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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 21/1193**

**APPEAL** by Noel Sweeney of The Willows, Daars North, Sallins, County Kildare against the decision made on the 12<sup>th</sup> day of October, 2021 by Kildare County Council to refuse permission.

**Proposed Development:** A dormer bungalow and domestic garage plus a tertiary treatment system and an infiltration treatment area at Daars North, Sallins, 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.

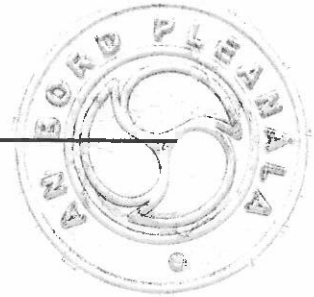
## **Reasons and Considerations**

The site of the proposed development is located within an "Area Under Strong Urban Influence" as identified in the "Sustainable Rural Housing Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in April, 2005. Furthermore, the subject site is located in an area that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework (February 2018), to facilitate the provision of single housing in the countryside, based upon the core consideration of demonstrable economic or social need to live in a rural area, and in an area where housing is restricted to persons demonstrating compliance with Local Need Criteria in the Kildare County Development Plan 2017 – 2023, and where it must be demonstrated that the development would not prejudice the environment and the rural character of the area, and to the prevailing pattern and density of development in the area. Having regard to the documentation submitted with the application and 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 Sustainable Rural Housing Guidelines and in national policy for a house at this location. It is further considered that the applicant has not demonstrated compliance with Policies RH3 and RH4 in the Kildare County Development Plan 2017 – 2023 which seek to restrict speculative development or Policy RH9 which seeks to ensure that development complies with all other normal siting and design considerations, including the capacity of the area to absorb further

development. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the over-arching national policy having regard to the provisions of the current Kildare County Development Plan 2017 – 2023 and would be contrary to the proper planning and sustainable development of the area.

  
Stephen Bohan

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



Dated this 14<sup>th</sup> day of February 2022