

An
Bord
Pleanála

Board Direction
BD-010024-22
ABP-311125-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/02/2022.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. Policy RH9(iv) of the *Kildare County Development Plan 2017-2023* seeks to ensure that, notwithstanding compliance with the local need criteria, applicants must comply with all other normal siting and design considerations, including the capacity of the area to absorb further development. The policy is considered reasonable. It is considered that the proposed development, when taken in conjunction with existing development in the vicinity of the site, would consolidate and contribute to the build-up of ribbon development in an open rural area would be in conflict with this development plan policy. The proposed development would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities. Furthermore, policies RH10 and RH12 of the *Kildare County Development Plan 2017-2023*, seek to control the piecemeal and haphazard development of rural areas close to urban centres and settlements, and to discourage ribbon development, respectively. It is considered that the proposed development would contribute to an increasing pattern of suburbanisation in a rural area that is under significant development pressure and that it would exacerbate further piecemeal residential

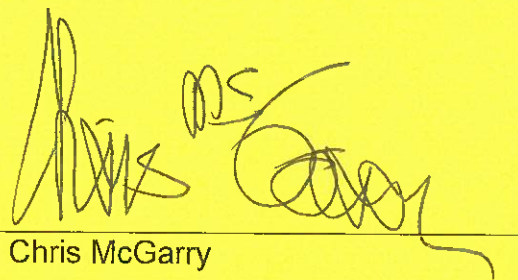
development in the area. The proposed development would, therefore, be contrary to the provisions of Policies RH9(iv), RH10 and RH12 of the Development Plan, and would, therefore, be contrary to the proper planning and development of the area.

2. Having regard to poor percolation characteristics of the site in conjunction with a proliferation of domestic treatment systems in the vicinity, the Board is not satisfied on the basis of the information submitted with the planning application that the effluent from the development can be satisfactorily treated and disposed of on-site notwithstanding the proposed use of a proprietary wastewater treatment system. In this regard, the Board is not satisfied that the proposed development, by itself or in conjunction with existing development in the vicinity, would not have an adverse effect on the environment by reason of the risk of groundwater pollution. It is considered that the proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: The Board noted that the site of the proposed development is located within an 'Area Under Strong Urban Influence' as set out in the 'Sustainable Rural Housing Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in April 2005. Furthermore, the site is located in an area that is designated as being under urban influence, where it is national policy as set out in National Policy 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. Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this specific rural area. It is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy, for a house at this location and having regard also to the relevant provisions of the

development plan. In this regard the Board consider that the proposed development would be contrary to the Ministerial Guidelines and to over-arching national policy and having regard to the relevant provisions of the development plan and that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area. However, as this would constitute a new issue within the context of the current appeal, and having regard to the substantive reasons for refusal set out above, it was decided not to pursue this matter under the current appeal.

Board Member



Chris McGarry

Date: 15/02/2022

