KILKENNY COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACTS 2000 (AS AMENDED)

NOTIFICATION OF DECISION TO REFUSE

TO: Niamh Hennessy
Peter Bolger
Newton House
Bachelor's Walk
Bagenalstown, Co. Carlow
R21HR68

Planning Register Number: 26/60231

Valid Application Received: 21/04/2026

Further Information Received Date: 22/10/2026

In pursuance of the powers conferred upon them by the above-mentioned Acts, Kilkenny County Council has by Order dated 17/11/2026 decided to REFUSE TO GRANT RETENTION for development of land, namely:-

for 1) the as-built extensions to the front & rear of the existing dwelling including raised roof. 2) The as-built extension & change of use of the existing single-storey outbuilding as a family flat. Permission is also sought for the upgrade/ installation of new septic tank & percolation area AT Garryduff Paulstown Co. 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: 17/11/2026

See final page for details of appeal procedures.
Tel no. Planning Section: 056-7794010
Website: www.kilkennycoco.ie

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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) 1st party appeal relating to commercial development where the application included the retention of development** **(ii) 1st party appeal relating to commercial development (no retention element in application)** **(iii) 1st party appeal non-commercial development where the application included the retention of development** **(iv) 1st party appeal solely against contribution conditions (s) – (2000 Act section 48 or 49)** **(v) Appeal following grant of leave to appeal** **(vi) An appeal other than referred to in (i) to (v) above**	**€4,500 or €9,000 if an EIS or NIS involved** **€1,500 or €3,000 if EIS or NIS involved** **€660** **€220** **€110** **€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**

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First Schedule
Reasons & Considerations for Decision to Refuse Planning Permission Ref. P26/60231

1.The development to be retained is within the same site and under the same ownership as an as built extension and change of use of an existing single storey outbuilding to a family flat which, although omitted as part of further significant public notice information on the basis that applicant considers it exempt under Class 3A (S.I. No. 340 of 2026), remains unauthorised by virtue of the works having been carried out before July 27th 2026 with no notification to the Kilkenny Planning Authority in writing 14 days before starting construction. The proposed development would facilitate the consolidation and intensification of this unauthorised development use on site and is premature pending a regularisation of all unauthorised development on site. Accordingly, it is considered that it would be inappropriate for the Planning Authority to consider a grant of permission for the proposed development in such circumstances.

2. Notwithstanding revised notices, the as-built extension and change of use of the existing single storey outbuilding to a family flat contravenes family flat policy section 13.15 set out in the Kilkenny City and County Development Plan 2021-2027 as it is a separate detached unit and is not connected to the main dwelling house. The development is therefore contrary to proper planning and sustainable development for the area and provisions of the development plan.

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

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