



Planning and Development Acts 2000 to 2020

Planning Authority: Kildare County Council

Planning Register Reference Number: 20/642

APPEAL by Fergal and Nora O'Reilly care of Plan-it Services of Brooklands, Barrettstown Road, Newbridge, County Kildare against the decision made on the 10th day of August, 2020 by Kildare County Council to refuse permission for the proposed development.

Proposed Development: Cottage style house together with proprietary wastewater treatment system and all associated site works at Lattensbog, Blacktrench, Naas, 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, to national policy as articulated in 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 and to the Regional Policy Objective RPO 4.80 of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, it is considered that the applicants do not come within the scope of the housing need criteria as set out in the development plan for a house at this location. Furthermore, it is considered that the applicants have 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 would not comply with RPO 4.80 of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031 and NPO 19 of the National Planning Framework. In the absence of any identified and justified locally based need for the dwelling, the proposed 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. Taken in conjunction with existing and permitted development in the vicinity and taking into consideration the degree of existing ribbon development in the area, it is considered that the proposed development would contribute to urban generated residential sprawl in this area, would further exacerbate the existing ribbon development along this section of roadway, would contribute to the encroachment of random development in this rural area, would militate the preservation of the rural environment and would lead to an inefficient and uneconomic demand for the provision of services in this rural area, in contravention of policies RH9 and RH12 of the Kildare County Development Plan 2017-2023. The proposed development would, therefore, be contrary to the proper planning and sustainable development of this area.

3. Having regard to the ground conditions and high-water table in the area, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a wastewater treatment system and raised polishing filter. Having regard to the lack of public wastewater treatment capacity in the area and the proliferation of proprietary wastewater treatment systems in the area, it is considered that the proposed development would increase the risk of pollution to groundwater and surface waters and would, therefore, be prejudicial to public health and

Dave Walsh

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

Dated this day of 2021.