



Planning and Development Acts 2000 to 2019

Planning Authority: Kildare County Council

Planning Register Reference Number: 19/119

APPEAL by Rosemary and Mark Sweeney care of Martech Design Solutions of Carracastle, Bonniconlon, County Mayo against the decision made on the 1st day of April, 2019 by Kildare County Council to refuse permission.

Proposed Development: Construction of a new dwellinghouse and domestic garage, together with septic tank, proprietary treatment unit and percolation area, access road and all other ancillary site works at Moortown, Rathcoffey, 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 and rural-generated housing need. 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 viability of smaller towns and rural settlements”. Having regard to the documentation submitted with the planning application and the appeal, including the nature and location of their employments (which are urban-generated), the lack of any agricultural or other rural-based employment which would necessitate the applicants living in a rural location, the Board is not satisfied that the applicants have a demonstrable economic or social need to live in this rural area, or that their housing needs could not be satisfactorily met in an established smaller town or village/settlement centre, including the nearby designated rural settlement of Rathcoffey and the town of Clane. It is considered, therefore, that the applicants do not come within the scope of the housing need criteria as set out in the Guidelines and in

national policy for a house at this location. The proposed development would, therefore, be contrary to these Ministerial Guidelines and to the over-arching national policy, notwithstanding policy RH2 of the Kildare County Development Plan 2017- 2023, and would be contrary to the proper planning and sustainable development of the area.

2. Policy RH10 of the Kildare County Development Plan 2017- 2023 seeks to control the level of piecemeal and haphazard development of rural areas close to urban centres and settlements. It is considered that the proposed development, by reason of its location in proximity to the designated rural settlement of Rathcoffey and the town of Clane, would further exacerbate the level of such haphazard development in proximity to both settlements, in which lands are designated/zoned for residential purposes. To permit development at the location proposed, having regard to the level of existing housing development already in existence in this rural location, and the precedent of backland development behind an existing line of suburbanised ribbon development, would contribute to the further unsustainable development of this rural area. The proposed development would, therefore, materially contravene policy RH10 of the Kildare County Development Plan 2017- 2023 and would be contrary to the proper planning and sustainable development of the area.

3. Policy RH9 of the Kildare County Development Plan 2017- 2023 seeks to ensure that, notwithstanding compliance with local need criteria, applicants comply with all other siting and design considerations, including the capacity of the area to absorb further development. Having regard to the level of existing housing development already in existence in this rural location, it is considered that the proposed development would exacerbate the existing excessive density of development in this rural area, would contribute to the further suburbanisation of the area, and would materially contravene policy RH9 of the Kildare County Development Plan 2017- 2023. The proposed development would, therefore, 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.