



Planning and Development Acts 2000 to 2020

Planning Authority: Kildare County Council

Planning Register Reference Number: 21/54

APPEAL by Michael Daly care of Whyte Planning Consultants Limited of Great Connell, Newbridge, County Kildare against the decision made on the 11th day of March, 2021 by Kildare County Council to refuse permission.

Proposed Development: Construction of a rural housing cluster consisting of four number detached bungalows for rural local need persons only in accordance with the Rural Housing Policy of the Kildare County Development Plan 2017-2023, each with individual secondary effluent treatment systems, recessed entrance, access road to serve the proposed development and all associated site works. All at Tirmoghan Common, Tirmoghan, Donadea, 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. Policy RH2 of the Kildare County Development Plan 2017 – 2023 seeks to manage the development of one-off housing in conjunction with the Rural Housing Policy Zone Map (Map 4.4) and accompanying schedules of category of applicant and local housing criteria set out in Table 4.3 of the Plan. To this end, the plan requires that documentary evidence of compliance with the Rural Housing Policy must be submitted as part of the planning application for development in rural nodes such as Tirmoghan. In the absence of documentation demonstrating compliance with local needs considerations, the proposed development would be contrary to the aforementioned policy, would set an undesirable precedent for similar development of this nature in rural locations and would, therefore, be contrary to the proper planning and sustainable development of the area. Policy RH13 of the Kildare County Development Plan seeks to facilitate the provision of recessed clusters of dwellings, subject to normal planning siting, design and local needs considerations. In the absence of documentation demonstrating compliance with local needs considerations, the proposed development would be contrary to the aforementioned policy, would set an undesirable precedent for similar development of this nature in rural locations and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed proprietary wastewater treatment systems to serve the individual dwellinghouses would be prejudicial to public health on the basis of the poor percolation characteristics of the ground and the high water table on site which renders the subject site unsuitable for the on-site treatment and disposal of effluent from the development, notwithstanding the proposed use of a proprietary wastewater treatment system.

3. Having regard to the location of the site in an area which is prone to flooding, and on the basis of the submissions on file the Board is not satisfied that the proposed development would not give rise to an increased risk of flooding of property in the vicinity. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.



Member of An Bord Pleanála

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

Dated this 6th day of August, 2021.