the rural setting.*
- Applications for a dwelling in a rural area should include detailed drawings and specifications for entrance treatments. The roadside boundary should ideally consist of a sod and stone wall/ earth mound planted with a double row of native hedgerow species e.g. Hawthorn, field maple, holly, blackthorn, hazel etc. Block walls and ornamental features will be discouraged.*

5.3.5. In respect of access and sight lines, safe vehicular access is required to be demonstrated in accordance with the NRA's Design Manual for Roads and Bridges, while with regard to services, water and wastewater systems for new rural developments are required to be located within the subject site, the latter complying with the EPA's Code of Practice, 2009.

5.4. Natural Heritage Designations

- 5.4.1. The appeal site is not located in or immediately adjacent to a European Site, a Natural Heritage Area (NHA) or a proposed NHA. There are no watercourses at or adjacent to the site.
- 5.4.2. The European Site designations in proximity to the appeal site include (measured at closest proximity):
- River Barrow and River Nore SAC (002162) is c.4,737m to the northeast; and
 - River Nore SPA (004233) is c.5,013m to the northeast.

5.5. Environmental Impact Assessment Screening

- 5.5.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment. The need for Environmental Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The following is a summary of the main issues raised in the third party grounds of appeal:

- Paramount concern is of the new entrance sited directly opposite front garden and private amenity space of the appellant's property;
- Applicant's primary business is agriculture, the site will be used as a base for heavy agricultural machinery with resultant heavy traffic using the entrance;
- Will cause a traffic hazard;
- Insensitive entrance location due to being on a substandard road, with poor drainage, in such close proximity to an existing dwelling and farm entrance;
- The only area of private space in the appellant's property will become the focus of the applicant's site access day and night due to the siting of the entrance;
- Removal of mature hedgerow to create the entrance will diminish the unique rural character of this section of the road, and cause loss natural habitat;
- The subject site is detached from the applicant's farmyard and will result in additional unnecessary traffic movements to and from the proposed dwelling and place of work;
- Alternative site and entrance locations are available directly adjoining the farmyard (these are identified in Fig.2) which avoid directly impacting on the appellant's property and will reduce traffic movements along the road;
- Council did not take into account the appellant's concerns of the new entrance being so close to his dwelling and garden;
- The proposed entrance is dangerously close and vehicles exiting the entrance may collide with vehicles on the road and crash into his garden;
- Appellant's quality of life will be affected through noise and light disturbance, and loss of privacy; and
- Copies of previous submissions are included (I have summarised these in Section 3.4 of this report).

6.2. **Applicant Response**

- 6.2.1. A response has been received from the applicant, the main issues raised can be summarised as follows:

- The proposed site entrance was relocated in response to the Further Information request from the planning authority;
- The proposed entrance will serve a private dwelling and will not be used as an agricultural entrance or base;
- The applicant's family farm and business have an existing entrance that will continue to be used for that purpose;
- The proposed entrance was selected to minimise the removal of hedgerow to achieve the necessary sightlines; and
- The alternative locations suggested by the appellant, specifically a vehicular entrance on the northwestern boundary, are not feasible due to amount of hedgerow and verge to be removed, and due to these lands not being under the control of the applicant.

6.3. Planning Authority Response

- 6.3.1. A response has been received from the planning authority which states that the planner's report still stands, and it has no further comments.

6.4. Observations

None.

7.0 Assessment

- 7.1. I consider the main items in determining this appeal are as follows:

- Rural Housing Policy;
- Amenities of the Rural Area;
- Residential Amenity of Adjacent Property;
- Access and Traffic Safety; and
- Appropriate Assessment Screening.

7.2. Rural Housing Policy

- 7.2.1. In the supplementary application, the applicants, Stephen and Laura Ryan, indicate that Stephen Ryan is the son of the landowner, a full time farmer of the family farm,

has spent his childhood on the existing family farm, and complies with the second scenario of the rural housing generated need in Section 3.5.2.3 of the CDP, that being, the son of a fulltime farm owner wishing to build a permanent home for their own use on family lands. The couple presently reside in rented accommodation in Kilkenny. Except for the letters of consent from the landowner/ applicant's father, there is no other documentary evidence accompanying the application in support of the applicant's case.

- 7.2.2. In the planner's report, the applicant is considered to qualify for a rural dwelling on the basis of being 'the son of the landowner and the stated farmer of the family lands'. The planning authority does not specify if the qualification is under the first or second scenarios in Section 3.5.2.3 of the CDP. I have cited the relevant policy above in Section 5.3 of this report.
- 7.2.3. From the statements in the supplementary form, it is possible that the applicant could be seeking to qualify for a rural dwelling through the first scenario which is employment related to his being a full time farmer, or the second scenario which is being an immediate family member of a fulltime farm owner (the applicant cites the latter). In any event, I consider it necessary for the applicant to substantiate his claim of qualifying for a rural dwelling.
- 7.2.4. That being, under the first scenario, the applicant has not provided any information or proof of his employment as a full time farmer of the farm and landholding; while under the second scenario, the applicant has not provided any information or proof of his father being a 'fulltime farm owner'.
- 7.2.5. The only indication of the family farm is the extent of the landholding which has been outlined in blue. The application does not include any independently verifiable documentary evidence of the applicant or his father's employment in or operation of a farm. Such information that could serve as substantive evidence could include, as relevant, identification of the type of farm (livestock, tillage, a combination), the size of the farm holding (lands in family ownership and/ or rented), a herd number, or other business number from the Department of Agriculture, single farm payment details, involvement in schemes such as REPS and/ or GLAS, training, qualifications and/ or membership of farming organisations, and correspondence and/ or invoices from milk processors, suppliers, marts, and/ or veterinary services.

- 7.2.6. In respect of the applicant's qualifying for a rural dwelling, I consider the stipulation in NPO 19 of the NPF to be a material consideration, whereby for areas under urban influence, such as the appeal site, that single housing in the countryside is based on the core consideration of demonstrable economic or social need to live in a rural area. I consider the applicant has not submitted sufficient information that could serve as evidence of demonstrable economic or social need.
- 7.2.7. I consider the insufficient information outlined above to be relevant and necessary to allow a proper determination on rural housing qualification. While this is a new issue and the Board may wish to recirculate the matter to the applicant, I do not consider that to be appropriate in this instance due to the substantive issue of site selection and impacts associated with the proposed development. In summary, I consider the applicant has not provided sufficient verifiable evidence to demonstrate a rural generated housing need as outlined in Section 3.5.2.3 of the CDP, with reference in turn to the planning guidelines, and as specified in NPO 19 of the NPF and, by association, in RPO 27 of the RSES.

7.3. Amenities of the Rural Area

- 7.3.1. As is apparent in the planning authority assessment, the third party submissions, and the grounds of the appeal case, a key issue raised relates to the impact of the proposed development on the rural character and the amenities of this rural location.
- 7.3.2. I consider policy in respect to the location, siting, landscaping, and design of rural housing included in Section 12.10 of the CDP to be a material consideration in this appeal. I have cited the relevant policy above in Section 5.3 of this report and propose to address these in turn.
- 7.3.3. The appeal site is a prominent field within the family landholding, accommodating a corner site bound on two sides by the public road with mature distinctive hedgerow. The site rises in level from the public road, in places by c. 2m, thereby being quite elevated. The proposed dwelling is sited close to the highest point within the field and would be cut into the rising lands.
- 7.3.4. Notwithstanding its modest scale and simple architectural treatment, the dwelling would be visible and associated visual impacts from the hedgerow removal for the entrance (c.44m based on the relocated entrance in the FI response), the entrance with 1.2m high wing walls, and the long gravel driveway (c.100m in length arising

from the relocated entrance) would exacerbate the extent of the visual impact and thereby the degree of alteration of the rural character of the area.

- 7.3.5. In respect of site selection and location, the policy requires the retention of mature landscaping, particularly hedges, to ensure that a rural dwelling integrates as much as possible into the landscape. The proposed development, at this prominent corner of the site which is part of an open agricultural field not benefitting from boundaries on all sides, and by necessity requiring the removal of mature hedgerow to facilitate a vehicular access along the northeastern boundary, would be a prominent feature visually dominating its rural surroundings and as such is not considered to comply with these locational requirements.
- 7.3.6. In respect of siting a new dwelling, the policy requires consideration of existing site contours, cutting and filling of a site is not desirable, the centre being carved out of larger fields is to be discouraged, and dwellings should not break or significantly impose on the skyline when viewed from nearby roads or distant locations. Similarly, I do not consider the proposed development to comply with these siting requirements.
- 7.3.7. In respect of the receiving environment, the policy requires the form and orientation of adjacent dwellings is to be considered, and for a proposal to be sensitive to its surroundings. Due to the position of the proposed entrance, both as initially sited and relocated through the FI response, I consider that the front boundary wall and garden space of the appellant's property will be unduly impacted upon, and in this regard, I do not consider the proposed development to comply with these assimilation requirements.
- 7.3.8. I note the appellant submits that alternative locations exist for the proposed development within the family landholding, and suggests specific ones in the submissions and appeal. The consideration of alternative locations for the proposed dwelling within the wider family landholding was fully not explored by the planning authority, and I consider that there is planning merit in doing so. Whilst the appellant is principally referring to an alternative vehicular entrance, I consider there to be alternative locations for the new dwelling adjacent to the family home and/ or the farmyard buildings. In respect of protecting the rural amenity of the area, selecting a site in these alternative locations would have the added benefits of clustering

buildings in the rural landscape, thereby reducing their visual impact on the character of the area, eliminating the requirement for a new and an additional entrance onto the local road that is necessitating the removal of significant amounts of hedgerow, and reducing traffic movements along the local road between the appeal site and the farmyard, given that the applicant states this to be his fulltime place of work.

- 7.3.9. The applicant's response on the potential of alternative locations has focused on the potential for a vehicular entrance in the northwest boundary of the site. This alternative entrance point is discounted due to hedgerow being removed and lands being outside of the applicant's control. The application or appeal response have not been accompanied by a robust examination of alternatives sites within the family landholding which would allow a justification for the proposed development at the appeal site, having regard to the extent and degree of impacts on the amenities of this rural location. In this regard, I do not consider that the applicant has sufficiently demonstrated the appeal site to be the most suitable and/ or appropriate for the proposed development. On balance, I consider that the location, siting, landscaping, and design of the proposed development do not comply with the provisions of Section 12.10 of the CDP, and that the proposed development would cause injury to the rural character and amenities of the rural area.

7.4. Residential Amenity of Adjacent Property

- 7.4.1. As initially proposed, the vehicular entrance was located opposite the appellant's farmyard entrance. On foot of the FI request, the applicant relocated the entrance 36m in a southeasterly direction to a location opposite the gable of the appellant's dwelling and front garden area.
- 7.4.2. In objecting to the relocated entrance, the appellant cites two main concerns, firstly, the negative impact on his property through nuisance associated with noise, light, and loss of privacy, and secondly it being dangerous and a traffic hazard. I propose to address each item in turn under a separate heading.
- 7.4.3. In respect of the former, the relocated entrance is sited directly opposite the front boundary wall and garden of the appellant's property, separated only by the width of the road, c.3.5m. The appellant's property is a distinctive traditional farmhouse with the gable of the dwelling forming the edge of the road. I concur with the appellant that the proposed entrance, albeit serving a private dwelling as submitted by the

applicant, will be the focal point of traffic activity and movement with associated noise and light from vehicles, and will cause a loss of privacy to the front garden area as is currently enjoyed by the appellant's property.

- 7.4.4. As has been outlined in Section 7.3 above, I do not consider that the applicant has sufficiently justified the selection of the appeal site for the proposed development, or demonstrated that there are no other more suitable locations within the family landholding which would not impact as negatively on the amenities of the rural area or, with particular regard to the relocated entrance, not injure the residential amenities of the appellant's property to such a degree as in the proposed development.

7.5. Access and Traffic Safety

- 7.5.1. In the initial third party submission, the appellant outlined the nature of the road conditions, the level of traffic activity, and raised concern in relation to safety for traffic users on the road and those using the proposed entrance. At the FI response stage and in the current appeal, the appellant states that the relocated entrance is dangerous and a traffic hazard due to its being positioned at an even narrower point in the road, and in such close proximity to the gable of his dwelling and the front boundary wall.
- 7.5.2. The appellant submits that the planning authority failed to take account of concerns raised in relation traffic safety. I note that the initial planner's report refers to an Area Engineer report which is stated as citing no objection subject to condition, however, the planning authority has informed An Bord Pleanála there is no report on its file. The issue and consideration of traffic hazard as raised in the third party submissions by the appellant are not expressly included in either of the planner's reports, nor is it referred to in the planning authority response to the appeal. In this regard, I concur with the appellant and I cannot find evidence of the planning authority undertaking an assessment of the safety of the entrances, either as initially proposed or as proposed in FI response.
- 7.5.3. Notwithstanding same, I consider that the onus is on the applicant to have definitively demonstrated that the relocated entrance is safe and not a traffic hazard as submitted by the appellant in the appeal. Conversely, the applicant's appeal response focuses on the use of the site as a private residence and not for

agricultural purposes, as opposed to addressing the issue of traffic hazard arising from the nature of the road conditions, the close proximity to the adjacent property, and the increased likelihood of traffic movements with potential for traffic conflict.

7.5.4. As the applicant states he is a full time farmer of the family farm, which is located at further to the southeast, I consider it reasonable to conclude that there will be numerous trips between the appeal site and farmyard which can be considered as increasing traffic generation with additional risk to road users.

7.5.5. From my site inspection, I confirm the road is particularly narrow at points, including at the position of the relocated entrance, there is insufficient space for overtaking, with intermittent residential and agricultural entrances providing some space for vehicles to pass each other, and some notable bends which result in road conditions that would be challenging and certainly could give rise to potential for traffic hazard arising from the proposed development, due both to increased traffic generation and the positioning of the proposed entrance for turning movements.

7.6. Appropriate Assessment Screening

7.6.1. Having regard to the nature and scale of the proposed development, the nature of the receiving area (the proposed development has demonstrated that a wastewater treatment plant and surface water soakaway can both be safely accommodated at the site), the physical separation distances to European Sites, and the absence of ecological and/ or hydrological connections, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

8.0 Recommendation

8.1. I recommend that permission be refused for the proposed development due to the reasons and considerations set out below.

9.0 Reasons and Considerations

1.	Having regard to the location of the site within an 'Area under Strong Urban Influence' as identified in Sustainable Rural Housing Guidelines for Planning Authorities, where it is national policy, as set out in National Policy
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	<p>Objective 19 of the National Planning Framework, 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, and within an 'Area under Urban Influence' as identified in the Kilkenny County Development Plan 2014-2020 where it is local policy as set out in Section 3.5.2 to restrict housing in such locations to persons with a rural generated housing need, it is considered that based on the documentation submitted with the planning application and the appeal, the applicants have not demonstrated by reason of employment in and/ or operation of a farm, an economic or social need to live in this rural area. The proposed development would, therefore, be contrary to the applicable provisions of the Ministerial Guidelines, the National Planning Framework, and the Kilkenny County Development Plan 2014-2020, and would therefore be contrary to the proper planning and sustainable development of the area.</p>
2.	<p>The site of the proposed development is located within a rural location 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 Section 12.10 of the Kilkenny County Development Plan 2014-2020. Having regard to the topography of the site, the elevated positioning of the proposed development, the creation of a new vehicular entrance, the resulting extensive driveway, and the removal of the front boundary hedging, it is considered that the proposed development would form an obtrusive feature on the landscape at this location, would seriously injure the visual amenities of the area, and would fail to be adequately absorbed and integrated into the rural landscape. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.</p>
3.	<p>Having regard to the likely anticipated traffic movements associated with the proposed development, it is considered that the proposed entrance, by reason of its location directly opposite and its positioning in such close proximity to the adjacent dwelling and its curtilage, would injure the residential amenities of that property through the adverse impacts arising</p>

	from vehicular activity and a loss of privacy. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
4.	On the basis of the information submitted, the Board is not satisfied that the proposed development would not endanger public safety by reason of traffic hazard due to the creation of a new entrance onto a narrow, substandard rural road, where it has not been demonstrated that there are adequate road conditions to safely accommodate the additional traffic generated and traffic turning movements.

Phillippa Joyce

Senior Planning Inspector

10th June 2021