



An
Bord
Pleanála

Board Order

PL 09.247725

Planning and Development Acts 2000 to 2016

Planning Authority: Kildare County

Planning Register Reference Number: 16/1035

Appeal by Patrick Ward care of James Kealy of Carlow Gateway Business Centre, Athy Road, Carlow against the decision made on the 24th day of November, 2016 by Kildare County Council to refuse permission.

Proposed Development: Construction of a single storey dwelling, upgrading of existing septic tank to a packaged wastewater treatment system and polishing filter, upgrading of existing entrance and all associated works at Riverside Stables, Pluckerstown, Kilmeague, Naas, County Kildare.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. It is the policy of the County Development Plan 2011-2017, namely policies RH4 and RH5, to focus the provision of one-off rural housing in the rural countryside, to the category of 'local need', subject to compliance with normal planning criteria including siting and design considerations. Having regard to the information contained on file, it is considered that the applicant has not provided any substantive documentary evidence to demonstrate compliance with Local Need. To permit the proposed development would set an undesirable precedent for the development of random rural housing in an unserviced rural area and would be contrary to the objectives of the Development Plan to channel housing need into designated towns and settlements. The proposed development would be contrary to the provisions of Policy RH4 of the Kildare County Development Plan 2011-2017 and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Notwithstanding the requirements of Policy RH4 of the Kildare County Development Plan 2011-2017, Policy RH5 requires that all other normal siting and design considerations must also be complied with. In this regard, the site of the proposed development is not considered suitable for the provision of an on-site wastewater treatment system due to the presence of peat in the area. Peat soils are not suitable for the disposal of treated wastewater due to poor percolation and the consequent risk of pollution of groundwater and surface waters and the risk to public health. To permit the provision of a dwelling and the retention of existing shower/toilets facilities on site would be contrary to the provisions of Policy RH5, would be prejudicial to public health and would therefore, be contrary to the proper planning and sustainable development of the area.

