

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 21/1597

APPEAL by Jonathan and Jennifer Browne of Peelhall, Ballytore, Athy, County Kildare against the decision made on the 12th day of January, 2022 by Kildare County Council to refuse permission.

Proposed Development: Construction of a 1.5-storey house, one-storey detached domestic garage, effluent treatment system and polishing filter, recessed entrance and all associated siteworks at Moone, Athy, County Kildare.

Decision

REFUSE permission for the above proposed development for the reasons and considerations set out below.

Reasons and Considerations

1. Policy HO P12 of the Kildare County Development Plan 2023-2029 provides that, notwithstanding compliance with local need criteria, applicants must comply with all other normal siting and design considerations for rural housing, including the capacity of the area to absorb further development. Policy HO P13 and Policy HO P15 of the development plan seek to control the level of piecemeal and haphazard development of rural areas close to villages and settlements, such as the village of Moone, where lands are zoned for residential purposes. Taken in conjunction with existing and permitted development in the area, it is considered that the cumulative impact of the proposed development would exacerbate a pattern of urban sprawl and ad hoc housing in the rural area and would contribute to the gradual suburbanisation of the rural area and the steady erosion of its rural character. The proposed development would materially contravene policies HO P12, HO P13 and HO P15 of the Kildare County Development Plan 2023-2029 and would, therefore, be contrary to the proper planning and sustainable development of the area.

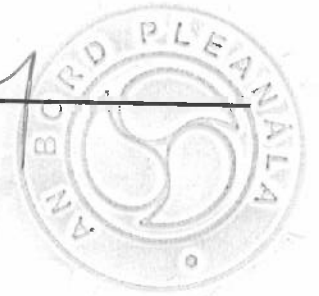
2. Objective HO O44 of the Kildare County Development Plan 2023-2029 seeks to 'Restrict residential development on a landholding, where there is a history of development through the speculative sale or development of sites to an unrelated third party'. The subject site is located on an agricultural landholding which has a planning history for planning permissions for relatives of the landowner. Notwithstanding a letter of consent from the landowner of the site, it is considered that there has been a history of excessive development along this stretch of the road which, taken in conjunction with the existing development of the area, would give rise to excessive density. It is considered that the proposed development would contravene Objective HO O44 of the Kildare County Development Plan 2023-2029 and would lead to demands for the uneconomic provision of further public services and facilities in an area where these are not proposed. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Martina Hennessy

Member of An Bord Pleanála

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



Dated this 24th day of July 2023.