



Planning and Development Acts 2000 to 2019

Planning Authority: Kildare County Council

Planning Register Reference Number: 19/132

APPEAL by Conor Moore care of Cross Architect and Building Surveyor of 11 An Crois, Allenwood Cross, Allenwood, Naas, County Kildare against the decision made on the 9th day of April, 2019 by Kildare County Council to refuse permission.

Proposed Development: (A) Erection of single storey type house, (B) garage/fuel store for domestic use, (C) the installation of an Oakstown BAF wastewater treatment plant with polishing filter percolation area and (D) construction of vehicular recessed entrance and all associated site works at Ballybrack, Carbury, 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. 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. Having regard to the documentation submitted with the 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. It is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and national policy for a house at this location. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the over-arching national policy and, having regard to the provisions of the current Kildare County Development Plan 2017-2023, would be contrary to the proper planning and sustainable development of the area.

2. Taken in conjunction with existing development in the vicinity, the proposed development would give rise to an excessive density of development in a rural area lacking certain public services and community facilities and would contravene the policy of the planning authority, as expressed in the current Development Plan, to direct residential development to serviced centres, which policy is considered to be reasonable. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The site of the proposed development is located in an area designated as an Area of High Amenity in the current Development Plan for the area. The objective for this area, as expressed in the Development Plan, is to prevent inappropriate development along canal banks. This objective is considered reasonable. The proposed development, which is not related to the amenity potential of the area, would be seriously injurious to amenities of this high amenity area and would set an undesirable precedent for further such development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Dave Walsh

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

Dated this day of 2019