

An Bord Pleanála Board Order PL 09.249234

Planning and Development Acts 2000 to 2017

Planning Authority: Kildare County Council

Planning Register Reference Number: 17/756

Appeal by Aidan and Loretta Damer care of Entrust Limited of Carraig, Cloosh, Kinvarra, County Galway against the decision made on the 18th day of August, 2017 by Kildare County Council to refuse permission for the proposed development.

Proposed Development: (1) Construction of a one and a half storey serviced low energy passive house and a single storey domestic garage/store with a recessed entrance, (2) provision of a zero discharge wastewater treatment system, (3) construction of a netted area to facilitate a snail farm, (4) construction of an agricultural shed and (5) construction of a polytunnel and all associated services at Daars North, Sallins, 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

The site in question is in an area designated as Rural Housing Policy Zone 1 within the Kildare County Development Plan 2017-2023, a zoning that is considered reasonable and consistent with the Sustainable Rural Housing - Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005 which deems the site to be in an area under strong urban influence. It is considered that the pattern of development in the area demonstrates this pressure for housing, which cumulatively is eroding the rural character of the area. Furthermore, the site is in an area characterised by very poor soil drainage characteristics, with resultant pressure on water resources (as demonstrated by the identification of this area by the Environmental Protection Agency as an area of very high risk with respect to domestic wastewater systems). The restrictive approach of the Development Plan to housing in such areas is considered reasonable. Notwithstanding the information submitted in support of the application and appeal, including the information in relation to the proposed heliculture business, the Board is not satisfied that a compelling location-dependent need for a dwelling at this location has been demonstrated. In these circumstances, it is considered that the application does not come within the scope of the Development Plan criteria for a dwelling at this location. The proposed development would, therefore, contravene the provisions of the Development Plan in relation to rural housing, and would be contrary to the proper planning and sustainable development of the area.



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

Dated this day of 2018