

Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: 23/60129

Appeal by Michael and Sylvia Ryan care of The Planning Partnership of Chapel Street, Castlebar, County Mayo against the decision made on the 29th day of April, 2024 by Kildare County Council in relation to an application for permission for development comprising retention of a change of house design, change of ancillary (equestrian stables, managers house and domestic garage) structures design, revised site layout and footprint of structures and ancillary and associated modifications to planning reference: 00/678. Modifications include: 1. Revised (two storey with converted attic) dwelling design and footprint; 2. Revised (single storey) garage design and footprint; 3. Revised (single storey) equestrian stables design and footprint; 4. Revised (single storey dormer/bungalow style) manager's house design and footprint; 5. Revised wastewater treatment plant system locations; and 6. Associated and ancillary modifications including driveway alignment and paddock boundaries. Planning permission is also sought for works comprising: the completion of the site entrance replacing existing arrangement at Kimblewick and Kimblewick Lodge, Haynestown, Naas, County Kildare in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for completion of the site entrance, replacing existing arrangement and to refuse permission for retention of a change of house design, change of ancillary (equestrian

stables, managers house and domestic garage) structures design, revised site layout and footprint of structures and ancillary and associated modifications to planning reference: 00/678. Modifications include: 1. Revised (two storey with converted attic) dwelling design and footprint; 2. Revised (single storey) garage design and footprint; 3. Revised (single storey) equestrian stables design and footprint; 4. Revised (single storey dormer/bungalow style) manager's house design and footprint; 5. Revised wastewater treatment plant system locations; and 6. Associated and ancillary modifications including driveway alignment and paddock boundaries.)

Decision

GRANT permission for –

- **the completion of the site entrance, replacing the existing arrangement,**
- **associated and ancillary modifications including driveway alignment and paddock boundaries,**
- **revised (single-storey) garage design and footprint, and**
- **revised (single-storey) equestrian stables design and footprint**

in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for a change of house design (main house), change of ancillary structures design (manager's house) and associated revised wastewater treatment plant system locations, based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the nature and intended use of the works sought in respect of the completion of the site entrance and driveway alignment and to the plans and particulars received in regard to the garage and equestrian stables within the subject site, in accordance with the provisions of the Kildare County Development Plan 2023 to 2029, including policy RD P3 in supporting equine related activities of an appropriate size at suitable locations, it is considered that, subject to compliance with the conditions set out below, the proposed development works in respect of the site entrance, driveway, garage and equestrian stables would not give rise to a traffic hazard or negatively impact on the environment. On this basis, these development works which form part of the subject application site would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development works hereby permitted shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 2nd day of April, 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The equestrian stable building shall be used for equine use or agricultural/horticultural purposes only. The building shall not be used for human habitation or any commercial purpose other than a purpose incidental to the permitted use(s), whether or not such use might otherwise constitute exempted development. Prior to its occupation, the developer shall submit full confirmation details on the intended use and occupation of the stable building for the written agreement of the planning authority and the development thereafter shall be carried out strictly in accordance with the approved details.

Reason: In the interest of orderly development and the amenities of the area.

3. The domestic garage shall not be used for human habitation, or any commercial activity or for any other purpose than a purpose incidental to the enjoyment of the main dwelling.

Reason: In the interest of development management.

4. The recessed entrance shall be constructed in accordance with drawing number E/3639-5 (Roads Design Section), and Entrance Gate-Permitted and As Built and Proposed Detail Plan drawing number PA-400 submitted to the planning authority at application stage. Outer piers shall be fully 2.4 metres back from the road edge.

Reason: In the interest of traffic safety.

5. The existing front roadside verge shall be kept free from obstruction and shall be maintained by the landowner so as not to impede lines of sight at the entrance hereby permitted.

Reason: In the interest of traffic safety.

6. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

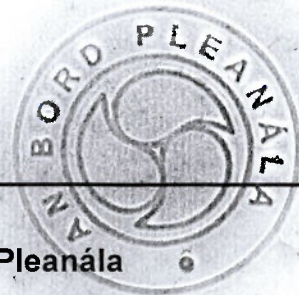
Reasons and Considerations (2)

1. The Board was not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, including the absence of demonstrated compliance with the Environmental Protection Agency Guidelines, that effluent generated as a result of the change of house design and layout to both the main house and to the manager's house and their respective revised wastewater treatment plant system locations can be satisfactorily treated and thereafter disposed of on site. The proposed development, including the internal layout and design of both the main house and the manager's house and on-site wastewater provisions would, therefore, be prejudicial to public health, may pose a risk to groundwater and surface waters, and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the design, layout and internal configuration of the single storey element of the main house consisting of two number bedrooms, a kitchen, own door entrance, lounge and bathroom, located at the northern section of the main dwelling, it is apparent that the dwelling has been subdivided into two units. The development, given its design, configuration, layout, and the absence of any apparent need having been identified which would comply with the requirements of the Kildare County Development Plan 2023-2029, it is considered that the development would set an undesirable precedent for similar type developments and would, therefore, be contrary to the proper planning and sustainable development of the area.


Declan Moore

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



Dated this 11th day of MARCH 2025.