



---

## Planning and Development Acts 2000 to 2019

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 17/756**

**APPEAL** by Aidan and Loretta Damer care of Entrust Planning and Environmental of Carraig, Cloosh, Kinvara, County Galway against the decision made on the 18<sup>th</sup> day of August, 2017 by Kildare County Council to refuse permission to the said Aidan and Loretta Damer.

**Proposed Development:** (1) Construction of one and a half storey serviced low energy passive dwelling, (2) provision of a zero discharge wastewater treatment system, (3) construction of a netted area to facilitate a snail farm, (4) construction of an agricultural shed, and (5) construction of a polytunnel and all associated services at Daars North, Sallins, 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**

Having regard to the location of the site within an "Area Under Strong Urban Influence" as identified in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April, 2005 and in an area where housing is restricted to persons demonstrating compliance with Local Need Criteria in the Kildare County Development Plan 2017 – 2023, and where it must be demonstrated that the development would not prejudice the environment and the rural character of the area, it is considered that the applicant has not demonstrated compliance with policy RH18 with respect to justifying a dwelling on the basis of the establishment of a rural enterprise, or policy RH9 which seeks to ensure that development complies with all other normal siting and design considerations, including the capacity of the area to absorb further development. The proposed development would be contrary to the "Sustainable Rural Housing Guidelines for Planning Authorities", would materially contravene policies RH9 and RH18 as set out in the Kildare County Development Plan 2017 – 2023 and would, therefore, be contrary to the proper planning and sustainable development of the area.

---

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

**Dated this                      day of                      2020.**