



An  
Bord  
Pleanála

## Board Order ABP-319687-24

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 24/60109**

**Appeal** by Springwood Limited care of Farry Town Planning Limited of Suite 180, 28 South Frederick Street, Dublin against the decision made on the 8<sup>th</sup> day of April, 2024 by Kildare County Council to refuse permission.

**Proposed Development:** The construction of a special needs housing development comprising the provision of nine pairs of semi-detached dwellings (totalling 18 houses), each containing two levels of accommodation and each providing four bedrooms, a combined kitchen/dining area, a living room with integral study and ancillary storage, utility, bathroom and porch/hallway accommodation. The application also includes the creation of a new vehicular entrance to the site (off an existing access road which serves Scoil Bride and Naas GAA), the construction of an estate road and two internal footpaths (one of which would lead to a new pedestrian entrance which is to be created to serve this particular scheme), the provision of two parking spaces per house along with three dedicated visitor bays, the provision of a public open space for outdoor recreation and the creation of front and rear garden areas for each dwelling. The proposal also includes all ancillary site works including landscaping, the levelling of the land, connections to the public water, stormwater and sewerage system and the removal of an existing fence which demarcates the

boundary to this property, all at Oldtown Demesne, Sallins Road, Naas, County Kildare.

## **Decision**

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

## **Reasons and Considerations**

1. As set out in the Naas Local Area Plan 2021-2027, land uses shown as 'open for consideration' are uses that are not considered acceptable in principle in all parts of the relevant use zone. However, such uses may be acceptable in circumstances where it is considered that the proposed use would not conflict with the general objectives for the zone and the permitted or existing uses as well as being in the interests of the proper planning and sustainable development of the area. It is considered on the facts of the case, including the design and layout which constitutes four bedroom homes with no housing mix therein and with significant in curtilage parking at each dwelling, at a density equivalent of 20 units per hectare and by reference to the totality of relevant local area plan and development plan policy and objectives, that the proposed development of 18 dwellings, described in the statutory notices as a special needs housing development would, if permitted, conflict with the general objectives for the site "to protect and provide for open space, amenity and recreation", would be contrary to policy CS1 (Compliance with the Core Strategy) of the Naas Local Area Plan 2021-2027 in supporting the sustainable long-term growth of Naas in accordance with the Core Strategy for County Kildare and on the basis of the information submitted with the application and appeal and by reference to the nature of the dwellings proposed would not accord with section 4.4.1 of the Naas Local Area Plan which refers to mix and



design of new housing for group/special needs housing including amongst others; consideration of nature of the existing housing stock and existing social mix in the area; provision of a range of new housing types and tenures, and the need to cater for groups with specific needs. Furthermore, it is considered that the proposed development, if permitted, would be contrary to adopted objectives within the Kildare County Development Plan 2023-2029 which seek to promote and facilitate the development of sustainable and socially integrated communities through a plan-led approach (objective CS O7) to ensure that County Kildare's future growth and spatial development accords with the population and housing allocations contained in the Core Strategy (objective CS O1).

Having regard to the above and notwithstanding that special needs housing is categorised as open for consideration on open space and amenity zoned lands, it is considered that this specific proposed development would not be acceptable in principle at this subject site which is zoned open space, would constitute an unacceptable form of residential development at this specific location and would, therefore, be contrary to the proper planning and sustainable development of the area.



2. The proposed development incorporates an underground storage tank under public open space, and which is the main method of stormwater attenuation along with proposed on-site SuDS (Sustainable Drainage Systems) features. Having regard to the information submitted with the application and appeal, it is considered that the proposed development would if permitted materially contravene objective IN O24 of the Kildare County Development Plan 2023-2029 which states, 'only consider underground retention solutions when all other options have been exhausted. Underground tanks and storage systems will not be accepted under public open space as part of a SuDS solution'. The proposed development if permitted, would set an undesirable precedent and 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**  **day of**  **2025.**