



Planning and Development Acts 2000 to 2019

Planning Authority: Kildare County Council

Planning Register Reference Number: 19/1049

APPEAL by Kathleen Riordan care of D.C. Turley and Associates of 2 The Crescent, Piper's Hill, Naas, County Kildare against the decision made on the 12th day of November, 2019 by Kildare County Council to refuse permission.

Proposed Development: Proposed bungalow, a detached garage, a new wastewater treatment system and percolation area, a new entrance, the upgrading of the existing access road, and all ancillary site works at Castlekealy, Caragh, 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 that is 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, it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, where a site is located in an area that is designated under urban influence, 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, therefore, that the applicant does 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, therefore, would be contrary to these Ministerial Guidelines, to the over-arching national policy, to the provisions of the Kildare County Development Plan 2017-2023, and contrary to the proper planning and sustainable development of the area.

2. The proposed development, which would be located in an unzoned, unserviced rural area, would constitute random residential development in the rural area that is under strong development pressure, and which already has an excessive density of housing development. It is the policy of the planning authority, as set out in the Kildare County Development Plan 2017-2023, to channel housing into suitably zoned land in areas where the appropriate social, community and physical infrastructure either exists or is planned, and to restrict development in rural areas. It is considered that the proposed development would exacerbate the haphazard and unplanned form of development in this rural area, would intensify urban sprawl, would militate against the preservation of the rural environment, and would represent an undesirable precedent for further such development in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. It is considered that the shared road serving the site is substandard in terms of design, width, construction, surface finish and drainage and is, therefore, inadequate to satisfactorily cater for the extra traffic movements likely to be generated by the development. The proposed development would endanger public safety by reason of traffic hazard and would, therefore, be contrary to the proper planning and sustainable development of the area.

4. Having regard to the density of on-site wastewater treatment systems in the area, it is considered that it has not been satisfactorily demonstrated by the applicant that the subject site is suitable for the provision of an on-site wastewater system, the proposed development may lead to conditions which would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2020