



Planning and Development Act 2000, as amended

Planning Authority: Carlow County Council

Planning Register Reference Number: 25/60105

APPEAL by Nigel Kinsella care of Planning and Design Services of Carlow Gateway Business Centre, Athy Road, Carlow against the decision made on the 16th day of June, 2025 by Carlow County Council to refuse permission for the proposed development.

Proposed Development: Construction of a three bedroom single storey dwelling, an adjoining domestic carport, a bored well, secondary treatment system and soil polishing filter, a new entrance, connection to services and all associated works at Russellstown, Palintine, Carlow.

Decision

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

Reasons and Considerations

1. The proposed development is located within Zone 1 *Rural Areas Under Urban Influence* and is located on an historic approach road to Duckett's Gove Gate Lodge and Duckett's Grove, both protected structures, as set out in the Carlow County Development Plan 2022-2028. Based on the information submitted with the application, the Commission is not satisfied that the development would appropriately integrate with its physical surroundings, including the natural and built heritage of the area, without detriment to the receiving environment. The development would as a consequence, contravene Policy RH. P6 of the Development Plan with particular regard to the capacity of the area to absorb further development, the protection and preservation of features in the landscape which contribute to local distinctiveness and the ability of the site to accommodate on-site wastewater treatment. The development would exacerbate an undesirable pattern of development in an area under development pressure, militating against the preservation of the rural environment and the efficient provision of public services and infrastructure. Accordingly, the proposal would be contrary to the proper planning and sustainable development of the area.
2. Having regard to soil conditions and the high-water table evident during percolation testing on this site, the Commission is not satisfied based on the information provided, that wastewater arising from this development may be appropriately disposed of on site without risk to groundwaters or to public health. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

3. The development proposed would necessitate the removal of trees and planting within an established woodland which is considered to contribute to the local landscape character and the character and setting of Duckett's Gove Gate Lodge, a protected structure. In the absence of satisfactory information, including a tree condition survey to establish the full extent and impact of the development on the receiving environment, the development as proposed would contravene stated policies of the Carlow County Development Plan 2022-2028, in particular Policy WT. P1 and Policy LA. P10. The development would accordingly fail to support sustainable landscape change and would, therefore, be contrary to the proper planning and sustainable development of the area.



Tom Rabbette

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

Dated this 2nd day of Dec. 2025.