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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 22/424**

**APPEAL** by Eithna Herbert care of Farry Town Planning Limited of Suite 180, 28 South Frederick Street, Dublin against the decision made on the 31<sup>st</sup> day of May, 2022 by Kildare County Council to refuse permission.


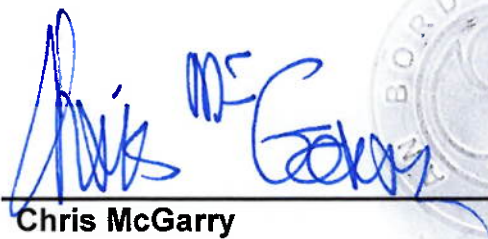
**Proposed Development:** (a) Erection of single storey type house, (b) garage/store for domestic use, (c) installation of an Oakstown BAF wastewater treatment plant with polishing filter percolation area and (d) new vehicular recessed entrance and access driveway and all associated site works at Lowtown, Robertstown, Naas, County Kildare.

**Decision**

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

## Reasons and Considerations

It is an Objective (HO O43) under the Kildare County Development Plan, 2023-2029, to 'Require applicants to demonstrate that they do not own or have not been previously granted permission for a one-off rural dwelling in Kildare'. Having regard to the totality of the information on file, including the submissions received from the planning authority and the applicant subsequent to the notice under section 131 of the Planning and Development Act, as amended, issued by An Bord Pleanála on the 11<sup>th</sup> day of October 2023, and to the submission received from the applicant in response to the notice under section 131 of the Planning and Development Act 2000, as amended, dated the 23<sup>rd</sup> day of January 2024, which referred to the submission received from the planning authority dated the 1<sup>st</sup> day of November 2023, and with a specific reference to Objective HO O43 and section 3.18 of the Kildare County Development Plan 2023-2029, and to the previous permission granted to the applicant for a rural one-off dwelling within which they reside, the proposed development would fail to accord with Policy HO P11 and Objective HO O43 of the current Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



**Chris McGarry**

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

Dated this 16<sup>th</sup> day of April 2024