



Planning and Development Acts 2000 to 2018

Planning Authority: Kildare County Council

Planning Register Reference Number: 18/356

APPEAL by John Delaney and Jamie Delaney care of Vincent JP Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin against the decision made on the 28th day of May, 2018 by Kildare County Council to refuse permission.

Proposed Development: Erection of two dormer style dwellinghouses, each with separate garage, two sewage treatment plants and two percolation areas, the demolition of existing wood store shed, the creation of a new vehicular entrance and the provision of a driveway leading to the proposed houses, together with all associated landscaping drainage and site works. The proposed driveway would be partially located on land which was sterilised pursuant to condition number three, attached to the permission granted under planning register reference number 98/745 and the application seeks to vary this restriction so as to allow the proposal to proceed, development all at Great Connell, Newbridge, 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. Having regard to the location of the site within an area under strong urban influence, in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April, 2005 and to National Policy Objective 19 of the National Planning Framework issued by the Department of Housing, Planning and Local Government in February, 2018 which, for rural areas under urban influence, seeks 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 viability of smaller towns and rural settlements, it is considered that the applicants do not come within the scope of the housing need criteria as set out in the Guidelines and do not comply with National Policy Objective 19. The proposed development, in the absence of any identified locally based need for the houses, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. 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, 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 applicants do not come within the scope of the housing need criteria, as set out in the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the houses, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. It is the policy of the planning authority, as set out in the current Kildare County Development Plan to control piecemeal and haphazard development, which policy is considered to be reasonable. The proposed development would be in conflict with this policy, when taken in conjunction with existing and proposed development in the vicinity of the site, would consolidate and contribute to the build-up of ad hoc development in an open rural area and would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. The site forms part of an area which a future national road scheme and possible junction with the M7 and the Leinster Orbital Route may be constructed, as identified within the NRA Leinster Orbital Route Corridor Protection Study 2009, the Regional Planning Guidelines for the Greater Dublin Area 2010-2022 and the National Transport Authority Strategy for the Greater Dublin Area 2016-2035 and Policy NR3 of the Kildare County Development Plan 2017-2023. It is considered, therefore, that development of the kind proposed would be premature pending the determination by the planning authority or the Road Authority of a road layout for the Leinster Orbital Route.

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

Dated this day of 2018.