



An  
Bord  
Pleanála

## Inspector's Report ABP-302353-18

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<b>Development</b>	Single Storey House, Domestic Garage, New Site Entrance, Waste Water Treatment System and all associated site works.
<b>Location</b>	Boston Road, Ardclough, County Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	18/671
<b>Applicant(s)</b>	Derek and Isabelle Reeves.
<b>Type of Application</b>	Planning Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Derek and Isabelle Reeves
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	19 <sup>th</sup> of November 2018
<b>Inspector</b>	Caryn Coogan

## 1.0 **Site Location and Description**

- 1.1. Ardclough is a village within the parish of Kill, Co. Kildare, located 3km from the N7 motorway. The community hall, school, church and GAA club are located 0.5km north of the site alongside the canal.
- 1.2. The subject site is in a rural area where there is a high concentration of one off houses along the road. To the north of the site there is a row of semi-detached cottages.
- 1.3. There are one off houses on both sides of the subject site. The proposed site is an infill site along the western side of the road. It is a flat site with a regular square configuration.
- 1.4. The site is currently a field used for grazing purposes.
- 1.5. There is a 1metre deep ditch fronting the site and a mature hedgerow.

## 2.0 **Proposed Development**

- 2.1. The proposed dwelling is a single storey, four bedroomed unit., with a detached garage, sewage treatment, boundary treatment and access off the main road.
- 2.2. The dwelling is a contemporary single storey dwelling with a H-plan layout and comprising of 220sq.m. in floor area.

## 3.0 **Planning Authority Decision**

### 3.1. **Decision**

Kildare County Council refused the proposed development for 3No. reasons:

1. The proposed development would materially contravene Condition No. 8 attached to permission PL85/1147 which required that an area of land which required an area of land of which the subject site formed part of to be sterilised from future residential development.
2. The applicant has not demonstrated sufficient local needs that is required under Policy RH2.

3. The proposed development would constitute undesirable ribbon development, exacerbating an excessive density of housing development. The proposal is contrary to Policies Rh9 and RH12 of the county Development Plan.

## 3.2. **Planning Authority Reports**

### 3.2.1. *Planning Reports*

- The subject site is 0.33ha which is taken from a larger field to the rear.
- The proposed dwelling is 220sq.m. and is a contemporary H-plan. The overall design complies with Chapter 16 of the Kildare County Development Plan.
- Connection to public mains and installation of a private sewage treatment plant is acceptable.
- The primary residence of the applicant is considered to be Celbridge and not a rural area. He cannot be considered to have substantial local needs. It is noted the applicant's father does live in the area.

### 3.2.2. *Other Technical Reports*

Water Services: No Objection

Area Engineer: No Objection

Environment Section: No Objection

Transportation: No Objection

Heritage Officer: No Objection

## 3.3. **Prescribed Bodies**

The planning application was not referred to prescribed bodies.

## 3.4. **Third Party Observations**

There were no third-party submissions.

## 4.0 Planning History

### 18/56

Planning permission to the applicants for a house on the site made by the applicants was refused on no compliance with local needs policy.

### 170309

Planning permission to the applicants for a house on the site made by the applicants was refused on no compliance with local needs policy.

### 052538

Permission granted to Christopher and Carmel Barry for a dwelling. The dwelling was not constructed.

## 5.0 Policy Context

### 5.1. Development Plan

#### **Kildare County Development Plan 2017-2023**

Chapter 4 refers to Housing. Section 4.12.7 outlines the Rural Housing Policy

#### **Table 4.3(a)**

#### **Rural Housing Policy Zone 1**

(i) Persons who have grown up and spent substantial periods of their lives (12 years) living in the rural area of Kildare as members of the rural community and who seek to build their home in the rural area on their family landholding and who currently live in the area. Where no land is available in the family ownership, a site within 5km of the original family home may be considered.

(ii) Persons who have grown up and spent substantial periods of their lives (12 years)

living in the rural area of Kildare, as members of the rural community who have left the area but now wish to return to reside near to, or to care for immediate family members, seeking to build their home in the rural area on the family landholding or on a site within 5km of the original family home.

iii) Persons who can satisfy the Planning Authority of their commitment to operate a full-time business from their proposed home in the rural area where they have existing links to that rural area and that the business will contribute to and enhance the rural community and that the nature of such enterprise is location dependent and intrinsically linked to a rural location.

**RH 2** Manage the development of one off housing in conjunction with the rural housing policy zone map (Map 4.4) and accompanying Schedules of Category of Applicant and Local Need Criteria set out in Table 4.3. Documentary evidence of compliance with the rural housing policy must be submitted as part of the planning application.

**RH 3** Require applicants to demonstrate that they are seeking to build their home in the rural area in Kildare for their own full-time occupation. Applicants will be required to demonstrate that they do not own or have not been previously granted permissions for a one off rural dwelling in Kildare and have not sold this dwelling or site to an unrelated third party, save in exceptional circumstances.

**Policy RH9** states:

Ensure that, notwithstanding compliance with the local need criteria, applicants comply with all other normal siting and design considerations (Refer to Chapter 16 for further guidance) including the following (Inter alia):

(iv) The capacity of the area to absorb further development. In particular, the following factors will be examined; the extent of existing development in the area, the extent of 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

**RH12** states:

To discourage ribbon development (defined as five or more houses alongside 250 metres of road frontage). The Council will assess whether a given proposal will exacerbate such ribbon development, having regard to the following:

- (i) The type of rural area and circumstances of the applicant;
- (ii) The degree to which the proposal might be considered infill development;
- (iii) The degree to which existing ribbon development would coalesce as a result of the proposed development; and
- (iv) Local circumstances, including the planning history of the area and development pressures.
- (v) Notwithstanding the above, special regard will be given to the circumstances of immediate family members of a landowner on single infill sites in a line of existing dwellings with 5 or more houses along a 250 metres of road frontage.

### **5.3 National Policy**

#### ***Sustainable Rural Housing Guidelines for Planning Authorities, 2005***

- 5.4 Section 3.2.3 of the Guidelines refers to Rural Generated Housing. It states:  
*'Development plans in defining persons considered as constituting those with rural generated housing needs, should avoid being so prescriptive as to end up with a very rigid development control system'*.

#### **5.5 National Planning Framework published in February 2018.**

With reference to the development of rural areas, National Policy Objective 15 seeks to support the sustainable development of rural areas by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

National Policy Objective 19 seeks to ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere. In rural areas under urban influence, it is policy to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.6 **Appendix 4:** The guidelines deals with ribbon development which is defined as 5 or more houses on any one side of a given 250metre stretch of road frontage.

## 5.2. Natural Heritage Designations

### 6.0 Designated Natura Sites within a 15Km radius

Rye Water Valley/ Carton SAC	Site Code: 001398	9km
Ballynafagh Bog SAC	Site Code 000391	10Km south west
Grand Canal pNHA	Site code 002104	1km

## 7.0 The Appeal

### 7.1. Grounds of Appeal

This is the third planning application to Kildare Co. Co., previous references include 18/56 and 17/309, which were refused for failing to demonstrate local needs. The pre-planning meetings gave a positive impression towards the development, and at no stage was a third refusal anticipated on the site

### 6.2 Design

The proposed dwelling is located on a site area of 0.33ha. The proposed dwelling complies with Chapter 16 of the Kildare County Development Plan in relation to rural design. The access was considered acceptable to Kildare Co. Co. There were a

number of revised proposals presented to Kildare Co. Co. at considerable expense to the applicants.

### **6.3 *Ribbon Development***

It was stated in the reasons for refusal the proposal constituted a pattern of undesirable ribbon development. This was not something mentioned in the two earlier refusals, this was a new issue raised by the planning authority. The Planner's Report defines ribbon development as 5 or more houses on any one side of a given 250metres stretch of road frontage. The proposed dwelling will not contribute to excessive ribbon development just because it meets with the threshold of 5No. dwellings. If granted the proposed development will not have any obvious infill development or vacant site that could be subject to future planning. The Board should consider the planning history of the area in this regard and the context of the applicants when considering the ribbon development issue. It will not have a negative impact on the area.

### **6.4 *Local Needs***

The applicants are currently living with her father in Castlewarden, Straffan and have four children who attend or will attend St. Anne's national school in Ardclough, where the applicant went to school himself. They have no house and are heavily involved in the local GAA club.

The Board is referred to planning application 17/888 which granted in January 2018, whereby the Senior Planner overturned the planning report recommendation for refusal stating regard should be had to the applicant's long-standing family connections in a rural area, and given the small nature of the proposal, a grant was recommended.

The appeal contains extensive documentation that had been considered and formed part of the planning application documentation.

### **7.2. *Planning Authority Response***

The planning authority has nothing further to add to its assessment and decision on this appeal.



## 8.0 Assessment

8.1. The main issues are those raised in the grounds of appeal and I am satisfied that there are no other substantive issues arise. The issue of appropriate assessment is also addressed. The issues can be dealt with under the following headings:

- Compliance with Rural Housing Policy
- Ribbon Development (Policy RH12)
- Other Issues
- Appropriate Assessment

### 7.2 Compliance with Rural Housing Policy

The appeal site is located in an area designated as Rural Housing Policy Zone 1, as identified on Map 4.4 of the development plan. Table 4.3 of the plan identifies the categories of housing need criteria which are deemed to meet eligibility for a one -off rural house in this area. The Rural Housing Needs Assessment is based on **Category 2 of Table 4.3.**

*Persons who have grown up and spent substantial periods of their lives (12 years) living in the rural area of Kildare, as members of the rural community who have left the area but now wish to return to reside near to, or to care for immediate family members, seeking to build their home in the rural area on the family landholding or on a site within 5km of the original family home.*

8.2. According to the documents on file, it is stated Derek Reeves (applicant) has strong family connections associated with the area. His grandfather Cyril Reeve lived in Straffan. His father Christopher Reeves lives in Castlewarden, Straffan, and was granted planning permission for a dwelling at that location in 1996 (2km from the subject site). The applicant and his family currently reside at his father's house. In 1983, Derek's parents separated, and his father lived in a mobile home until he obtained planning permission in 1996 for a house, and his mother lived in her family home in Celbridge. It is stated the applicant spent weekends and school holidays with his father at Ardclough. His aunt and uncle live at 1166 Wheatfield, Ardclough, Straffan. The applicant is applying for planning permission as his father is sick at the

moment and he needs reside close to him to care for him. He is member of the local GAA club, and his children attend the local national school. The application is supported by letters from the secondary school Derek attended in Celbridge, the National School in Ardclough, the local clubs and a medical letter regarding his father's illness.

The area where the subject site is located is under considerable development pressure as can be seen from the level of residential developments on the general vicinity of the site within a rural area. This is due to the proximity of the area to the Greater Dublin Metropolitan Area, the M7 and large urban centres. According to the National Planning Framework 2018, in rural areas under urban influence, it is policy to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements. I do not consider the applicant has fulfilled this requirement or complied with Local Needs Criteria of the Development Plan. The evidence presented in the appeal file is vague, and does not clearly demonstrated that he resided in the area for 12 consecutive years. He has stated on file, that during the pre-planning meetings he cannot provide actual evidence he lived in the area, but he did during his parent's separation, and his still has strong family linkages to the Ardclough area. The planning authority has previously refused the applicants planning permission twice on the site, Planning Reg. No. 17/309 and 18/56, for non-compliance with the Local Needs Policy of the development plan. There have been no material issues presented since the original planning application was submitted in 2017 to warrant as turnaround in the decision to refuse. I accept the applicant's father resides 2km from the site, and the applicant currently resides at this location. However, it would appear, that the applicant was reared in Celbridge with his mother, or the evidence presented on file does not determine the case as been otherwise. Given the development pressure in Kildare, a consistent approach is required towards implementing the Local needs Policy, otherwise an undesirable precedent would occur, and this could be inequitable on other applications in Rural Housing Policy Area 1. The applicant has not presented sufficient evidence to link himself to the Ardclough area in accordance with the development plan policy.

### 8.3 Ribbon Development (Policy RH12)

Kildare County Development Plan Policy RH12 states:

*To discourage ribbon development (defined as five or more houses alongside 250 metres of road frontage). The Council will assess whether a given proposal will exacerbate such ribbon development, having regard to the following:*

- (i) The type of rural area and circumstances of the applicant;*
- (ii) The degree to which the proposal might be considered infill development;*
- (iii) The degree to which existing ribbon development would coalesce as a result of the proposed development; and*
- (iv) Local circumstances, including the planning history of the area and development pressures.*
- (v) Notwithstanding the above, special regard will be given to the circumstances of immediate family members of a landowner on single infill sites in a line of existing dwellings with 5 or more houses along a 250 metres of road frontage.*

There are four dwellings along the 250metres stretch of road where the subject site is located. The site, 0.33ha, is in the middle of the stretch positioned between two one off houses, making it an infill site along a linear pattern of development. The site forms part of a larger field to the west. There is a row of semi-detached cottages to the north of the site also, creating a very linear development appearance to this particular rural area of Ardclough.

I consider the proposed development will exacerbate the situation of ribbon development in the area, by developing an additional dwelling on a site that seems to be conserving the rural character of the area by creating a gap between dwellings along the road. These undeveloped parcels of land should be preserved between dwellings to maintain the rural character of the area, otherwise this stretch of road would appear suburban-like in appearance, given the existing level and pattern of residential development. I recommend the Board uphold the third reason for refusal.

### 8.4 Other Matters

I note a new issue was introduced during the assessment of P18/671, that had not previously been a consideration in the previous two planning applications made on the subject site. The planning report stated that subject site formed part of

Conditions attached to a Permission Reg. No. PL. 85/1147, whereby the subject site was the subject of a Deed of Sterilisation, and the relevant documents were attached to the Planning Report. Having examined the relevant documents, it is my opinion the Board should uphold this reason for refusal.

The house design, the proposed sewage treatment proposals and access to the site are considered to be acceptable.

The appellant cited a planning reference 17/888 as relevant to the current appeal, because the planning report recommended a refusal on non-compliance with Local Needs Policy, which this recommendation was overruled by the Senior Planner, who considered the applicant did meet with local needs policy. I do not have full access to the cited case, however it would appear the case had similarities to the current proposal however there were other material issues that made the case different to the current proposal. In my opinion, each case has to be assessed on its own merits, and the case cited is not identical to the current proposal.

#### **8.5 Appropriate Assessment**

There was a screening process for Appropriate Assessment carried out by the planning authority. Given the nature and scale of the proposed development, the significant distance from Natura sites, it was determined there is no potential impact to any Natura 2000 site because of the proposal. No appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

#### **9.0 Recommendation**

9.1. I recommend the planning authority's decision to refuse be upheld by the Board.

## 10.0 Reasons and Considerations

1. Having regard to the location of the site 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 in April 2005, and in an area where housing is restricted to persons demonstrating local need in accordance with the current Kildare County Development Plan 2017 - 2023, it is considered that the applicants do not come within the scope of the housing need criteria, as set out in the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Taken in conjunction with the existing pattern of housing in the area, the proposed development would consolidate a pattern of undesirable ribbon development, exacerbating an excessive density of housing in a rural area, militate against the preservation of the rural environment, and would therefore be contrary to Policies RH9 and RH 12 of the Kildare County Development Plan 2017-2023, and would therefore be contrary to the proper planning and sustainable development of the area.
3. The proposed development would materially contravene Condition No. 8 attached to planning permission PL85/1147 which required the subject site to be sterilised from future residential development. The proposed development would therefore Contravene Condition No. 8 of Planning registration PI 85/1147 and be contrary to the proper planning and sustainable development of the area.

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Caryn Coogan  
Planning Inspector

3<sup>rd</sup> of December 2018

