

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



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

Planning Ref: P. 26/ 60423

Due Date: 26th August 2026

Applicant: Zara Brennan

Subject: Retention permission 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**

Address: Sheastown, Co. Kilkenny.

Referrals

Environment – report dated 20th August 2026 requires further information.

Municipal District Engineer – response not received at the time of writing this report.

Site History

26/60166 – Permission refused to Elizabeth Hughes for retention permission for (1) a detached single storey habitable dwelling and all associated site works, (2) a detached single storey stable building including all associated site works and (3) Planning Permission for a single storey extension to the side and rear of the existing habitable dwelling including a new wastewater treatment system and percolation area and all associated site work, (4) modifications to the existing site entrance and (5) relocation of the existing wastewater treatment system and percolation area.

Reasons for refusal 26/60166:

1. The applicant has failed to demonstrate compliance with the rural housing policy for this Area under Urban Influence as set out in sections 7.8.4 and 7.8.5 of the current Kilkenny County Development Plan 2021 – 2027. The development as proposed would therefore be contrary to the policies and objectives of the Kilkenny County Development Plan 2021 – 2027 and the National Planning Framework and would be contrary to the proper planning and sustainable development of this area.

2. The applicant has failed to demonstrate that the development of the dwelling and associated wastewater treatment system, and the stable on site would not be prejudicial to public health or to the environment.
3. The applicant has failed to demonstrate that adequate turning movements can be facilitated within the site at the proposed entrance having regard to the position of the stable relative to the proposed entrance; the development as proposed would therefore give rise to traffic hazard.
4. The proposed removal of approximately 65m of existing roadside hedgerow, together with the removal of approximately eight mature deciduous trees would lead to a loss of existing natural heritage which would detract from the visual amenities and landscape character of this area, and would be contrary to the policies relating to trees and hedgerows as set out in section 9.2.5 of the Kilkenny City and County Development Plan 2021-2027, which aims to “protect existing woodlands, trees and hedgerows which are of amenity or biodiversity value and/or contribute to landscape character of the county, and to ensure that proper provision is made for their protection and management, when undertaking, approving or authorising development”.

22/761 – Permission refused to Elizabeth Hughes for (a) 1 No detached single storey habitable dwelling including treatment system and percolation area, (b) 1 No detached single storey shed, including all associated site works. Decision was not appealed.

Reasons for refusal 22/761:

1. 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. The applicant has failed to demonstrate compliance with the Rural Housing policy for this Area under Urban Influence as set out in the current Kilkenny County Development Plan 2021 – 2027. The development as proposed would therefore be contrary to the policies and objectives of the Kilkenny County Development Plan 2021 – 2027 and the National Planning Framework and would be contrary to the proper planning and sustainable development of this area.
3. The applicant has failed to demonstrate that the development of the dwelling and associated wastewater treatment system, and the shed on site would not be prejudicial to public health or to the environment.
4. The applicant has failed to demonstrate that adequate sightlines exist or can be achieved and maintained for vehicles entering and egressing the site; the development as proposed would therefore give rise to traffic hazard.

22/332 – Permission refused to Elizabeth Hughes to retain: (a) 1 No detached single storey habitable dwelling including treatment system and percolation area, (b) 1 No detached single storey shed, including all associated site works. Decision was not appealed.

Reasons for refusal 22/332:

1. The applicant has failed to demonstrate compliance with the Rural Housing policy for this Area under Urban Influence as set out in the current Kilkenny County Development Plan 2021 – 2027. The development as proposed would therefore be contrary to the policies and objectives of the Kilkenny County Development Plan 2021 – 2027 and the National Planning Framework and would be contrary to the proper planning and sustainable development of this area.
2. The applicant has failed to demonstrate that the development of the dwelling, associated wastewater treatment system and the shed on site would not be prejudicial to public health or to the environment.
3. The applicant has failed to demonstrate that adequate sightlines exist or can be achieved and maintained for vehicles entering and egressing the site; the development as proposed would therefore give rise to traffic hazard.

ENF 22008 – current unauthorised development file relates to this site, for use for short term let.

Pre-planning

No pre-planning meeting noted on the application form.

Third Party Submissions

None received to date.

Policy

Development Plan Policy

The site is located in an Area Under Urban Influence as per the Council's Rural Housing policy as set out in the *Kilkenny City and County Development Plan 2021-2027*.

Section 5.3 of the plan relates to tourism uses and states:

It is Council policy to:

- support the provision and improvement of visitor facilities, infrastructure and accommodation (including self-catering, hotels, hostels, guesthouses, B&Bs, caravanning, camping, motorhome service areas and glamping) at appropriate locations, preferably clustered within existing settlements, in order to provide a range of accommodation type to suit all visitors.

Section 7.7 of the development plan relates to 'Diversification' and states as follows:

The diversification of the rural economy from mainstream farming can both supplement existing rural incomes and add to the richness of the rural area. Farming has been diversifying into areas such as horticulture, forestry and agri-tourism. In transitioning to a low carbon economy in line with Government policy, future diversification and adaptation to new energy technologies is seen as an important mechanism to achieve diversification. Renewable energy such as wind, solar and biomass will assist in the transition of the local economies of such areas. The Council will support the development

of agriculturally related industries, which are environmentally sustainable and considered a suitable use, subject to the protection of heritage and amenities. In particular, the Council will encourage the conversion of redundant farm buildings for appropriate owner-run diversification enterprises.

It is an objective of the Council to enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the diversification of the rural economy into new sectors and services, including ICT based industries and those addressing climate change and sustainability in line the NPF.

Industries that are not directly related to agriculture will however be encouraged to locate to settlements so as to support the creation of economies of scale which will underpin the vitality and vibrancy of these rural settlements.

National Policy

Abridged excerpts from the government circular *SPI 01/2026 Short-Term Letting and the Planning System*, published 3 February 2026 are set out as follows:

Current Planning Policy Framework

There is currently no statutory national-level planning policy in place with regard to short-term letting, although individual local authorities may devise their own locally determined county or city development plan policies.

Assessment of Planning Applications

In order to ensure compliance with statutory planning requirements, many short-term letting hosts are required to make a planning application to the relevant local authority.

This should be for change of use in the case of a new proposal for short-term letting, or retention of change of use in seeking to continue an existing short-term letting operation, in accordance with the regulations summarised above. In either case, new works may also be sought.

In assessing any such planning applications, planning authorities must make a planning decision on the merits of the particular application, having regard to any relevant policies set out in the local authority development plan for the area in question.

In conjunction with, or absent development plan policies, the assessment of a planning application for short-term letting may also consider relevant planning matters to determine suitability, which may include: -

- access, traffic, parking, drainage, waste management, design, privacy, noise, disturbance, open space and amenities;
- the nature of the site/location and any relevant statutory designations;
- evidence of the level of housing demand in the area and in particular, the nature of the rental market.

The EU Short Term Rental (STR) Regulation was adopted in 2024 and is required to be applicable nationally from 20 May 2026.

In parallel with the EU Short Term Rental (STR) Regulation and the DETE STLT Bill process, the Department of Housing, Local Government and Heritage (DHLGH) committed to the preparation of a National Planning Statement (NPS), to set out policy and provide guidance for planning authorities. Any NPS must be approved by Government.

Draft Short Term Letting (STL) National Planning Statement

The Department of Housing, Local Government and Heritage website as at 21st August 2026 states:

Draft Short Term Letting (STL) National Planning Statement

Published on: 17 June 2026

A draft Short Term Letting (STL) National Planning Statement has been approved by Government as proposed planning policy.

It is important to note that this draft will now be subject to a Strategic Environmental Assessment process and the EU Services Directive notification process.

Subject to the outcome of both, a finalised version will require further Government approval, expected in the Autumn.

The *Draft National Planning Statement Short-Term Letting* states that ‘this NPS applies to any application for planning permission that is determined after the issuing of the NPS’; at present the NPS is at draft stage.

Excerpts from the Draft NPS state:

3.2 Use of Non-Residential Properties for Short-Term Letting Purposes

Planning permission may also be required for the use of non-residential properties for short-term letting purposes, and is required for a new building or structure that is proposed to be used for short-term letting purposes.

Planning authorities may consider proposals for the use of non-residential properties as short-term letting accommodation given that short-term letting is a form of tourist accommodation, and accordingly may be supported where it does not result in the loss of residential accommodation (including student accommodation), or other non-residential uses which the adopted statutory plan seeks to protect.

Through the zoning objectives included in the statutory plan, the planning authority will indicate the acceptability or otherwise of tourist accommodation for particular types of zoning objectives and this will also inform the plan-led approach to purpose-built short-term letting as a form of tourist accommodation.

4.2 National Planning Policy and Measure 2 (NPPM 2) - STL use of residential properties in locations outside of Cities/Towns with a population in excess of 20,000

Applications for planning permission for short-term letting purposes of a property, that was constructed for use as a dwelling (a house, duplex or apartment), in areas outside of the Built-up Area (BUA) of cities and towns with a population in excess of 20,000 persons at the most recent Census of Population, may be considered where the planning authority is satisfied that the proposal would not meet any of special circumstances criteria set out in this NPPM.

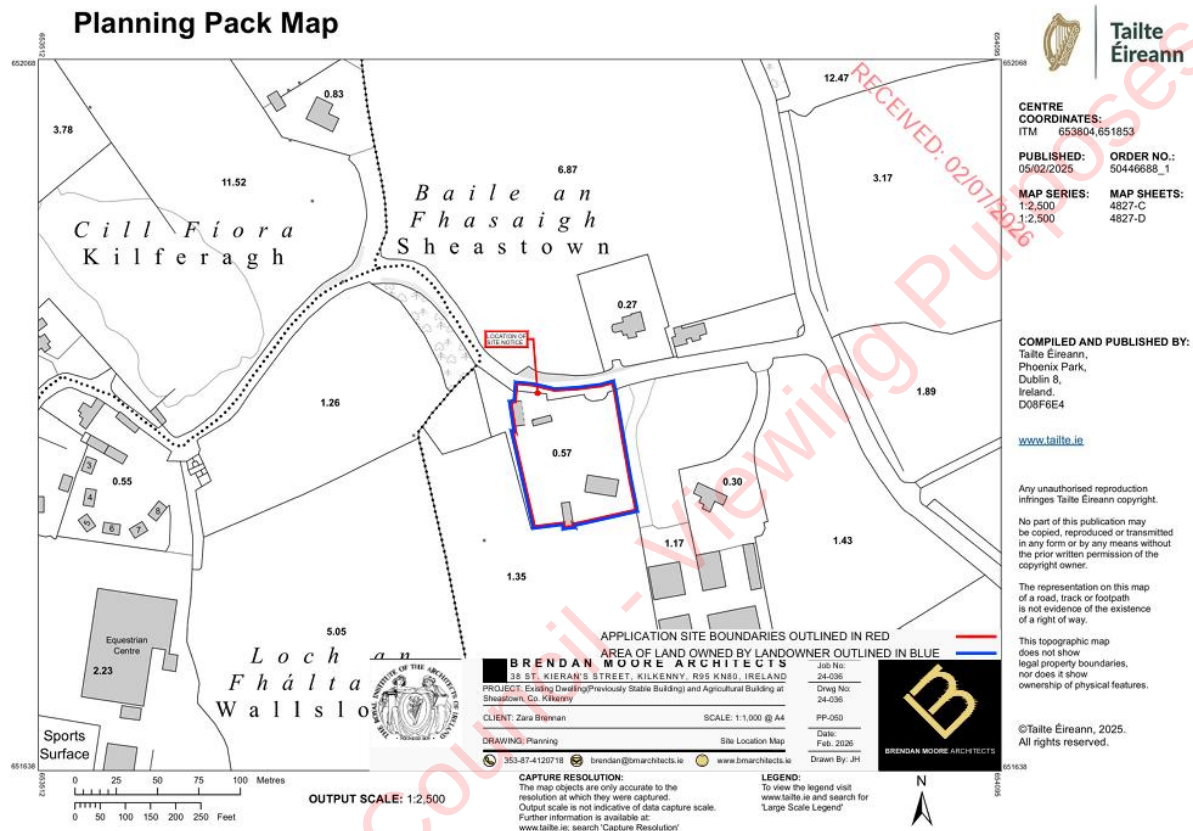
All statutory plans made under the Planning and Development Acts shall be consistent with this policy and measure and this policy and measure shall take precedence over any contrary provisions included in such plans.

This policy and measure shall apply unless the planning authority is satisfied that a proposal for short-term letting use would meet with **special circumstances criteria** included within a statutory plan made under the Planning and Development Acts, which is in accordance with one or more of the following:

- the property is situated in an area where, further to a Housing Strategy and/or Housing Need and Demand Assessment (HNDA), the planning authority has identified high unmet housing demand, that is at least in part attributable to a disproportionate concentration of short-term lets in that area relative to RTB registered tenancies, particularly if the latter are decreasing;
- the proposal would result in or intensify a concentration of short-term letting properties in a single apartment or housing development, such that noise and disturbance to neighbours would result in a significant negative or detrimental impact on neighbouring residential amenity;
- the proposal would result in a serious traffic hazard, or flooding or pollution risk;
- the proposal would result in the contravention of a condition of a planning permission or any agreement made under section 47 of the Planning and Development Act 2000 (or section 257 of the Planning and Development Act 2024) that restricts or limits the occupancy of a rural dwelling to a person, or that relates the occupancy of a dwelling being restricted to Irish language speakers; or
- a locally-specific special circumstance which has taken due account of the overall policy objective of NPPM2, but is necessary, as demonstrated by satisfactory evidence, in order to prevent an undue adverse impact on the longer-term housing rental or purchase market in the area concerned.

Site location and description

The site is located in the rural area of Sheastown approx. 4km to the south-east of Kilkenny city. Access to the site is proposed via a winding section of the local secondary road L-6700, approx. 165m to the west of the junction of the local secondary road with the regional road R700. The site contains an existing dwelling set back from the road, and a smaller stone building located closer to the road in the north-west area of the site and an agricultural shed. There is a stone boundary wall along the roadside boundary, and there are mature trees to the rear/ south of the subject buildings for retention.



Site location map

Proposed development

Permission sought 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

The site has a stated area of 0.509ha. The building proposed for 'change of use of a single storey stable building to dwelling house and permission for change of use to short-term letting', has a stated area of 28.6 sq.m.

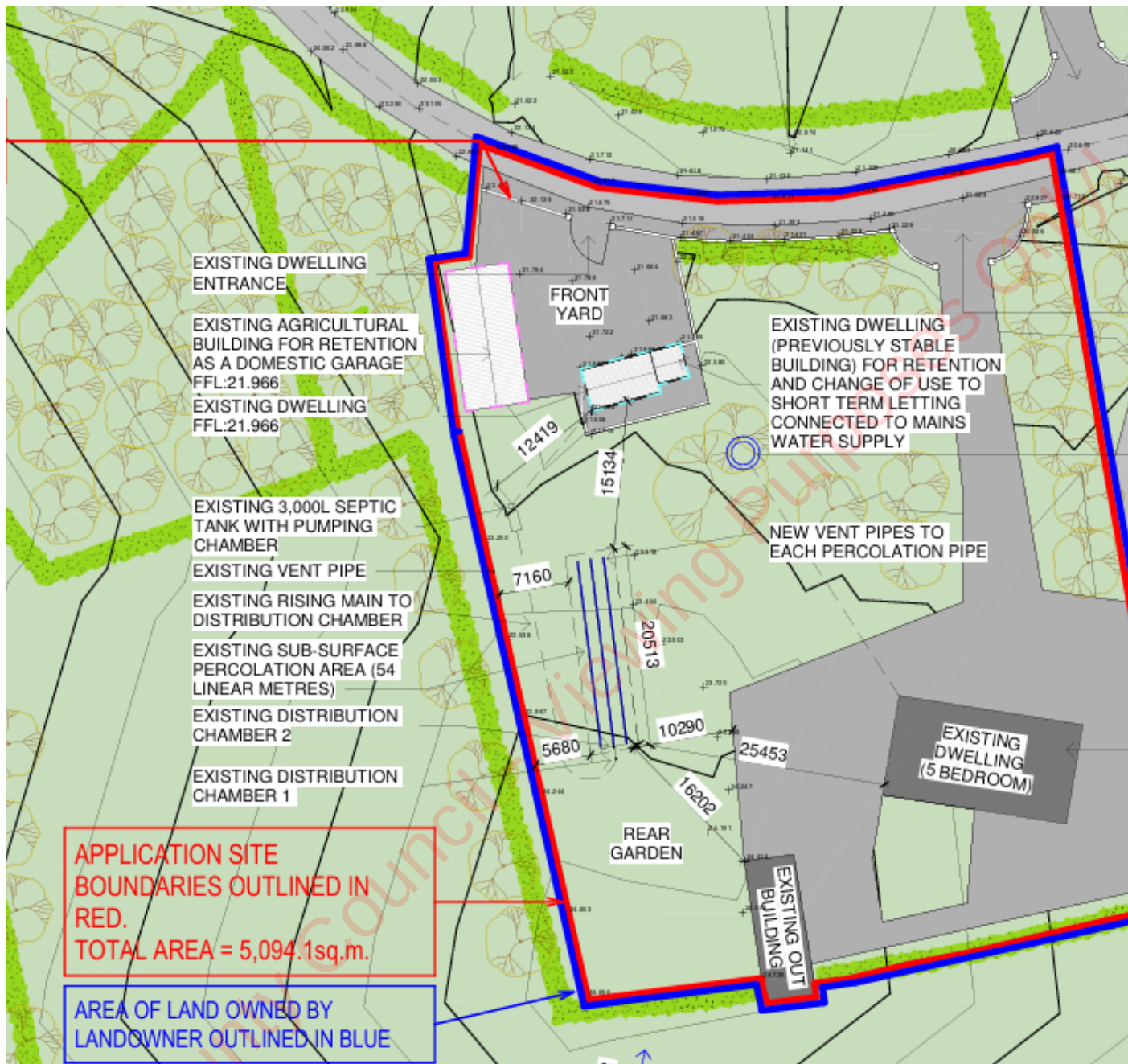
As per the drawings submitted the agricultural building to be retained, with proposed change of use domestic garage has a stated area of 80sq.m. The building has indicated dimensions of

13.96m x 6.314m, and proposed finishes include a corrugated metal sheet roof, with concrete walls.

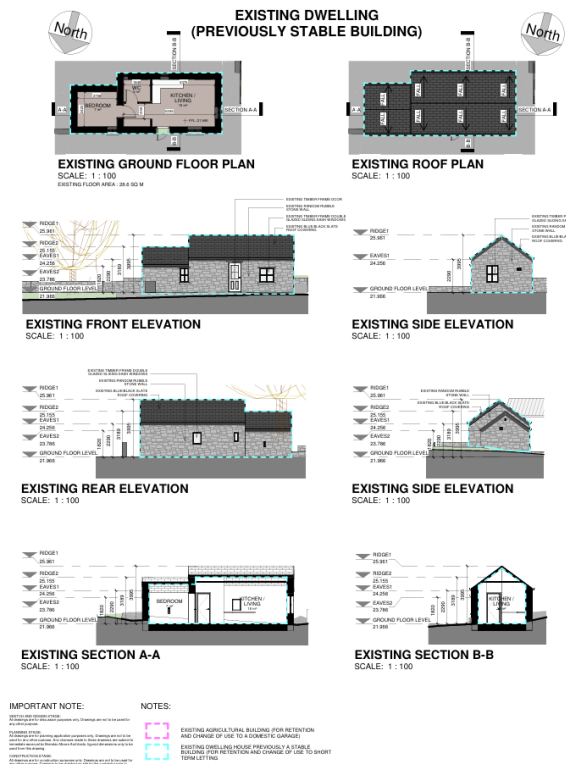
The cover letter submitted states as follows:

It is the intention of the applicant, Ms. Zara Brennan, to purchase the above property from her mother Elizabeth Hughes subject to planning, and to run a short-term letting business for a number of years. It is intended that this dwelling will later becoming her full-time place of residency, at which time she will apply for planning permission to extend the dwelling to accommodate her future family needs.

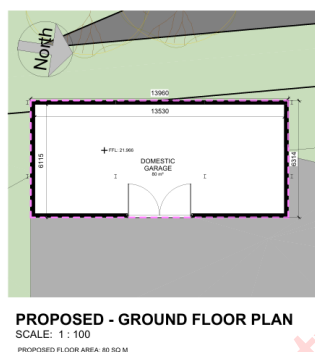
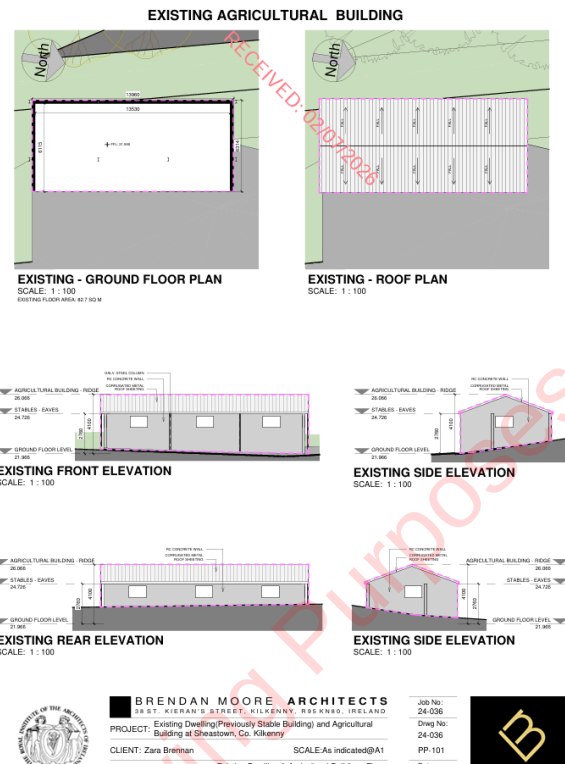
It is not proposed to use the existing vehicular entrance to the dwelling if planning permission is granted to use the dwelling for short-term letting. Instead, guests will be expected to use the existing main entrance to Aodhain House where guests will be greeted and given access to the cottage. The cottage is connected to the existing public water supply and wastewater is treated by an existing on-site septic tank system and trench percolation area (54 linear metres). The existing percolation area will up-graded with vent pipes to each percolation trench run. The existing system was installed in 2022 in accordance with EPA Cop 2021 standards and is working satisfactorily.



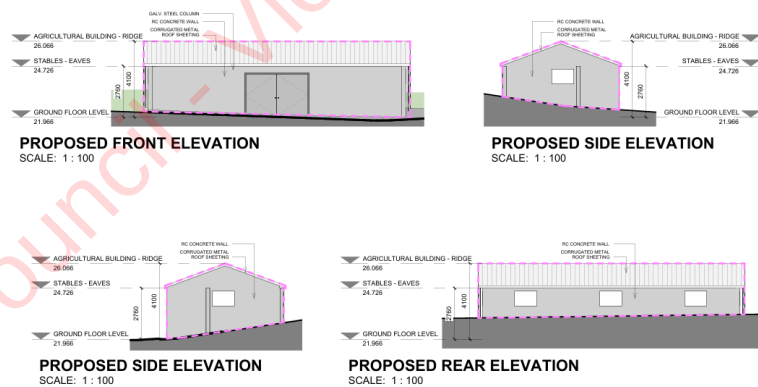
Extract from 'Existing/ Proposed Site Layout Plan'



Plans and elevations of building for retention



Proposed Domestic Garage Floor Plans, Elevations and Sections

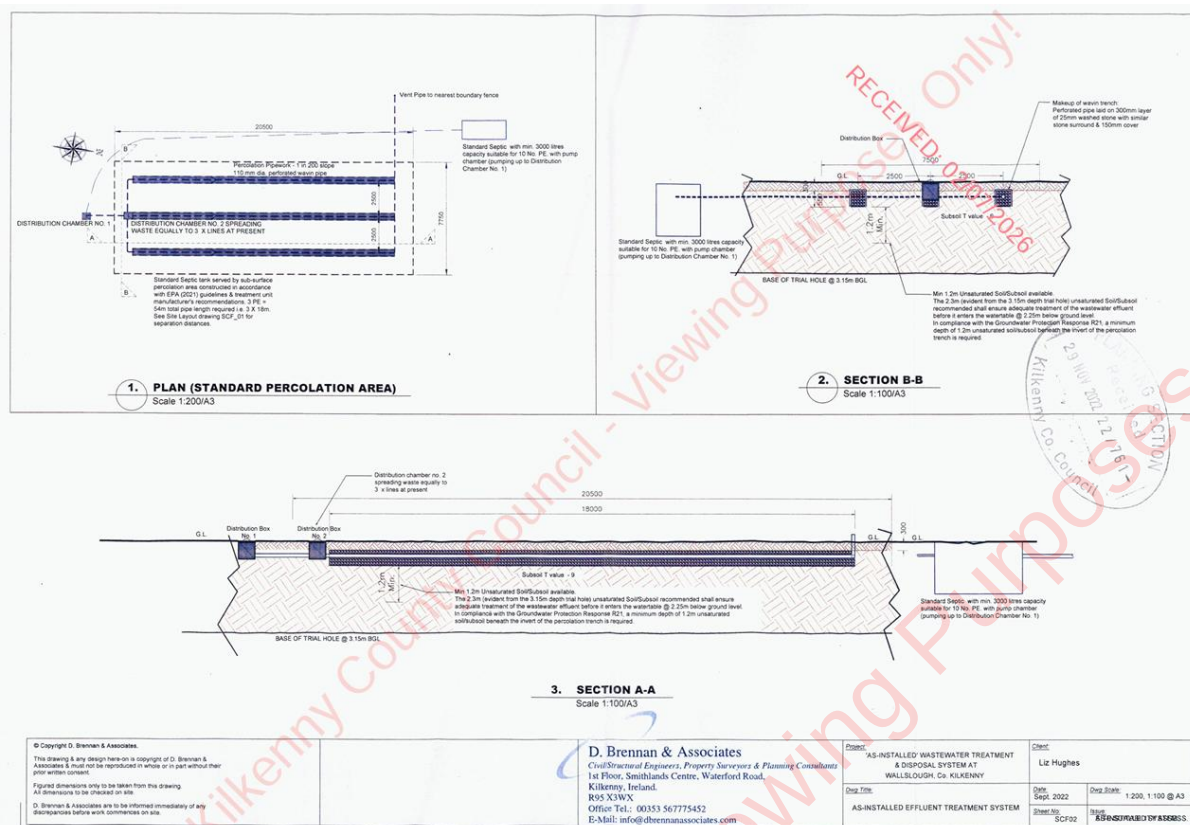


Services

The following services are proposed as per the information submitted:

Water – connection to mains supply; a Confirmation of Feasibility from Uisce Eireann has not been submitted with the application.

Surface water – disposal to on-site soakpit.



“As Installed’ wastewater treatment and disposal system’

The report received from the Environment Section dated 20th August 2026 requires the following further information:

1. *The applicant is requested to upgrade the existing DWWTs to include an additional trench in line with the requirement of the EPA Code of Practice (2021). Photos taken throughout the upgrade works shall be submitted and all separation distances under the EPA Code of Practice (2021) must be complied with.*
2. *Clean stormwater from the development shall be managed within the curtilage of the landholding via suitably sized soakaways designed in accordance with BRE Digest 365 – Soakaway design. Please submit a site layout plan showing the existing & proposed management of clean stormwater for the entire site including the extension. If any stormwater is not disposed of through soakaway pits, please submit proposals for doing so in compliance with BRE Digest 365 Soakaway design.*
3. *The applicant is requested to submit a pre-connection agreement with Uisce Éireann relating to the feasibility of a connection to the mains water supply to demonstrate that the proposed development may be served by the public mains water supply Network.*

Access

No alterations proposed to the existing entrance to the site. The applicant has not demonstrated sightlines at the existing entrance to the site or the entrance to the main dwelling on site. Sightlines at the entrance to the building for retention appear restricted by the boundary’s pier and walls, particularly to west of the entrance. The cover letter submitted states that ‘guests will be expected to use the existing main entrance to Aodhain House where guests will be

greeted and given access to the cottage.’ No internal vehicular parking provision is shown for visitor accommodation or vehicular access between the main dwelling and the building to be used as a ‘domestic garage’.

Landowner

The current landowner is stated as Elizabeth Hughes. The information on the application form states that the applicant will ‘purchase subject to planning permission’. A solicitor’s letter has been submitted with the application which states as follows:

We confirm that we act for Elizabeth Brennan, mother of Zara Brennan, the applicant in the above-entitled planning application. The property the subject of the application is currently owned by our client, Elizabeth Brennan.

Elizabeth Brennan has instructed us that it is her intention to transfer the property to her daughter, Zara Brennan, subject to a satisfactory outcome from the current planning application which is pending.

Our client, Elizabeth Brennan, has signed the bottom of this letter confirming that this is her instruction to us and confirming that this is her intention, if the planning application is successfully granted and subject to any conditions which her daughter can reasonably be expected to comply with.

A letter of consent to make the application has been submitted from the stated landowner Elizabeth Hughes; the letter also provides for connection to the mains water supply serving the dwelling and states:

As a part of this application, I give Zara my consent to connect to our existing public water mains connection serving our existing dwelling house (Aodhain House, Sheastown, Co. Kilkenny R95 N6D7).

Development Contribution

Development Contributions class 4 applies as per the current development contribution scheme, as whilst the proposals is use for short-term letting.

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.

Impact on Natura 2000 site

A Screening exercise was completed by the planning authority which determined that no significant environmental impact is likely on any Natura 2000 site.

Conclusion

The site and landholding as outlined in the documents submitted contain the main dwelling on site and the buildings which are the subject for retention.

The solicitor’s letter submitted refers to the ‘property of the subject application’ which is intended to be transferred to Zara ‘subject to a satisfactory outcome’ and ‘if the planning application is successfully granted and subject to any conditions which her daughter can reasonably be expected to comply with’.

The cover letter submitted states:

It is the intention of the applicant, Ms. Zara Brennan, to purchase the above property from her mother Elizabeth Hughes subject to planning, and to run a short-term letting business for a number of years. It is intended that this dwelling will later becoming her full-time place of residency, at which time she will apply for planning permission to extend the dwelling to accommodate her future family needs.

It is not proposed to use the existing vehicular entrance to the dwelling if planning permission is granted to use the dwelling for short-term letting. Instead, guests will be expected to use the existing main entrance to Aodhain House where guests will be greeted and given access to the cottage. The cottage is connected to the existing public water supply and wastewater is treated by an existing on-site septic tank system and trench percolation area (54 linear metres). The existing percolation area will up-graded with vent pipes to each percolation trench run. The existing system was installed in 2022 in accordance with EPA Cop 2021 standards and is working satisfactorily.

The subject buildings for retention are part of a landholding that includes an existing dwelling, and services to the dwelling including vehicular access and water and wastewater are linked to the main dwelling on site, as per the 'Existing and Proposed Site Layout Plan'. It is not clear from the cover letter and solicitor's letter if a subdivision of the landholding is proposed. Notwithstanding the principle of the development, it would only be possible to grant permission for the development subject to a condition limiting any subdivision of the landholding.

Having regard to circular *SPI 01/2026 Short-Term Letting and the Planning System*, 3rd February 2026, the *Draft Short Term Letting (STL) National Planning Statement*, and the *Kilkenny City and County Development Plan 2021-2027* it is considered that the applicant has not demonstrated that the development as proposed complies with the Council's tourism accommodation policy for rural areas, or that the development as proposed would give rise to traffic hazard or risk to public health and the environment.

The applicant has failed to demonstrate how the proposed development would meet the policy requirements in relation to tourism development in the rural area as per the *Kilkenny City and County Development Plan 2021-2027*, with particular regard to sections 5.3 and 7.7 of the *Kilkenny City and County Development Plan 2021-2027*, which seek to facilitate the provision of visitor accommodation within existing settlements, and that developments that are not directly related to agriculture will however be encouraged to locate to settlements so as to support the creation of economies of scale which will underpin the vitality and vibrancy of these rural settlements

There is an existing outbuilding located in the southern area of the site, close to the main dwelling; the dimensions or area of the outbuilding have not been provided, and it is difficult to measure the area having regard to the redline site boundary; however, this building appears to have an approximate area of 72sq.m. The planning status of the outbuilding is not clear. The applicant proposes to retain a separate 'an existing single storey agricultural building and permission for change of use to domestic garage'. The applicant has stated that they do not intend for the entrance in front of the buildings for retention to be used. The layout and change in gradient on the site would not appear to make it feasible for vehicular access to the proposed 'garage'. The combined area of the building for retention with the existing outhouse on site

would appear excessive to serve the uses on site, and details have not been provided for the uses and requirement for outbuildings with an approximate combined area of 152sq.m.

P.26/ 60423

Recommendation

I recommend that permission be refused for the following reasons:

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. The applicant has failed to demonstrate how the proposed development would meet the policy requirements in relation to tourism development in the rural area as per the Kilkenny City and County Development Plan 2021-2027, with particular regard to sections 5.3 and 7.7 of the Kilkenny City and County Development Plan 2021-2027, which seek to facilitate the provision of visitor accommodation within existing settlements, and that developments that are not directly related to agriculture will be encouraged to locate to settlements so as to support the creation of economies of scale which will underpin the vitality and vibrancy of these rural settlements. The development as proposed would be contrary to the proper planning and sustainable development of the area.~~
3. (a) The combined areas of the existing outbuilding and proposed garage are deemed excessive to serve the needs of ~~only a the dwelling and 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.
4. 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.
5. 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.

6. (a) 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.
7. 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.

26/60423 Refusal



21st August 2026

C. Kelly, Executive Planner



21/08/26

C. Bambrick, A/ Senior Executive Planner



21/08/'26

N. Louw, A/ Senior Planner