



Planning and Development Acts 2000 to 2018

Planning Authority: Kildare County Council

Planning Register Reference Number: 18/510

APPEAL by Eamonn O'Connor of Manley Farm, Tullylost Grange, Tullylost, Ellistown Road, Rathangan, County Kildare against the decision made on the 22nd day of June, 2018 by Kildare County Council to refuse permission.

Proposed Development: A 'Rural Cluster' of four dormer type houses, (three number four-bedroom and one number three-bedroom) on individual plots, for effluent treatment system and percolation area for each dwelling, for removal of existing septic tank and percolation area on the site, all on a total site area of 0.84 hectares (two Acres), for connection to public services and for all associated site works at Manley Lane, Tullylost Grange, Tullylost, Ellistown Road, Rathangan, 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. The site of the proposed development is located within a “Stronger Rural Area” as set out 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, as set out in the Kildare County Development Plan 2017-2023. Furthermore, the subject site is located in a rural area that is under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework (February 2018), 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. The Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that the applicant has demonstrated that future occupants have an economic or social need to live in this rural area. It is considered, therefore, that the applicant has not satisfied the housing need criteria as set out in the Guidelines and in national policy for houses at this location. The proposed development would, therefore, be contrary to the said Guidelines and National Policy for houses at this location and would be contrary to the proper planning and sustainable development of the area.

2. Policy RH13 of the Kildare County Development Plan 2017 – 2023 seeks to facilitate the provision of a recessed cluster of dwellings, subject to normal planning, siting, design and local need considerations. In the absence of documentation demonstrating compliance with local needs considerations, the proposed development would be contrary to the provisions of the said policy, would set an undesirable precedent for similar development of this nature in rural locations and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2018.