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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 18/1585**

**APPEAL** by David and Susan Sexton care of Vincent JP Farry and Company Limited, Planning and Development Consultants of Suite 180, 28 South Frederick Street, Dublin and by John and Bronwyn Gargan of Cedar Lodge, Duneaney, Kildare, County Kildare and by Others against the decision made on the 19<sup>th</sup> day of September, 2019 by Kildare County Council to grant subject to conditions a permission to David and Susan Sexton.

**Proposed Development:** Retention of (1) an existing single storey café with a total floor space of 218.6 square metres; (2) an adjoining single storey children's depot with a total floor space of 56.7 square metres; which accommodates for an electrically-powered novelty train; (3) a surface level car park which contains 60 number parking bays, and one bus bay, and (4) the removal of portions of an existing agricultural access road which are not required as part of a proposed new entrance arrangement, as outlined below, with the affected space being returned to grassland. Permission is also sought for future development comprising (1) the construction of a proposed new vehicular access onto Local Road L-3010, and (2) a new/altered access roadway which will lead from this public route to Kildare Farm Foods. The new entrance arrangements will replace the longstanding use of County Road

L-70601 by motorists accessing this overall property, as amended by the revised public notices received by the planning authority on the 23<sup>rd</sup> day of August 2019. The revised information consisted of (A) land uses: A site layout plan which is colour coded to show different uses of various buildings on this overall landholding; (B) traffic: details of traffic movements to and from the overall landholding, of which the application site forms part; (C) parking provision: outline of the parking arrangement which serves this development; (D) staff numbers: details of staff numbers; (E) clarification items: discussion of staff members' duties, of suppliers, of purchasers and of general arrangements; (F) details of existing effluent treatment arrangements including percolation areas and septic tanks on site; (G) a discussion on the impact of this development on residential amenity at Duneany and Rathmuck, 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 nature and extent of the proposed development, to the submissions made in connection with the planning application and the appeal and to the planning history on the site, it is evident that the overall development, which because of its scale and nature would not constitute exempted development and which does not have the benefit of any planning permission, is unauthorised. It is considered that to grant planning permission for a limited number of developments which are linked to and depend on these unauthorised developments would facilitate and consolidate these unauthorised developments, including elements which do not meet the criteria set out in the Kildare County Development Plan 2017-2023 for a rural based enterprise and rather are considered to be developments which could be more suitably located in a settlement, and would seriously injure the residential amenities of adjoining and nearby dwellings.

It is considered, therefore, that a grant of permission in this instance would facilitate and consolidate development which does not have the benefit of planning permission and, accordingly, that it would be inappropriate for the Board to consider the grant of a permission for the proposed development and the development for which retention is sought in such circumstances.

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**Terry Ó Niadh**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board**

**Dated this                      day of                      2020**