



Planning and Development Acts 2000 to 2018

Planning Authority: Kildare County Council

Planning Register Reference Number: 18/1301

APPEAL by Peter and Sara Fisher care of David Higgins of DHArchitectural of Clownings, Newbridge, County Kildare against the decision made on the 19th day of December, 2018 by Kildare County Council to refuse permission.

Proposed Development: (a) Construction of a new four-bedroom single storey type dwelling. (b) New Oakstown BAF wastewater treatment system and percolation area. Access to the site will be provided through the existing road entrance. Along with all facilitating and associated site development works at Elverstown Great, Ballymore Eustace, 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 of the proposed development within an area designated within the Kildare County Development Plan 2017-2023 as an Area Under Strong Urban Influence, and in the absence of sufficient evidence of a genuine and justifiable need for housing in an area designated as being under urban pressure, in compliance with the relevant rural housing policy and criteria set out in the current Kildare County Development Plan, National Policy Objective 19 of the National Planning Framework issued by the Department of Housing, Planning and Local Government (February 2018) and the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April 2005, it is considered that the proposed development 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. The proposed development, which would be located in an unzoned, unserviced rural area would constitute random residential development in a rural area that is under strong development pressure, and which already has an excessive density of housing development. It is the policy of the planning authority, as set out in the Kildare County Development Plan 2017-2023, to channel housing into suitably zoned land in areas where the appropriate social, community and physical infrastructure either exists or is planned, and to restrict development in rural areas. It is considered that the proposed development would exacerbate the haphazard and unplanned form of development in this rural area, would intensify urban sprawl on the road, would exacerbate ribbon development, would militate against the preservation of the rural environment, and would represent an undesirable precedent for further such development in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Michelle Fagan

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

Dated this day of 2019.