

An
Coimisiún
Pleanála

Direction
CD-020534-25
ABP-322435-25

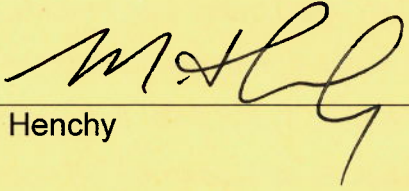
The submissions on this file and the Inspector's report were considered at a meeting held on 26/08/2025.

The Commission decided to refuse permission for the following reasons and considerations.

Planning

Commissioner:

Date: 26/08/2025


Mary Henchy

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. The Commission were not satisfied from the documentary evidence on file that the applicant satisfied the Local Need Criteria as set out in Kildare County Development Plan 2023, Table 3.4 Category B. The proposed development would, therefore, be contrary to Section 3.13.3 of Kildare County Development Plan 2023-2029, and to the proper planning and sustainable development of the area.

2. Section 3.14 of the Kildare County Development Plan 2023 - 2029 seeks ensure that, notwithstanding compliance with local need and other technical criteria, the receiving rural area has capacity to accommodate additional residential development. HO P26 of the Kildare County Development Plan 2023 – 2029 also seeks to sensitively considered the capacity of the receiving environment to absorb further development. In addition, objective HO 059 seeks to carefully manage Single Rural Dwelling Densities to ensure that the density of one-off housing does not exceed 30 units per square kilometre. Due to the level and pattern of development in the area and having regard to the foregoing, the proposed development would be contrary to Section 3.14, Policy HOP26 and Objective HO 059 of the Kildare County Development Plan 2023 – 2029 would set an undesirable precedent for similar inappropriate development and would therefore be contrary to the proper planning and sustainable development of the area.

3. It is the policy of the County Development Plan 2023-2029 under Section 3.13.3 Objective HO 047 to “Recognise that exceptional health circumstances, supported by relevant documentation from a registered medical specialist, may require a person to live in a particular environment. Housing in such circumstances will generally be encouraged in areas close to existing services and facilities and in Rural Settlements. However, the proposed development due to its rural location is not close to existing services and facilities, an issue that is exacerbated by the poor access to the site. The proposed development would therefore be contrary to Section 3.13.3 of the Kildare County Development Plan 2023-2029, the Sustainable Rural Housing Development Guidelines for Planning Authorities (2005) and to the proper planning and sustainable development of the area.

Note: If it were not for the substantive reasons for refusal the Commission may have requested clarity on the following matters.

- a) The applicants right of access to the site, nothing that no right of way was shown on the drawings and no detail provided on the maintenance arrangements for this access route. In addition, no detail was provided

regarding how the site is to access water services and, whether the applicant has a right to lay services on the road accessing the site if so is proposed.

- b) Details relating to the proposed wastewater treatment system and the site suitability for same, and accordance with policy HOP27.

In deciding not to accept the Inspector's recommendation to grant permission, the Commission did not concur with the Inspector that the letter submitted from the applicants' grandparents provided adequate documentary evidence of Local Need, and having considered the totality of the evidence provided were not satisfied that the applicant had clearly demonstrated that they accorded with the requirement of Table 3.4 of the Development Plan .

The Commission concurred with the Planning Authority that the proposed development at this location, which is under strong urban influence, and is poorly serviced would be contrary to the proper planning and sustainable development of the area. The Commission considered an additional dwelling would further exacerbate the already densely populated area that has resulted in a concentration of individual wastewater treatment systems and the number of houses accessed off a poorly surfaced, poorly aligned route, a route the responsibility of the maintenance of which is not clear. The Commission noted the Planning Authority's planners report, which included photographs and detail of the condition of the access road, and noted the Inspectors concern and attention drawn to the fact that the access route is in the control of a third party the Commission consider this a pertinent safety issue that merited further attention and therefore did not concur with the Inspectors conclusion with regard to density and pattern of development.

The Commission noted the details provided and the case made that objective HO 047 is a relevant consideration. The Commission considered the information provided but decided that, notwithstanding the case made, that the location of the site is not close to services and facilities and that due to the poor road network accessing the site it is not appropriate to apply the flexibility recommended by the Inspector. The Commission concur with the Inspector that HO047 is an applicable consideration but do not consider this site is appropriately accessible to the

support services due to its specific location of the site and the road network servicing it.