



An  
Bord  
Pleanála

**Board Order**

**ABP-315568-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 22/1276**

**Appeal** by Juliet Relihan of Upper Brownstown, The Curragh, County Kildare against the decision made on the 19<sup>th</sup> day of December, 2022 by Kildare County Council to refuse permission.

**Proposed Development:** Construction of single storey dwelling, new double recessed vehicle entrance, treatment system and percolation area along with all associated site development and facilitating works, all at Upper Brownstown, The Curragh, County Kildare.

## **Decision**

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



## Reasons and Considerations

Policy HO P26 of the Kildare County Development Plan 2023-2029 seeks to ensure that, notwithstanding compliance with local need criteria, applicants will be required to demonstrate, to the satisfaction of the planning authority, that no significant negative environmental effects will occur as a result of the development.

Furthermore, section 3.14 (Rural Residential Density) of the development plan sets out that where the rural dwelling density exceeds 30 units per square kilometre, there will be a presumption against further one-off houses (with exception). Section 3.14 also sets out that backland development will be prohibited. It is considered that the proposed house on a backland site, when taken in conjunction with the level of existing development in the vicinity, would exceed the permitted rural density set out in the development plan. Furthermore, the proposed development would exacerbate an excessive density of development in a rural area lacking certain public services and community facilities, would contribute to an unacceptable risk of groundwater pollution on a site that overlays a regionally important gravel aquifer from the collective concentration of on-site wastewater treatment systems disposing treated effluent to ground, and would also lead to the further erosion of the rural character of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



**Patricia Calleary**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**



Dated this 13 day of February 2024.