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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 22/1281**

**APPEAL** by Jamie Gaynor care of Design and Consultancy Services of The Nook, Hillside, Kilcullen, 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** Construct bungalow, domestic garage, Oakstown wastewater treatment system and percolation area and all associated works and services, all at Cloncurry, County Kildare.

**Decision**

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

## Reasons and Considerations

1. Having regard to the location of the site within an "Area Under Strong Urban Influence" and in an area where housing is restricted to persons demonstrating local need in accordance with policy HO P11 of the Kildare County Development Plan 2023 - 2029, it is considered that the applicant does not meet the housing need criteria, as set out in Table 3.4 of the Development Plan, given that the site of the proposed development is greater than five kilometres from the applicant's home. The proposed development, in the absence of any identified locally based need for a house at this location, 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 provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Policy 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. Having regard to the planning history on the site and adjacent sites and the associated history of speculative sales, it is considered that the proposed development would, both on its own, and in conjunction with other sites, contribute to the erosion of the rural area and would 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

31<sup>st</sup>

day of

May

2024.