



Planning and Development Acts 2000 to 2020

Planning Authority: Kildare County Council

Planning Register Reference Number: 20/569

APPEAL by Sean and Sandra Barrett of Moyle Abbey, Ballitore, County Kildare against the decision made on the 14th day of September, 2020 by Kildare County Council to grant subject to conditions a permission to Odhran Forrest care of MCD Civil Engineering Consultants Limited of Stanhope Street, Athy, County Kildare.

Proposed Development: Construction of a two-storey dwelling, domestic garage, septic tank and percolation area, new shared recessed residential and agricultural entrance and all ancillary site development works at Moyleabbey, Ballitore, Athy, 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

Taking account of the location of the proposed development in a rural area classified as Rural Housing Policy Zone 1, within the Kildare County Development Plan 2017-2023, which generally has higher levels of environmental sensitivity and significant development pressure and where applicants must demonstrate a genuine local need to live in this area, having regard to national policy, as set out in National Policy Objective 19 of the 2018 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, that 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 viability of smaller towns and rural settlements, and having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicant have provided sufficient justification for a rural housing need to live in this rural area, or that the applicant's housing need cannot be satisfied in a smaller town or rural settlement. While the Board acknowledges that the applicant has family ties to the area and complies with the relevant local need criteria of the County Development Plan, it is considered that the threshold to demonstrate a functional economic or social need to build a rural house in this area under development pressure has not been met, given the location of the applicant's employment over 50 kilometres away from the site. In the absence of a sufficient justification, it is considered that the proposed development would contribute to the development of

random rural housing in the area and would militate against the preservation of the rural environment, which is identified as having high levels of environmental sensitivity, and the efficient provision of public services and infrastructure. The proposed development would be contrary to the Sustainable Rural Housing Guidelines and to overarching national policy, notwithstanding the provisions of the Kildare County Development Plan 2017-2023 and would, therefore, be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that the provisions and policies, as set down in the 2018 National Planning Framework, whose publication post-dated the adoption of the current Kildare County Development Plan, and the 2005 Sustainable Rural Housing Guidelines, constitutes material considerations under sections 34(2) and 143 of the Planning and Development Act 2000, as amended, in the assessment of such planning applications, as well as considering local policies set down in the development plan, and that the applicant has not demonstrated a sufficient social or economic need to live in this rural location, when national policy seek to direct housing need in development pressure areas towards towns and villages as more suitable and sustainable locations.

Dave Walsh

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

Dated this day of 2021