



Planning and Development Act 2000, as amended

Planning Authority: Kildare Couty Council

Planning Register Reference Number: 23394

Appeal by Martin Fordree and Thomas Lynch against the decision made on the 6th day of June, 2023 by Kildare County Council to refuse permission for the proposed development.

Proposed Development: For the amendment of the permission granted under Kildare County Council (KCC) register reference number 17/326. The proposed amendment consists of the removal or amendment of condition number 2 attached to the permission which requires that the permitted dwellings be first occupied for a minimum period of seven years as a sole place of permanent residence by persons complying with the local needs criteria set out in table 4.3 of the Kildare County Development Plan 2017-2023. The proposed amendment to the permission proposes either the removal of the condition from the permission, or the amendment of the condition to broaden the criteria to be applied to persons who may first occupy the dwellings all at Kilshanchoe, ("Kilshanroe"), County Kildare.

Decision

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

Reasons and Considerations

Having regard to the policies and objectives as set out in the Kildare County Development Plan 2023-2029 together with the location of the three number houses in a high demand area for rural housing outside of the designated zoned settlements, it is considered that the removal or amendment of the occupancy condition as set out under condition number 2 of the permission granted under planning reference number 17/326 would materially contravene the rural housing objectives, HO P11 and HO 045, of the development plan and would set an undesirable precedent for existing and future comparable applications, and would, therefore be contrary to the proper planning and sustainable development of the area.

Note:

The Commission reviewed the variations to the Kildare County Development Plan 2023-2029 that have been adopted since the Inspector completed their report and concluded that these variations, in particular variation number 3 that included amendments to Chapter 3 of the development plan, did not alter the basis for the Inspector's recommendation.




Mary Henchy
Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this 12th day of *June* 2026