



An
Bord
Pleanála

Board Order
ABP-315570-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 22/1248

APPEAL by Garret Whelan of Bracq Limited of Farringtons Mill, Rathcoffey, County Kildare against the decision made on the 12th day of December, 2022 by Kildare County Council to refuse permission for the proposed development.

Proposed Development: The construction of four number single/two-storey, four bed, dwellings each with two number park spaces and individual wastewater treatment systems and percolation areas, re-use/widening of existing entrance and provide one number additional new entrance from School Road and all associated landscaping and ancillary site works including new internal local access road at School Road, Rathcoffey, Donadea, County Kildare.

Decision

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

Reasons and Considerations

1. It is a policy of the planning authority that planning applications for dwellings in the countryside, outside of designated settlements, demonstrate compliance with the rural housing policy as indicated in policy HO P11 of the Kildare County Development Plan 2023-2029. This policy is considered reasonable. Having regard to the location of the site outside of the Rural Settlement Boundary of Rathcoffey as indicated on Map Reference V2-4.18 of the said statutory plan for the area and the applicant's failure to submit documentary evidence of compliance with the rural housing policy, the Board considered that the proposed development would conflict with policy HO P11. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The Board is not satisfied, on the basis of the submissions made at application stage and in the grounds of appeal, that the wastewater from the four number dwellings can be suitably treated and disposed of on site. Furthermore, taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive concentration of developments served by individual wastewater treatment systems in the area. The proposed development would, therefore, be prejudicial to public health.



Tom Rabbette

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

Dated this 17th day of July 2024.