



An  
Bord  
Pleanála

**Board Order**  
**ABP-304734-19**

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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 18/1113**

**Appeal** by the Kildare and West Wicklow Society for the Prevention of Cruelty to Animals Limited of Oldtown, Athgarvan, County Kildare against the decision made on the 29<sup>th</sup> day of May, 2019 by Kildare County Council to refuse permission for the proposed development.

**Proposed Development:** Retention of use of corrugated agricultural shed, masonry agricultural store, and site as an animal shelter, retention of wooden hoarding/fence at the entrance to the premises along the Athgarvan – Twomilehouse county road and retention of vehicular access to cottage along the Athgarvan -Twomilehouse county road at Oldtown, Athgarvan, Newbridge, County Kildare.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions 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**

Having regard to the pattern of permitted development in the area, to the planning history of the site, to the provisions of the Kildare County Development Plan 2017-2023, in particular Section 10.5 Rural Development Policy and Section 10.5.6 Policies: Rural Enterprise and to the nature and scale of the proposed development for which retention is sought, it is considered that, subject to compliance with the conditions set out below, the proposed development for which retention is sought would not give rise to traffic hazard, would not seriously injure the residential or visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 3<sup>rd</sup> day of May, 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. This permission for retention is limited to a duration of two years only.

**Reason:** In the interest of clarity.

3. All solid household waste from the development shall be offered for collection to a waste contractor in possession of a valid waste collection permit either under the Waste Management (Collection Permit) Regulations 2001 or the Waste Management (Collection Permit) Regulations 2007 and the Waste Management (Collection Permit) (Amendment) Regulations, 2008 whichever may be relevant. Alternatively, the householder may bring household waste to an appropriate civic waste facility or recycling centre. No burning of waste is permitted. (The householder may wish to use an on-site compost bin for suitable wastes and where a dry recyclable bin collection service is available it should be utilised).

**Reason:** In the interest of public health.

4. Waste from the dog kennels shall be disposed of in accordance with the procedure outlined in the letter from Brendan P Kavanagh (dated the 26th day of September, 2015) received by the planning authority on the 7th day of December, 2015, under planning register reference number 15/491, appeal reference number PL 09.246754.

**Reason:** In the interest of public health.

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

**Dated this            day of            2019.**