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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 19/1231**

**APPEAL** by Conleth Dunne care of Ian Doyle, Planning Consultant of Woodleigh, Cornwall, Killurin, Enniscorthy, County Wexford against the decision made on the 3<sup>rd</sup> day of January, 2020 by Kildare County Council to refuse permission.

**Proposed Development:** (a) Subdivision of existing site, (b) demolition of existing shed and construction of a new garden shed to the rear of the existing property, (c) decommissioning of existing dwellings septic tank and replacement with new wastewater treatment plant and associated percolation area, (d) construction of a new single dwelling to the rear of the existing with associated rooflights, (e) relocation of existing vehicular entrance and associated gate and driveway to serve both dwellings, (f) provision of a new garden shed to serve the new dwelling, (g) a new wastewater treatment plant and associated percolation area to serve the new dwelling, (h) all associated site, landscaping and ancillary development works at Killybegs, Prosperous, 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. Having regard to the location of the site within Rural Housing Policy Zone 1 of the Kildare County Development Plan 2017-2023 (as amended by Variation Number 1 of the Plan), Regional Policy Objective RPO 4.80 of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, National Policy Objective 19 of the National Planning Framework and the Sustainable Rural Housing Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in April 2005, it is considered that the applicant does not come within the scope of the housing need criteria as set out for a house at this location. It is considered that the applicant has not sufficiently demonstrated an economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements and, therefore, the proposed development does not comply with Regional Policy Objective 4.80 and National Policy Objective 19. In the absence of any identified locally-based need for the house, the development would contravene local, regional and national housing policy objectives and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Policies RH 9 and RH 10 of the Kildare County Development Plan 2017-2023 seek to ensure that, inter alia, the capacity of the area to absorb further development is considered and the level of piecemeal and haphazard development of rural areas close to urban centres is controlled. Having regard to the extent of existing development in the immediate vicinity of the subject site and the location of the site in close proximity to Prosperous, it is considered that the proposed development would exacerbate an excessive density of development and would contribute to the increasing suburbanisation of this rural area. The development would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Dave Walsh**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board**

**Dated this                      day of                      2020**