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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 18/1236**

**APPEAL** by Sean Dillon care of Derek Whyte of Great Connell, Newbridge, County Kildare against the decision made on the 4<sup>th</sup> day of December, 2018 by Kildare County Council to refuse permission.

**Proposed Development:** Construction of a detached single storey bungalow with attached domestic garage, connection to public foul sewer and all associated site works 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. The site of the proposed development is located within an “Area Under Strong Urban Influence” 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, wherein it is policy to distinguish between urban-generated housing need and rural-generated housing need for a dwelling in the rural countryside, and within “Rural Housing Policy Zone 1” as identified on Map 4.4 of the Kildare County Development Plan 2017-2023, reflecting its location in a more populated area with higher environmental sensitivity and significant development pressure. Furthermore, the subject site is located in an area that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, 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 and having regard to the viability of smaller towns and villages in the vicinity. Having regard to the documentation submitted with the planning application and the appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area or how he complies with the detailed requirements of the rural housing policy set out in the Development Plan. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in either the Kildare County Development Plan 2017-2023, the Sustainable Rural Housing Guidelines or national policy for a house at this rural location and the Board is not satisfied that the applicant’s housing need cannot be achieved by residing in a nearby town or village. The proposed development would, therefore, be contrary to Policy RH2 of the Kildare County Development Plan 2017-2023, to relevant Ministerial Guidelines and to the over-arching national policy and would be contrary to the proper planning and sustainable development of the area.

2. Policy RH9(iv) of the Kildare County Development Plan 2017-2023 requires that developments in rural areas are permitted only where the capacity of the area in terms of extent of existing development, ribbon and haphazard development is such that additional development can be absorbed. Taken in conjunction with existing development in the area, the proposed development would constitute an excessive density of suburban-type development in a rural area, which would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities, and would, therefore, be contrary to Policy RH9 and the proper planning and sustainable development of the area.
  
3. Having regard to the restrictions on visibility at the proposed site access including the potential requirement for works on third party lands to facilitate sightlines, to the multiplicity of existing vehicular access points in the vicinity of the site and to the volume and speed of traffic on the road fronting the site, on the basis of the information presented and available on file, the Board is not satisfied that the applicant has demonstrated that safe access and egress to the site can be provided. In the absence of such information, it is considered that the proposed development would endanger public safety by reason of traffic hazard and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

**Dated this            day of            2019.**