

An
Coimisiún
Pleanála

Commission Order
ACP-323643-25

Planning and Development Act 2000, as amended

Planning Authority: Kildare County Council

Planning Register Reference Number: 2560752

Appeal by Ellen Forster against the decision made on the 18th day of August 2025, by Kildare County Council to refuse permission for the proposed development.

Proposed Development: Works to include the following: a) retention permission for existing recessed entrance as constructed with permission to amend entrance to combined family shared entrance. b) permission for the construction of a single storey bungalow with single storey domestic garage and secondary effluent treatment system, permission for access roadway and all associated site works at Ardrass Lower, Celbridge, County Kildare.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the location of the site and its surroundings in a rural area together with the provisions of the Kildare County Development Plan 2023-2029, it is considered that the applicant has demonstrated compliance with the Rural Housing Requirements as set out under Section 3.13.3 of the County Development Plan and, subject to compliance with the conditions set out below, the proposed development would not reduce the capacity of the R403, would not set an undesirable precedent, would not interfere with the safety and free flowing nature of traffic on the road, would not endanger public safety by reason of traffic hazard, would not constitute an unacceptable risk of water pollution, would not be contrary to Development Plan Policy HO P27 and Objective IN O18, would not result in the proliferation of on-site wastewater treatment plants, and would not be prejudicial to the protection of groundwater quality. The proposed development, and the development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development 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 An Coimisiún Pleanála on the 12th day of September 2025, 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least ten years thereafter. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.
- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

3. (a) Prior to commencement of development, the developer shall submit revised plans for the written agreement of the planning authority which demonstrates the entrance from the public road to be constructed in accordance with Drawing Number EF/PLN-009 received by the planning authority on the 7th day of July 2025.
- (b) The entrance as per item (a) above shall be constructed and completed prior to the occupation of the proposed house.

Reason: In the interest of clarity.

4. All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual amenity.

5. (a) The site shall be landscaped, using only indigenous deciduous trees, hedging species and grasses in accordance with the Landscape Plan submitted with the application on the 7th day of July 2025.
- (b) Any plants, trees or hedging which die, are removed or become seriously damaged or diseased, within a period of five years from completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape and in the interest of visual amenity.

6. (a) The roof colour of the proposed house and domestic garage shall be blue-black, black, dark brown or dark grey. The colour of the ridge tile shall be the same as the colour of the roof.
- (b) The external walls shall be finished in neutral colours such as grey or off-white.
- (c) Stone cladding shall comprise natural local stone.

- (d) Window frames shall be finished in a neutral colour and comprise either powder coated aluminium, timber frame or non-white uPVC, unless otherwise agreed in writing with the planning authority prior to the commencement of development.
- (e) The external front door shall be of timber construction unless otherwise agreed in writing with the planning authority prior to the commencement of development.
- (f) All rainwater goods and soffit/fascia shall be dark in colour.

Reason: In the interest of visual amenity.

- 7. Drainage arrangements, including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

- 8. Prior to commencement of development, the developer shall enter into a water connection agreement with Uisce Éireann.

Reason: In the interest of public health.

- 9. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the Site Characterisation Report submitted with the appeal on the 12th day of September 2025, and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.

- (b) Treated effluent from the wastewater treatment system shall be discharged to a polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works are constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

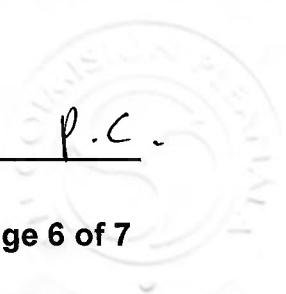
Reason: In the interest of public health and to prevent water pollution.

- 10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

- 11. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.



12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Patricia Calleary

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Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 20th day of January 2026.