



---

**Planning and Development Acts 2000 to 2018**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 18/1540**

**APPEAL** by Monica Dempsey care of Joe Bonner Town Planning Consultants Limited of The Airport Hub, Unit 1, Furry Park, Old Swords Road, Santry, Dublin against the decision made on the 20<sup>th</sup> day of February, 2019 by Kildare County Council to refuse permission.

**Proposed Development:** Construction of a dwelling on two floors with integrated garage, on-site wastewater treatment system and all associated site works at Walterstown, Nurney 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 in 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 and rural-generated housing need. Furthermore, National Policy Objective 19 of the National Planning Framework, in respect of 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. In addition, Policy RH6 of the Kildare County Development Plan 2017 – 2023 seeks to prohibit urban-generated housing in rural areas. Having regard to the nature and location of her employment, which is urban generated, it is considered that the applicant does not have a rural-generated housing need in accordance with these Guidelines and the Development Plan objectives, nor a demonstrable economic or social need, in accordance with national policy, which would justify the provision of a house in this rural location. The proposed development would, therefore, contravene these Ministerial Guidelines, be in conflict with national policy and contravene the objectives of the

Development Plan, and accordingly would be contrary to the proper planning and sustainable development of the area.

2. It is a policy of the Kildare County Development Plan 2017 – 2023, under Policy RH4, to restrict residential development on a landholding where there is a history of development through speculative sale or development of sites. Having regard to the history of development within the landholding from which the subject site would be taken, it is considered that the proposed development would contravene this policy, and would, therefore, be contrary to the proper planning and sustainable development of the area.
  
3. The proposed development would materially contravene a condition attached to previous planning permissions, PL98/751 and 98/829, which required that the area of land on which it is proposed to erect a dwelling, be sterilised from future residential development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. Having regard to the pattern of existing development in the area, which is characterised by significant numbers of individual dwellings in close proximity to the subject site served by a substandard laneway, it is considered that the proposed development would constitute random and ad-hoc housing development in a rural area lacking certain public services and community facilities and served by a poor road network. The proposed development would, therefore, give rise to demands for the provision of further public services and community facilities and accordingly would be contrary to the proper planning and sustainable development of the area.

---

**Philip Jones**

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

**Dated this            day of            2019.**