

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

**Kildare County**

**Planning Register Reference Number: 16/931**

An Bord Pleanála Reference Number: PL 09.247887

**APPEAL** by Nadine and William Clifford care of Vincent JP Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin against the decision made on the 5<sup>th</sup> day of January, 2017 by Kildare County Council to refuse permission.

**PROPOSED DEVELOPMENT:** Retention of the existing dwelling as a one off rural house, permission is also sought for the alteration of this building and the erection of a front extension to provide two bedrooms and the conversion of an existing bedroom to a lobby. The application also includes the installation of a septic tank and an Oakstown effluent treatment system and all associated site works at Belan, Moone, Athy, County Kildare.

## **DECISION**

**REFUSE** permission for the above proposed development based on 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. The subject site is located in the Rural Housing Policy Zone 2, as identified in the Kildare County Development Plan 2017-2023. Having regard to the location of the site in an area under strong urban influence as identified in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005, where it is policy to distinguish between rural-generated housing need and urban-generated housing need, and in an area where housing is restricted to persons demonstrating local need in accordance with the current Kildare County Development Plan, it is considered that the applicant does not come within the scope of the rural-generated housing need criteria as set out in the Guidelines, nor with the local need criteria set out in the Development Plan for a house at this rural location. Furthermore, the proposed development would involve the sub-division of an existing individual residential site in a rural area, and would, if permitted, lead to a disorderly pattern of development and would create a precedent for such form of development, which would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the proximity of other private wells and wastewater treatment systems, and notwithstanding the enlarged site area included in the application, the Board is not satisfied on the basis of the information submitted with the planning application and the appeal, that the proposed development can be served satisfactorily with both a wastewater treatment system and potable water from a well on the site. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2017.**