



KILKENNY COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACTS 2000 (AS AMENDED)

NOTIFICATION OF DECISION TO REFUSE

TO: Zara Brennan
c/o Brendan Moore Architects
38 St. Kieran's Street
Kilkenny
R95 KN80

Planning Register Number: 26/60423

Valid Application Received: 02/07/2026

Further Information Received Date:

In pursuance of the powers conferred upon them by the above-mentioned Acts, Kilkenny County Council has by Order dated 24/08/2026 decided to REFUSE TO GRANT RETENTION for development of land, namely:-

for (1) Retention Permission to retain indefinitely a change of use of a single storey stable building to dwelling house and Permission for change of use to short-term letting, (2) Retention Permission to retain indefinitely an existing single storey agricultural building and Permission for change of use to domestic garage, (3) upgrading existing wastewater treatment system and (4) all associated site works AT Sheastown Co. Kilkenny Kilkenny IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION.

For the reason and considerations stipulated on the First Schedule hereto.

In deciding the Planning Application the Planning Authority have regard to submissions or observations received in accordance with the Regulations.

Signed on behalf of Kilkenny County Council

Conor Sweeney

for DIRECTOR OF SERVICES

DATE:24/08/2026

See final page for details of appeal procedures.

Tel no. Planning Section: 056-7794010

Website: www.kilkennycoco.ie

Note: An applicant for permission and any person who made submissions or observations in writing in relation to the planning application to the planning authority in accordance with the permission regulations and on payment of the appropriate fee, may, at any time before the expiration of the appropriate period – “the appropriate period” means the period of four weeks beginning on the day of the decision of the planning authority – appeal to An Coimisiún Pleanála against a decision of a planning authority under Section 34.

AN APPEAL SHALL BE MADE

- (a) by sending the appeal by prepaid post to An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, Tel 01.8588100 or LoCall 1890 275175
- (b) by leaving the appeal with an employee of An Coimisiún Pleanála, at the offices of the Board during office hours (as determined by the Board) or
- (c) by such other means as may be prescribed.

APPEALING A DEVELOPMENT CONTRIBUTION.

- (a) Subject to paragraph (b), no appeal shall lie to the Board in relation to a condition requiring a contribution to be paid in accordance with a scheme made under this section.
- (b) An appeal may be brought to the Board where an applicant for permission under Section 34 considers that the terms of the scheme have not been properly applied in respect of any condition laid down by the planning authority.

AN APPEAL SHALL

- (a) be made in writing
- (b) state the name and address of the appellant and of the person, if any, acting on his or her behalf
- (c) state the subject matter of the appeal
- (d) state in full the grounds of appeal and the reasons, considerations and arguments on which they are based
- (e) in the case of an appeal under Section 37 by a person who made submissions or observations in accordance with the permission regulations, be accompanied by the acknowledgement by the planning authority of receipt of the submissions or observations
- (f) be accompanied by such fee (if any) as may be payable in respect of such appeal in accordance with Section 144 and
- (g) be made within the period specified for making the appeal.

FEES FOR APPEAL

(a) Appeals against decisions of Planning Authorities		
	Appeal	
(i)	1 st party appeal relating to commercial development where the application included the retention of development	€4,500 or €9,000 if an EIS or NIS involved
(ii)	1 st party appeal relating to commercial development (no retention element in application)	€1,500 or €3,000 if EIS or NIS involved
(iii)	1 st party appeal non-commercial development where the application included the retention of development	€660
(iv)	1 st party appeal solely against contribution conditions (s) – (2000 Act section 48 or 49)	€220
(v)	Appeal following grant of leave to appeal	€110
(vi)	An appeal other than referred to in (i) to (v) above	€220
(b)	Referral	€220
(c)	Reduced fee for appeal or referral (applies to certain specified bodies)	€110
(d)	Application for leave to appeal (section 37(6)(a) of 2000 Act)	€110
(e)	Making submission or observation (specified bodies exempt)	€50
(f)	Request for oral hearing under section 134 of 2000 Act	€50
Note: The above fee levels for planning appeals and referrals remain unchanged from those already in force since 2007 (but note the addition of NIS in (i) and (ii) above)		

ORAL HEARINGS

The Board may, in its absolute discretion, hold an oral hearing of an appeal. A party to an appeal may request an oral hearing of the appeal. A request for an oral hearing of an appeal shall be made in writing to the Board and shall be accompanied by such fee (if any) as may be payable in respect of the request in accordance with Section 144. A request for an oral hearing of an appeal which is not accompanied by such fee (if any) as may be payable in respect of the request shall not be considered by the Board.

A request by an appellant for an oral hearing of an appeal under Section 37 shall be made within the appropriate period referred to in that section (the period of four weeks beginning on the day of the decision of the Planning Authority) and any request received by the Board after the expiration of that period shall not be considered by the Board. A request by a party to an appeal other than the appellant for an oral hearing of an appeal shall be made within the period referred to in Section 129(2)(a) (within a period of 4 weeks beginning on the day on which a copy of the appeal is sent to that party by the Board) within which the party may make submissions or observations to the Board in relation to the appeal, and any such request received by the Board after the expiration of that period shall not be considered by the Board.

Further details are available on the Board's website – www.pleanala.ie

First Schedule
6 No. Reasons & Considerations for Decision to Refuse Planning Permission Ref.
P2660423

1. The primary application is for retention as a house, then change of use for short term let until again required as a house. Having regard to the size and scale of the structure to be retained as a dwelling on site, with a stated area of 26.7sq.m, it is considered that the retention and use of this structure as a dwelling would represent a substandard form of development which, when compared to even the minimum size for an apartment as set out in the Kilkenny City and County Development Plan 2021-2027, would be inadequately sized. It is considered that retention of the development would set an undesirable precedent for further such development and will be contrary to the residential amenities and proper planning and sustainable development of the area.
2. (a) The combined areas of the existing outbuilding and proposed garage are deemed excessive to serve the needs of only a proposed short term let accommodation on this subject site
(b) The scale, design and location of the proposed garage, are out of character with the residential nature of the site, and contrary to the visual amenities of the area

The proposed garage on site is therefore considered contrary to the residential amenities, rural character, visual amenities and proper planning and development of the area.

3. The applicant has (i) stated that the vehicular entrance adjacent to the agricultural building which is proposed for use as a domestic garage will not be used to facilitate the short-term let building, (ii) has not demonstrated vehicular parking for visitors on site or internal vehicular access leading to the proposed domestic garage, and (iii) has not demonstrated in relation to either vehicular entrance serving the site, that adequate sightlines exist or can be achieved and maintained for vehicles entering and egressing the site; the applicant has failed to demonstrate that the development would not give rise to traffic hazard at this location and would be contrary to the proper planning and sustainable development of the area.
4. The applicant has failed to demonstrate provision of an adequate water supply to serve the development and has not submitted a Confirmation of Feasibility from Uisce Eireann to serve the building to be used for short-term let; the applicant has failed to demonstrate that the development would not be prejudicial to public health.
5. The applicant has failed to demonstrate that the wastewater treatment system is adequate to cater for the existing and proposed development or adequate provision for the disposal of surface water on site, and the development as proposed would be prejudicial to public health and the environment.
6. The subject buildings for retention form part of a larger landholding which also includes a dwelling house. The water, wastewater and vehicular access serving the dwelling house on site are proposed to serve the buildings for retention on site. The applicant has failed to demonstrate in the application documents that sub-division of the overall landholding will not occur; such sub-division of the landholding and the associated services for would give rise to traffic hazard, and would be prejudicial to public health and the environment, and the proper planning and sustainable development of the area.

Please note that the Site Notice shall be removed by the applicant following the notification of the Planning Authority decision under Article 31.