

**Comhairle Chontae Chill Chainnigh
Kilkenny County Council
Planning Report**



**Planning & Development Act, 2000 as amended
Planning & Development Regulations, 2001 as amended**

Planning Ref: 26/60217
Due Date: 08/06/2026

Applicant: Martin Campion
Subject: Retention Permission sought for 3nr modular garden studios consisting of two domestic one bedroom homes and home office for domestic use as constructed and permission for foul drainage system and percolation area and all associated works at Threecastles, Co. Kilkenny.

Site Location

The subject site is located in the rural townland of Threecastles, approx. 5km south east of Freshford and approx. 7km north west of Kilkenny City. The site is situated on the eastern side of the L1825, approx. 100m north of its junction with the R693.

The site consists of a two storey dwelling house with 3no. small modular type structures located to the south of the house, in the garden area of the overall site. The site is not directly accessed off of the local road. Rather it is accessed via an existing hard surfaced car park area which leads to the local road to the north west of the site. This car park serves the neighbouring 'Campion's' public house.

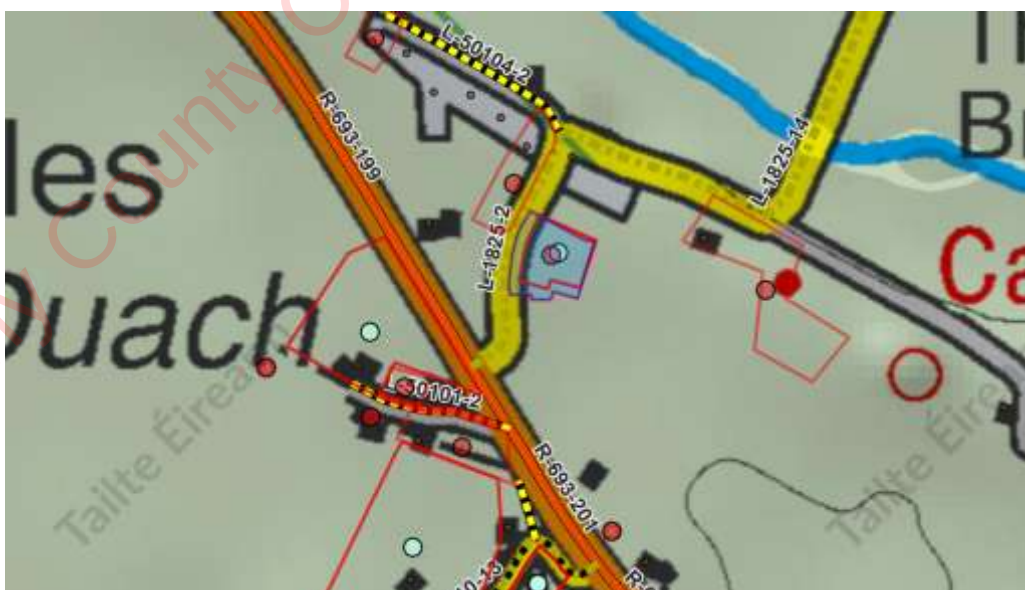


Fig 1 – site location

Site History:

- 06/242 – Permission granted to Martin Campion for amendment to 03/1629 (change of house design and inclusion of garage)
- 03/1629 – Permission granted to Martin Campion for two storey dwelling house, septic tank
- and percolation area
- ENF 24/122 – Three unauthorized chalet type dwellings -Warning letter issued in November 2024.

Referrals

- Env – Awaiting report
- Area Engineer – no objection
- DoH (Wildlife) – AA Screening required

Third Party Submissions:

None on file

Development Description:

The development description is for retention permission for '3no. modular garden studios' which are stated to consist of 'two domestic one bedroom homes and a home office for domestic use'. Permission is sought for a foul drainage system and percolation area to be provided on site also.

The structures are all situated within the garden area of an existing two storey dwelling house which was granted to the current applicant Martin Campion, under P03/1629 and alterations granted under P06/187. The permissions included for a two storey dwelling house with septic tank and percolation and a vehicular access directly onto the L1825 along the western site boundary.

From site inspection it is noted that the only vehicular access to the site is located at the northern site boundary via an existing hard surfaced car park area which appears to form part of the neighbouring 'Campions' public house to the north of the car park area. This entrance does not comply with therefore unauthorized.

It is further noted that the parent permissions on site included for the provision of a septic tank and percolation area. Buildings 02 and 03 appear to be located in the area previously indicated as the percolation area. Consequently, the existing two storey dwelling house development on site is not in accordance with the permission granted under P03/1629 and 06/242.

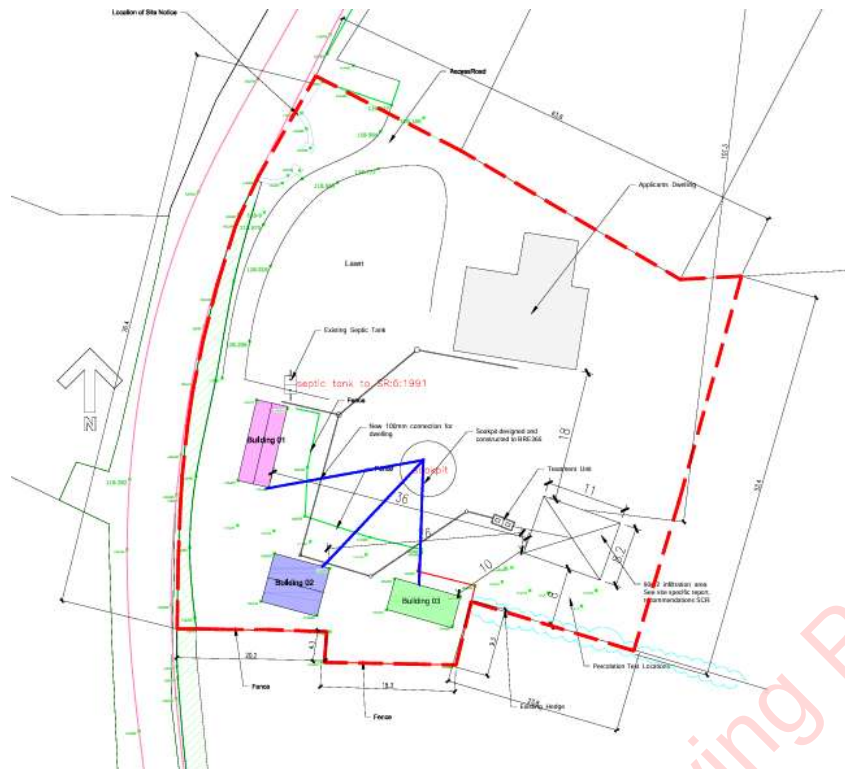


Fig 2 – Site layout



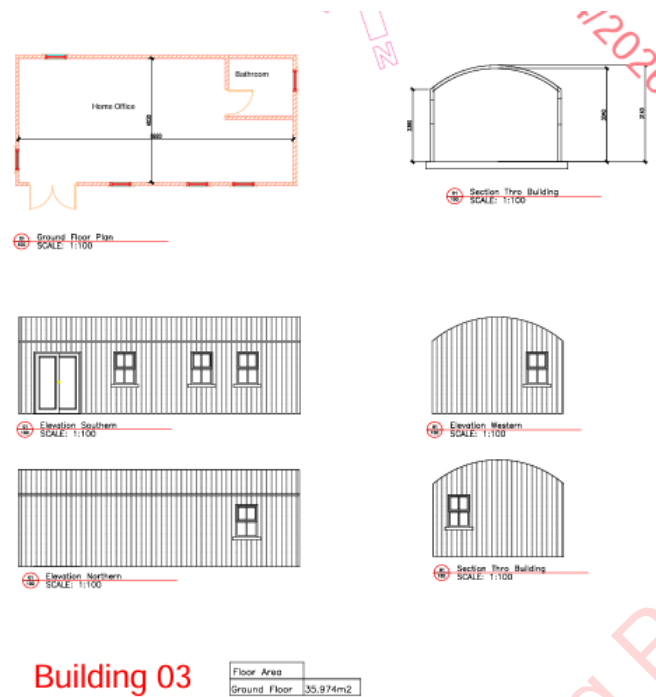


Fig 3 – Plans and elevations of 3no. modular structures

A cover letter submitted indicates the following;

- Building 01 is occupied by the applicant's brother (49sqm) One bedroom
- Building 02 is occupied by the applicant's daughter (42sqm) One bedroom
- Building 03 is used as a home office.

It is stated that Building 02 has been in place since 2017.

Development Plan policy:

The site is located in a rural area where the Rural Housing policy applies. The site layout drawing indicates that the current applicant, Martin Campion, resides in the existing two storey dwelling house on site is his home. Therefore, the current applicant does not have a housing need for the modular homes on site. No details have been included in relation to the housing needs or rural housing policy compliance of the stated occupants of the modular homes units on site.

No details are included as to the use of the domestic home office on site. It is unclear if this is ancillary to the existing two storey dwelling on site or if it is associated with one of the unauthorized modular homes.

Wastewater disposal:

The application documents indicate that a new wastewater treatment unit with soil polishing filter is proposed on site. It is noted the site layout drawing indicates an infiltration area.

The site characterisation form submitted indicates a surface value of 24.56 and a subsurface value of 19.72 were achieved on site. No water table or rock were encountered in the 2.1m trial hole. A secondary treatment system (PE 12) and soil polishing filter are proposed.

The site layout indicates the location of an existing septic tank located to the south west of the existing two storey dwelling house on site. No percolation area has been indicated. It is noted from the parent permission on this site, P. 03/1629 and P. 06/242, that a septic tank and percolation area were to be provided in the vicinity of the currently 3no. unauthorized structures on site. It would appear therefore that the dwelling house development permitted under P03/1629 and P06/242 is not planning compliant.

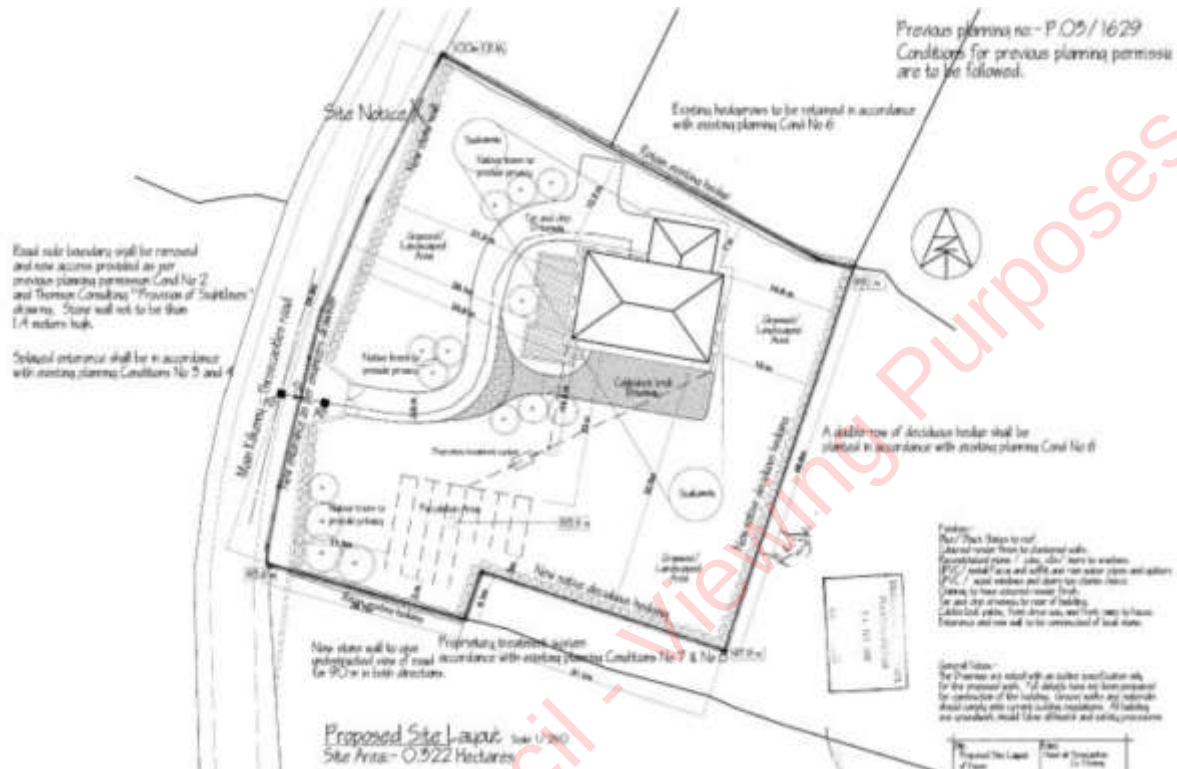


Fig 4 – Site layout as permitted under P06/242 for two storey dwelling on site

Vehicular entrance:

The parent permission/s on this site includes for a vehicular entrance to be provided to the western site boundary, directly onto the L1825, as indicated on the site layout drawing above at Fig 4.

The site is currently not accessed directly off of the local road L1825. The entrance to the site is located along the northern site boundary and is accessed via an existing hard surfaced car parking area, which appears to serve the neighbouring public house to the north. This is contrary to the conditions of the parent permission/s on this site.

The relevant conditions of the parent permission/s (03/1629 and 06/242) which appear not to be in compliance, relate to the as constructed vehicular access and wastewater treatment system. See conditions below:

<u>COND NO. 2</u>	The existing roadside boundary shall be removed and a new access provided as shown on the Thomson Consulting "Provision of Sightlines" drawing, lodged on the 19 th March, 2004. A new stone wall, not less than 1.4 metres high above road level shall be erected along the full length of the sightlines shown on the drawing. The area between the new road boundary and the public carriageway shall be suitably structured, shall fall from the carriageway edge at a gradient of not less than 1:40 (i.e. 2.5%), shall be levelled and grassed. Provision shall be made for road drainage as necessary along the new roadside boundary.
Reason:	In the interests of traffic safety.
<u>COND NO. 3</u>	The full area of the splayed recessed access shall be suitably structured, black-top surfaced and shall fall from the carriageway edge at a gradient of not less than 1/40 (i.e. 2.5%). Provision shall be made for drainage as necessary. The walls forming the splayed recessed access shall be of stone to match the new roadside stone wall.
Reason:	In the interests of traffic safety.
<u>Ref: P.03/1629</u>	
<u>COND NO. 7</u>	The on-site system proposed shall be constructed in accordance with the recommendations in the Environmental Protection Agency Wastewater Treatment Manual, Treatment Systems for Single Houses, Environmental Protection Agency 2000. Certification from the designer, manufacturer or the supplier that the complete wastewater treatment and disposal system has been satisfactorily designed, installed and commissioned to accord with the provisions of the Environmental Protection Agency, Wastewater Treatment Manual, Treatment Systems for Single Houses, 2000 shall be submitted to the Planning Authority prior to occupation of the house.
Reason:	In the interests of public health and to provide for the protection of the environment.
<u>COND NO. 8</u>	The proprietary treatment system installed shall be maintained in accordance with the manufacturers' instructions.
Reason:	In the interests of public health and provide for the protection of the environment.

Development Contributions

Class 1 + 3

Impact on Natura 2000 site

A Screening exercise is incomplete as there is insufficient information available on the planning file to determine if significant environmental impact is likely or not on any Natura 2000 site.

EIA Conclusion

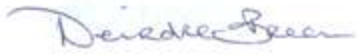
A preliminary examination of the nature, size and location of the proposed development has been carried out which determines that there is no real likelihood of significant effects on the environment arising from the proposed development. It is therefore concluded that an EIAR is not required.

Recommendation

Having regards to the policies and objectives of the current Kilkenny City and County Development Plan 2021 - 2027, the planning history on the site and the association of the

development for which retention permission is sought, with an existing noncompliant development, it is recommended that permission be Refused for the reasons set out below.

I recommend that **Retention Permission be Refused** for the reasons set out in Schedule One below.



27/05/2025

Deirdre Breen
Executive Planner

I agree that with the above recommendation.



Nicolaas Louw
Senior Executive Planner.

02/06/'26

Date

First Schedule

Reasons & Considerations for Refusal on Planning Ref 26/60217

1. The development for which retention permission is sought is reliant upon an existing unauthorized vehicular entrance and noncompliant wastewater disposal system and would therefore consolidate this unauthorized development on site. The development for which retention permission is sought would therefore be contrary to the proper planning and sustainable development of the area.
2. The placement of two additional secondary houses within the site of an existing rural house represents haphazard overdevelopment of the existing site, which is injurious to the rural character of the area and sets a precedent for further such developments. The development is therefore contrary to the sustainable long-term proper planning and development of this rural area.
3. The applicant has failed to demonstrate that he or the occupants of the modular homes on site have a rural housing need and comply with the rural housing policy criteria as set out in Section 7.8.4 of the Kilkenny City and County Development Plan 2021 – 2027. Consequently, the ~~development~~ **occupants of the structures** for which retention permission is sought ~~does not have not been proven to~~ comply with the rural housing

policy of the Kilkenny City and County Development Plan 2021 – 2027. The development for which retention permission is sought is contrary to the proper planning and sustainable development of the area.

4. ~~Having regard to the need to reposition the existing wastewater treatment plant, the applicant has failed to demonstrate that effluent from the existing and proposed development can be treated and discharged at the subject site without risk to public health and the environment. The development as proposed is therefore contrary to the proper planning and sustainable development of the area.~~

I have read the planners report and have read the environment report dated 03/06/26.

I am omitting the 4th reason for refusal (strike through above) as the environment section have no objection to the proposed development subject to conditions.

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Denis Malone
Senior Planner
05/06/26