

An
Bord
Pleanála

Board Order ABP-315538-23

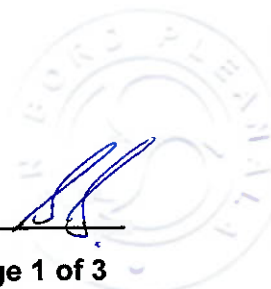
Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 22/1273

Appeal by Paul Cully and Michelle Dunne care of Setanta Solicitors of 92/93 St. Stephen's Green, Dublin against the decision made on the 12th day of December, 2022 by Kildare County Council to refuse permission.

Proposed Development: A one one-and-a-half-storey dwelling, a domestic garage and an on-site domestic wastewater treatment system (DWWTS) and all associated development works and landscaping, all at Blackhall, Bodenstown, Sallins, County Kildare.

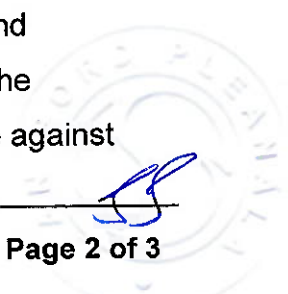


Decision



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

Reasons and Considerations

Policy HO P11 of the Kildare County Development Plan 2023-2029 seeks to facilitate, subject to all appropriate environmental assessments, proposals for dwellings in the countryside outside of settlements in accordance with NPF Policy NPO 19 for new Housing in the Open Countryside, in conjunction with the rural housing policy zone map (Map 3.1) and accompanying Schedule of Category of Applicant and Local Need Criteria set out in Table 3.4, and in accordance with the objectives set out in the development plan. The site of the proposed development is located within an Area Under Strong Urban Influence as set out in the Sustainable Rural Housing – Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and on lands identified as Zone 1 in the Kildare County Development Plan 2023-2029. Furthermore, the subject site is located in an area that is designated as an area under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, to 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 and the viability of smaller towns and rural settlements. Having regard to the documentation submitted with the planning application and the appeal, the Board is not satisfied that the applicants have a demonstrable economic or social need to live in this rural area. It is considered that the applicants do not come within the scope of the local need criteria as set out in the Kildare County Development Plan 2023-2029. The proposed development, in the absence of any identified local based housing need for the house at this location, would result in a haphazard and unsustainable form of development in this rural area, would contribute to the encroachment of random rural development in the area and would militate against



the preservation of the rural environment and the efficient preservation of public services and infrastructure. The proposed development would be contrary to the provisions of the Kildare County Development Plan 2023-2029, to national policy and ministerial guidelines, and would, therefore, be contrary to the proper planning and sustainable development of the area.


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

Dated this 14th day of February 2024.