



An  
Bord  
Pleanála

Inspector's Report

**PL09.247167**

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<b>Development</b>	House, Garage/ store, Wastewater Treatment system, and netted area to facilitate a snail farm, agricultural shed, polytunnel at Daars North, Sallins, Co. Kildare
<b>Planning Authority</b>	Kildare Co. Co.
<b>Planning Authority Reg. Ref.</b>	16/598
<b>Applicant(s)</b>	Aidan and Loretta Darmer
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Appellant(s)</b>	Aidan and Loretta Darmer
<b>Observer(s)</b>	Francis Sweeney
<b>Date of Site Inspection</b>	28/11/2016
<b>Inspector</b>	Caryn Coogan

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.1 The subject site is located in a rural area in Co. Kildare, 3.5km east of Clane. The area is a very level terrain, hosting a lot of one off rural houses. The site is located off a rural road with a large open drain fronting the site. The road is narrow. There are mature hedges on the perimeter of the site.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 The proposed development is for a storey and half style dwelling, a wastewater treatment plant, a netted area to facilitate a snail farm, a new agricultural shed, polytunnel and all associated site works.

## **3.0 PLANNING AUTHORITY DECISION**

### **3.1 DECISION**

Kildare Co. Co. refused the proposed development for 3No. reasons.

1. The applicants do not comply with rural housing policy RH4 and materially contravene section 4.11.3
2. The applicants do not comply with Policy RH5, and materially contravenes the development plan
3. The site is not suitable for onsite effluent treatment.

### **3.2 TECHNICAL REPORTS**

**Area Engineer:** No Objection

**Environment:** Refuse

**Transportation:** Additional Information required

**Water Services:** No objection

**Planning Report:**

The applicants have made a strong case to comply with Criteria No. 5 for Rural Housing policy 1 (Table 4.2 and Map 4.1) with their proposal for a snail farm. The Business Plan would indicate this is not a full time business or one that would require the applicants to reside permanently on the site. There are no details of delivery or export from the site. Reference is made to existing heliculture farms in Ireland, with no planning references provided. The site would appear to be owned by Annmaire Dollard, a previous applicant on the site. There is a high level of one off houses served by the substandard lane. The Environment Section considered the site was not suitable for effluent disposal. Refusal is recommended.

### 3.3 THIRD PARTY SUBMISSIONS

There was one third party submissions citing the following concerns:

- Concerns raised about the snails in terms of odours
- No washroom or toilets for the staff
- The polytunnel and hibernator unit should be relocated closer to the proposed dwelling and not beside neighbouring houses.
- The business plan states 1,000,000,000 snails per acre which equates to 10 tons, and adjoining properties could become invest in snails.

The applicant made a submission responding to the concerns expressed by the third party.

### 4.0 PLANNING HISTORY

- 4.1 **03/2060:** Outline Permission was submitted by Willie and AnnMaire Dollard for a dormer dwelling on the site. Application withdrawn

### 5.0 POLICY CONTEXT

#### 5.1 National Policy

*Sustainable Rural Housing – Guidelines for Planning Authorities 2005*, issued by the DoEHLG in 2005 identify that Kildare falls within the areas under strong urban influence and also within the stronger rural areas. The guidelines advise that only people who are part of the rural community are facilitated for one-off housing and that there is careful management of the rural environs of major urban areas to ensure their orderly development in the future.

The DoEHLG *Circular Letter SP5/08 (2007)* provides advice and guidance in relation to local need and occupancy conditions. This is included in the Appendix of this report and the relevant extract is as follows:

*Development plan policies based on section 3.2.3 (“Rural generated housing”) of the Sustainable Rural Housing Guidelines should continue to apply, in that persons who are an intrinsic part of the rural community, or persons working full-time in rural areas, should be favourably considered in relation to rural housing. Notwithstanding the above, a bone fide applicant who may not already live in the area, nor have family connections there or be engaged in a particular employment or business classified within the local needs criteria, should be given due consideration within the proper planning and sustainable development objectives for the area subject to the following considerations:*

*such applicants may reasonably be required to satisfy the planning authority of their commitment to operate a full-time business from their proposed home in a rural area, as part of their planning application, in order, for example, to discourage commuting to towns or cities; that they outline how their business will contribute to and enhance the rural community; and*

*that they satisfy the planning authority that the nature of their employment or business is compatible with those specified in the local needs criteria for rural areas so as to discourage applicants whose business is not location-dependent (e.g. telesales or telemarketing).*

## 5.2 Development Plan

### Kildare County Development Plan 2011-2017

#### Chapter 4.11 Rural Housing Provision.

The development plan policies have been written and had regard to The National Spatial Strategy 2002-2020, Regional planning Guidelines 2010-2022, Sustainable Rural Housing Guidelines 2005, and Circular SP5/08.

##### 4.11.5 Rural Policy Zones

##### Table 4.3 Schedules of Local Need

##### Rural Housing Policy Zone 1 Rural Housing Policy Zone 2

- Persons engaged full time in agriculture (including commercial bloodstock / horticulture), wishing to build on their own landholding and who can demonstrate that they have been engaged in farming at that location for a continuous period of over 7 years, prior to making the application.
- Persons who have grown up or spent substantial periods of their lives, (12 years), living in the area, as members of the rural community, seeking to build on family landholding or on a site within 5 km of the family home, and currently living in the area.
- Persons who have grown up or spent substantial periods of their lives (12 years) living in the area, who have moved away and who now wish to return to reside near to, or to care for, immediate family members, seeking to build on the family landholding or on a site within 5 km of the original family home. Immediate family members are defined as mother, father, son, daughter, brother, sister or guardian.
- Persons employed full time in farming (agriculture, bloodstock etc) in the locality, within 5 km of the site, where they need to reside close to their employment and have been engaged in such employment, at that location, for a continuous period of over 7 years, prior to making the application.

##### Relevant Criteria No. 5

- Persons who can satisfy the Planning Authority of their commitment to operate a small scale, full time business from their proposed home in the rural area and that the business will contribute to and enhance the rural community and that the nature of such business/employment is more appropriate to a rural location.

#### **4.12 Rural Housing Policies**

##### **In particular:**

**RH 4:** To manage the development of one off housing in conjunction with the rural housing policy zone map (Map 4.1) and accompanying Schedules of Local Need (Table 4.3). Documentary evidence of compliance with the rural housing policy must be submitted as part of the planning application,

including a separate statement by the applicant on the need to reside in the area. Applicants must demonstrate, depending on the location of the site that they comply with one of the categories outlined in Table 4.3.

**RH 5:** To ensure that, notwithstanding compliance with the local need criteria, applicants comply with all other normal siting and design considerations including the following:

- The location and design of a new dwelling shall take account of and integrate appropriately with its physical surroundings and the natural and cultural heritage of the area. Development shall have regard to Chapter 16, Rural Design Guidelines.
- The protection of features that contribute to local attractiveness including; landscape features, historic and archaeological landscapes, water bodies, ridges, skylines, topographical features, geological features and important views and prospects.
- The capacity of the area to absorb further development. In particular, the following factors will be examined; the extent of existing ribbon development in the area, the degree of existing haphazard or piecemeal development in the area and the degree of development on a single original landholding.
- The ability to provide safe vehicular access to the site.
- The ability of a site in an unserved area to accommodate an on-site waste water disposal system in accordance with the EPA Code of Practice for Wastewater Treatment Systems for Single Houses (2009), the County Kildare Groundwater Protection Scheme, and any other relevant documents / legislation as may be introduced during the Plan period;
- The ability of a site in an unserved area to accommodate an appropriate on-site surface water management system in accordance with the policies of the Greater Dublin Strategic Drainage Study (2005), in particular those of Sustainable urban Drainage Systems (SuDS); and

- The need to comply with the requirements of *The Planning System and Flood Risk Management Guidelines for Planning Authorities* published by the Department of the Environment, Heritage and Local Government in November 2009

**RH11** To control the level of piecemeal and haphazard development of rural areas close to urban centres and settlements having regard to potential impacts on:

- The orderly and efficient development of newly developing areas on the edges of towns and villages;
- The future provision of infrastructure such as roads and electricity lines; and
- The potential to undermine the viability of urban public transport due to low density development.

## **6.0 THE APPEALS**

6.1 David Mulcahy has made this appeal on behalf of the applicants Aidan and Loretta Damer. The applicants are supported the Kildare Enterprise Office and Rural development programme. The planning authority's refusal is based on an internet search which is flawed, showing a complete lack of knowledge about the business. The excessive density argument does not stand up, and the development reflects the development pattern in the area. The following is a summary of the grounds of appeal.

### **6.2 Reason No. 1**

It is contested that the applicant has not demonstrated compliance with Category 5 of the CDP. The applicant complies under SP5/08 and Category 5 of the CDP is based on that Circular. SP5/08 cannot be ignored as the planning authority has done, it is fundamental to the assessment of the application, and allows for non-natives to operate a rural business in a rural area, and to reside at this location. The appeal case PL06S.241613 at Glenasmole Valley, South Dublin is cited. The Ministerial Guidelines and by extension SP5/08 take precedence over the County Development Plan.

The Planner's Report concludes that the heliculture business is not viable based on an internet search, and that the sustainability and viability of the business is questionable based on the business plan. A revised Business Plan has been submitted on appeal.

Having regard to the need to reside at this location the following points are made:

- During the breeding phase (January-February) it is necessary to collect the laid snail eggs many times a day from the breeding unit and move them to the incubation unit. This allows other snails to lay their eggs in the breeding pots. The breeding tables need constant attention.

- The nursing phase is conducted in the polytunnel (February - March) and will require heating.
- The final growing phase is where the snails are put into an enclosed snailery. This is where they grow to their marketable size. There is a high risk of pests entering the farm at this stage, and one must be on site during that time.

The snails require constant monitoring and this can only be achieved by living beside the snails.

Established precedent

- Lynams Cottage Co. Kildare PL09.238746 – small equestrian business run by Irish people returning from the UK
- Knocknamuck Lower, Co. Wicklow PL.27.232284 farrier looking to run a business and live in a rural area.

'Material Contravention' has been used incorrectly by the Council. The Board are not legally restricted under S37(2) of PDA 2000.

### 6.3 Reason No. 2

The term 'suburban type development' in the reason for refusal does not make sense. This reference should be considered as an oversight on behalf of the planner drafting the wording. There are no extant permissions in the area. Excessive density is a subjective issue with no established guidelines. The reporting Planner states there are 20No. dwellings within a 50m grid. It is submitted the grid chosen by the Planner is completely arbitrary and has been skewed to the north to strengthen his argument.

In order to give a more accurate assessment, a 500m radius overlay from the central part of the site was taken. There are 13No. dwellings within 78hectares, equating to 0.17 dwellings per hectare.

The second reason for refusal does not hold up to proper scrutiny. The proposed dwelling follows the established pattern of development in the area, and is not haphazard. A case at Kingsfurze, Co. Kildare (PL09.241689) reinforced the Board's view that it did not consider the development to be random or haphazard.

The site is large and can absorb a single dwelling. It is setback from the road consistent with the pattern of development in the area.

### 6.4 Reason No. 3

The third reason relates to the ground conditions been unsuitable for on-site treatment with specific reference to the water table being less than 300mm below ground level, and T- value being greater than 90.

- It is extremely difficult if not impossible for the environment section of Kildare Co. Co. to adequately inspect and assess the trial hole, as the trial hole had collapsed and there is a lot of vegetation around it.
- The mottling noted by the Environment section was created by the digger during excavation
- The winter water table is 0.5metres from the surface of the trial hole and no mottling occurs above that point.
- It is proposed to treat the effluent to tertiary level.
- Provision has been made for a T-Value being greater than 90.

If the board do not accept the consultants findings in the Spellman report, an alternative zero discharge willow facility is offered for consideration where the septic tank effluent will be disposed of via evapotranspiration rather than discharged to ground.

## 6.5 Conclusion

The applicants are seeking planning permission to establish a snail farm on their own land at Daars North, Sallins. The snail farm is self-sufficient, and it has to be located in a rural area for reasons relating to space and organic nature of the product. The applicants currently live in Lucan and are prepared to sell their house and give up their current employment to embark on this new business venture. They must live on site to monitor the business. The three reasons for refusal do not add up to scrutiny. The applicant clearly meet the criteria under SP8/05 and Category 5 of the Kildare County development Plan. The Council's decision to refuse is wholly unjustified. The business is unique, the applicant owns the site and has funding to start the business, it is submitted that granting permission will not set an undesirable precedent.

## 6.6 RESPONSES

**Planning Authority:** There was no further comment from the planning authority regarding the appeal content.

## 6.7 OBSERVATIONS

Francis Sweeney from Daars North, submitted an observation on appeal:

- Food for the snails dispersed on the ground will attract rodents, the applicants have stated this in order to justify living on site. There will be foul smells as per consultant's report 8/2 and 9/2. This will undermine their residential amenities
- There are no facilities for toilets or washrooms for harvesting staff, this is a health and safety issue



- The 4 acre field is too small for the business and too close to her home
- The applicants only completed the purchase of the site on 21<sup>st</sup> of July 2017, and the planning application was submitted to the planning authority on 9<sup>th</sup> of June 2017 with full knowledge of the associated planning history.

## 7.0 ASSESSMENT

7.1 Having read the planning application file, the appeal documents and visited the site I intend examining this appeal under the following headings:

Section 37(2) (b)

Compliance with Development Plan Policy

General Pattern of Development in the Area

Sewage Treatment

### 7.2 Section 37(2)(b) of the Planning and Development Act 2000 (as amended)

The refusal reasons state that the proposed development would materially contravene policies RH4 and RH5, section 4.11.3 of the Kildare County Development Plan 2011-2017. Section 37(2)(b) of the Planning and Development Act 2000 (as amended) provides that where a planning authority has decided to refuse permission on the grounds that a development materially contravenes the development plan, the Board may only grant permission where it considers that:

- (i) the proposed development is of strategic or national importance, or*
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*
- (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

Each of the above may be considered separately as follows.

- (i) *the proposed development is of strategic or national importance*  
This is not considered to be the case with regard to the nature and scale of the development.
- (ii) *there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*
- (iii) *permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,*

Chapter 4 of the Kildare County Development Plan 2011-2016 outlines rural housing policy, based on the strategic recommendations of the *Regional Planning Guidelines for the Greater Dublin Area 2010–2022*, the settlement strategy set out in Chapter 3 of the plan and guidance provided in the section 28 *Sustainable Rural Housing – Guidelines for Planning Authorities* issued by the DoEHLG in 2005 and DoEHLG Circular Letter SP5/08 (2007). The Kildare rural housing policies set out are considered to be consistent with those national and regional policy provisions and guidance. The policies of Chapter 4 are also consistent with those set out in the county settlement strategy provided in Chapter 3 of the plan and with the Core Strategy and objectives set out in Chapter 2 of the plan, particularly section 2.2 (overall objectives) and section 2.15.1 (settlement policies).

The relevant objectives, i.e. rural housing policies RH4 and RH5 and section 4.11.3 of the plan, are clearly set out and are consistent with the other policies and objectives of the development plan and with the regional and national policies and guidelines.

Therefore I conclude that section 37(2)(b)(ii) and (iii) do not apply.

*(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan*

I note a previous refusal on the subject site predates the current development plan, and relevant rural housing policy. I do not see any evidence of permissions granted in the immediate vicinity that would set a precedent for the subject proposal such that section 37(2)(b)(iv) would apply.

I therefore conclude that section 37(2)(b) of the Act does not apply and that the Board is precluded from granting permission in this case. In saying that I do wish to examine a number of issues raised in the first party appeal in greater detail.

### 7.3 Compliance with Development Plan Policy

The first reason for refusal states that the applicants fails to meet with the Local Needs Criteria outlines in Table 4.3 of Section 4.11.3 the Kildare County Development Plan 2011-2017. It should be noted the applicants claim to comply with Item 5 of the criteria:

Persons who can satisfy the Planning Authority of their commitment to operate a small scale, full time business from their proposed home in the rural area and that the business will contribute to and enhance the rural community and that the nature of such business/employment is more appropriate to a rural location.

The applicants, Aidan and Loretta Damer, live in Lucan, they have three children. They state in their submission that they ran an engineering consultancy firm for many years and closed down the business in 2010. It is not stated what each applicant current employment is, but the planning report states Mr Damer is an Engineer in Dublin 2, and Mrs Damer is a teacher in Dublin 10, this is not refuted on appeal. In 2015, the applicants decided for a lifestyle change, and decide upon Snail Farming. They decided against renting a farm, as other snail farmers told them the initial outlay to build the farm was costly, so they decided to invest in purchasing the subject site which fitted their criteria. They have developed a Business Plan in conjunction with Kildare Enterprise Board. It is submitted by the applicants in order to manage the snail farm and operate the business, it is essential the applicants reside on site. Therefore, the proposed development includes a two storey five bedroomed dwelling, a detached garage, setback deep into the site adjacent to the rear boundary. In my opinion, the principle of the rural dwelling house is the crux of this appeal, as the applicants should comply with the Rural Housing Policies contained in the current Kildare County Development Plan. A polytunnel is proposed adjacent to the roadside boundary, with the proposed snail farm positioned between the polytunnel and the proposed dwelling. According to the Business Plan submitted with the appeal, the business will have two fulltime employees with sales in the first year of €45,000 and a net profit of €18,068 before tax. In years 2 and 3 the business will achieve sale of €67,500 with a net profit of €39,568 before tax. The company will trade under the name *Shamrock Escargot*, as a sole trader. The business has been approved for Leader funding. The applicants consider the planning authority did not give due consideration to the Business Plan in order to meet with Criteria No. 5 of Policy RH4.

- 7.3 The planning authority considered the applicants did not make a strong case for compliance with Criteria 5, the proposal was not considered to be a fulltime business. There are no planning references for the existing snail farms cited by the applicant. The land ownership was questioned by the planning authority, as their research indicated the land registry stated the site was owned by Ann Maire Dollard, who was refused planning permission for the site under 03/2060. I confirm on appeal the applicant has submitted the Folio number confirming they are the owners of the site.
- 7.4 The applicants have stated on appeal that the planning authority's basis for refusing the development was formed by an internet search on snail

farming, and this was wholly unreasonable assessment of the merits of the case. It has requested the Board to consider this case and the applicants' compliance with SP5/08, and Criteria No. 5 of the Kildare County Development Plan. I do not agree with the applicants comments on appeal and I consider the planning authority's assessment of the case to be comprehensive involving a number of internal technical reports and expertise. The planning authority's assessment had full regard and consideration to the development plan policies. I am not inclined to be drawn into the commercial element of the proposal in detail as I do not consider the proposed development offers any enhancement to the local community or will contribute to the local community. I do not believe there is a necessity to locate in Daars North with this particular development, and I do not believe the applicants represent an exceptional case that warrant permitting a one off house at this location. I consider the Board is to have regard to the planning policies outlined in the development plan as stated above. I consider the Rural Housing Policies details in section 4.12 of the development plan to be consistent with the Ministerial Direction, SP5-08 which predates the current county development plan.

- 7.5 As stated, the applicants reside in Lucan, and have no local links or community connections to Daars North or the wider area. Essentially, they are urban dwellers wishing to relocate to a rural area in Co. Kildare which is under considerable development pressure from urban generated housing as highlighted in national and local planning policy, and is evident from the number of one off dwelling which can be viewed from maps of the locality. The applicants claim compliance with Category 5 in terms of starting a snail farm on a 1.84Ha site they have purchased, a site which has a planning history of refusals/ withdrawals for one off housing. The proposed development will not contribute or enhance the local community', in fact a number of existing residents from the area had objected to the principle of the development at this location. I consider the proposal does not comply with policy RH4 in this regard and the planning authority's first reason for refusal should be upheld by the Board

## 7.5 General Pattern of Development in the Area

The second reason for refusal states the proposed development will contribute to the excessive density of suburban type development in a rural area, and it would exacerbate the degree of existing haphazard and piecemeal development in the area. On appeal the applicant submitted map illustrating a 500m radius from the centre of the site showing 13No. dwellings which equates to a density of only 0.17 dwellings per hectare. I agree, 0.17 dwellings per hectare is an extremely low density if the lands were zoned residential. However, the subject site is located in a rural area, whereby lands are agricultural. The low figure is attributed to a large land holding to the south of the subject site, which has not been fragmented by sites unlike the southern side of the road in Daars North. Fortunately, the rural integrity and function of the landholding to the south of the site enables the density figure to be calculated low, whereby in reality, there are a large number of one off houses to the north of the landholding.

- 7.6 I refer to the townland, Daars North from maps, aerial photographs and my inspection. There are a multitude of dwellings to the east, west and in particular north west of the subject site. There is also a dwelling on a small curtilage to the south east. The access road to the area is narrow and enables only one car to pass. The immediate area is clearly under considerable development pressure for one off houses, possibly due to its proximity to Clane, Sallins and the M7 motorway.
- 7.7 The applicant cited a recent decision by the Board at Kingsfurze, PL09.241689 as an area under greater development pressure than Daars North, whereby an additional dwelling was not considered to be random or haphazard by the Board. I examined the stated case, and in that instance, the reporting inspector did consider an additional dwelling at Kingfurze to be '*constituting an excessive density of housing development in this rural area*', however the recommendation to refuse was overruled as the Board, who considered the applicant met with the local need criteria and there was no reference in the decision to the pattern of development in the area. I do not consider the case cited to be relevant, as there are a multitude of refusals with the wider rural area of Kildare than can be cited as been consistent with the view that the proposal is exacerbating the haphazard and piecemeal development of the area, and therefore constitutes non-compliance with Policy RH5.

#### 7.8 Sewage Treatment

The planning authority refused the development because the site was not considered suitable for the provision of an onsite wastewater treatment system as the water table is less than 300mm below ground level and the T value is greater than 90. The design of the proposed treatment system took into account the higher than recommended T-Value, there would be primary, secondary and tertiary treatment prior to discharge. As an alternative to the proposed coco filter tertiary treatment, it is proposed to provide a zero discharge willow facility. The Board has granted similar treatment systems on soils with a high water table and high T-value in Kilkenny, Sligo and Leitrim. It is claimed by the applicant the time the planning authority inspected the site, the trialholes were overgrown and impossible to view. The applicant's claim the planning authority incorrectly stated there was mottling in the trial hole, that the discolouration was created by the tooth on the bucket of the excavator machine. From my general observations, the site looks poor draining, but I could see no evidence of ponding during my inspection, however my inspection followed a lengthy dry period in weather conditions. The applicants claim the water table is at 0.5m from the ground surface which is marginally within the EPA, Guidelines of less than 0.3mm from the surface. I believe the applicants have presented an acceptable alternative to sewage treatment on the subject site, in line with the EPA Code of Practice, and the discharge will not go to a surface water outfall but be contained within the site.

#### 7.9 Other Matters

- The road serving the site is narrow and only allows for one car to pass. It is straight, and sightlines at the proposed entrance are acceptable. There is a very large open drain fronting the subject site.
- The design of the dwelling is similar to the adjoining dormer/ two storey dwellings to the west of the site. It is 283sq.m. with a ridge height just under 9metres. The significant setback from the public road is been maintained under the current proposal.
- There was an observation received from the existing resident of Daars North. I consider the concerns she expressed regarding attracting rodents, smells and lack of toilet and wash facilities to be valid concerns having regard to the proximity of her dwelling to the proposed snail farm, and the very restricted residential curtilage associated with her dwelling to the south east of the site. The bulk of the snail farm and the proposed poly tunnel is located close to her dwelling.

## **8.0 RECOMMENDATION**

Overall, the development is unacceptable in principle on the subject site, and the planning authority's decision to refuse planning permission for the proposed development should be upheld by the Board.

## **REASONS AND CONSIDERATIONS**

1. The subject site is location in an Area under Strong Urban Influence as identified in the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government (2005) and in Rural Housing Policy Zone 1, as set out in Map 4.1 of the Kildare County Development Plan 2011-2016, where housing is restricted to persons demonstrating local need in accordance with the provisions of rural housing policy RH4 of the Plan. It is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a rural house at this location. The proposed development would contribute to the encroachment of random rural development in this area and the inefficient provision of public services and infrastructure, would materially contravene the provisions of the Guidelines and of the Development Plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Policy RH5 of the Kildare County Development Plan 2011 – 2017 seeks to ensure that development complies with normal siting and design considerations, including the capacity of the area to absorb further development. Policy RH11 of the Kildare County Development Plan 2011 – 2017 seeks to control the level of piecemeal and haphazard development of rural areas close to urban centres and settlements. Having regard to the planning history of this site, and the pattern of random residential

development in this area, the Board considers that the proposed development would contribute to an increasing pattern of suburbanisation in a rural area that is under significant development pressure, would exacerbate further piecemeal residential development in the area, and would, therefore, contravene the provisions of Policy RH5 of the Development Plan, and would be contrary to the proper planning and development of the area.

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**Caryn Coogan**

**Planning Inspector**

**13/12/2016**