



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306536-20

---

<b>Development</b>	Subdivision of existing site and construction of new garden shed and construction of new single dwelling.
<b>Location</b>	Killybegs, Prosperous, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	19/1231
<b>Applicant</b>	Conleth Dunne
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party v Refusal of Permission
<b>Appellant</b>	Conleth Dunne
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	07.05.2020
<b>Inspector</b>	Anthony Kelly

## 1.0 Site Location and Description

- 1.1. The site is located on a local road approx. 600 metres south east of the town of Prosperous in Co. Kildare.
- 1.2. The proposed house is in a backland area to the rear of an existing 1 ½ storey house, the applicant's family home. The site is long (approx. 150 metres) and narrow (approx. 15-16 metres). There are fields to the west and south and on the opposite side of the local road to the north. There is a graveyard approx. 200 metres to the west. The existing house is the first house in a line of one-off detached houses along the local road which extends east. There is a maintained garden area to the rear of the house, but it is less maintained further back from the house. There are trees and mature vegetation around the site boundaries.
- 1.3. The site has a stated area of 0.2386 hectares.

## 2.0 Proposed Development

- 2.1. The application is for permission to:
  - Subdivide the site and construct a new house to the rear of the existing house with a wastewater treatment plant and garden shed.
  - Decommission the septic tank serving the existing house and construct a replacement wastewater treatment plant. Demolish the shed serving the existing house and construct a replacement shed.
  - Relocate the existing vehicular entrance and driveway to serve both houses.
- 2.2. The proposed house has a stated floor area of 147sqm and an indicated maximum height of 7.25 metres. It is proposed to externally finish the house in render and a slate roof is proposed.
- 2.3. In addition to standard planning application plans and particulars the application was accompanied by a 'Design Report for Planning Submission'.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority refused the planning application for two reasons as follows:

1. Policy RH9 of the Kildare County Development Plan 2017-2023 seeks to ensure that, notwithstanding compliance with the local need criteria, Applicants comply with all other siting and design considerations, including the capacity of the area to absorb further development. Having regard to the extent of existing development in the immediate vicinity of the subject site, it is considered that the proposed development would exacerbate an excessive density of development in this rural area, would contribute to the increasing suburbanisation of the area, would materially contravene Policy RH9 of the Kildare County Development Plan 2017-2023 and would therefore be contrary to the proper planning and sustainable development of the area.
2. Policy RH10 of the Kildare County Development Plan 2017-2023 seeks to control the level of piecemeal and haphazard development of rural areas close to designated settlement centres. It is considered that the proposed development by reason of its location in close proximity to the designated settlement of Prosperous, but outside of the development boundary as defined for that settlement, would further exacerbate the level of development in proximity to this urban centre where lands are zoned for residential purposes. It is therefore considered that the proposed development would set an undesirable precedent for further piecemeal development in this area, would contribute to the further unsustainable development of this rural area, would materially contravene Policy RH10 of the Kildare County Development Plan 2017-2023 and would therefore be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

- 3.2.1. The Planning Report is the basis of the planning authority decision. The report concludes that, having regard to the level of existing development in the area, the area does not have capacity to absorb further one-off housing. Additionally, the site is in

close proximity to Prosperous where the applicant's housing need could be satisfied. The development would be contrary to Policies RH9 and RH10 of the County Development Plan 2017-2023.

### 3.2.2. **Other Technical Reports**

**Water Services** – No objection subject to conditions.

**Roads, Transportation and Public Safety Dept.** – Further information is recommended in relation to sightlines.

**Environment Section** – No objection subject to conditions.

**Area Engineer** – No objection subject to conditions.

### 3.3. **Prescribed Bodies**

**Irish Water** – No objection subject to a condition.

### 3.4. **Third Party Observations**

3.4.1. Submissions were received from two County Councillors supporting the application.

## 4.0 **Planning History**

There has been one previous planning application on site as follows.

P.A. Reg. Ref. 19/435 – Permission was refused in 2019 to subdivide the site and construct a new two-storey house to the rear of the existing house with a wastewater treatment plant and garden shed; decommission the septic tank serving the existing house and construct a replacement wastewater treatment plant; demolish the shed serving the existing house and construct a replacement shed; and a new vehicular entrance to serve the new house with the existing entrance serving the existing house for three reasons. The first and second reasons for refusal were the same as those cited under the current application. The third reason for refusal is as follows.

3. It is considered that the proposed dwelling being situated to the rear of an existing dwelling would constitute backland development. Policy RH14 of the Kildare County Development Plan 2017-2023 sets out policy in relation to backland dwellings and

states that only single storey bungalows (including attic accommodation) will be allowed in these circumstances. Having regard to the height and the design of the proposed two-storey dwelling, it is considered that the proposed development would contravene Policy RH14 of the Kildare County Development Plan 2017-2023, would set an undesirable precedent for a similar development in the area and would therefore be contrary to the proper planning and sustainable development of the area.

## **5.0 Policy Context**

### **5.1. Project Ireland 2040 National Planning Framework (NPF)**

5.1.1. National Policy Objective (NPO) 19 states it is an objective 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, 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.

### **5.2. Eastern & Midlands Regional Spatial & Economic Strategy 2019-2031 (RSES)**

5.2.1. Section 4.2 (Settlement Strategy) – Support the sustainable growth of rural areas by promoting the revitalisation of rural towns and villages, including ready to go regeneration projects coupled with investment where required in local employment and services and targeted rural housing policies, to be determined by local authorities.

5.2.2. Section 4.8 (Rural Places: Towns, Villages and the Countryside) states, inter alia in relation to housing, that support for housing and population growth within rural towns and villages will help to act as a viable alternative to rural one-off housing, contributing to the principle of compact growth.

5.2.3. Regional Policy Objectives for Rural Areas include RPO 4.77 and RPO 4.78 which, generally, support local authority development plans prioritising the regeneration of rural towns, villages and rural settlements. Policy RPO 4.80 reiterates NPO 19 where

it states that, in Rural Areas Under Strong Urban Influence and Stronger Rural Areas, local authorities shall manage urban generated growth by ensuring that in these areas the provision of single houses in the open countryside is based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements.

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

- 5.3.1. These guidelines are relevant to the planning application. Circular Letter SP 5/08 was issued after the publication of the guidelines.

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

- 5.4.1. Variation No. 1 of the Plan was adopted and is effective from 09.06.2020. Among other issues this Variation replaced reference to the National Spatial Strategy 2002-2020 with text in relation to the NPF including reference to 75 NPOs and its implementation at a regional level through RSEs. Section 3.8 (Policies: Settlement Strategy) and Section 3.9 (Objectives: Settlement Strategy) of the Plan are amended to recognise both the NPF and the RSES. For example, Policy SS 5 includes implementing through appropriate policies the principles and guidance set out in the NPF and the RSES. Effectively, the County Development Plan 2017-2023 has been varied to include national and regional policy framework that has been introduced since the adoption of the Plan in 2017.
- 5.4.2. The site is located approx. 200 metres south east of the Prosperous town boundary. Section 4.12 (Housing in Rural Areas) is relevant to the application. The site is in an area of the county which is designated as Rural Housing Policy Zone 1. Zone 1 areas are more populated areas with higher levels of environmental sensitivity and significant development pressure. Local Need Criteria is set out in Tables 4.3(a) and 4.3(b). A wide range of rural housing policies are set out in Section 4.13 (Policies: Rural Housing). Chapters 16 (Rural Design) and 17 (Development Management Standards) are also relevant to the application.
- 5.4.3. Policies RH 9 and RH 10 are specifically referenced in the planning authority reasons for refusal. Both policies relate to siting and design considerations for rural houses. Policy RH 9 states that, notwithstanding compliance with local need criteria, applicants

shall comply with considerations including integration with physical surroundings, landscaping, the capacity of the area to absorb further development, access, wastewater treatment and surface water disposal. Policy RH 10 states it is policy to control the level of piecemeal and haphazard development of rural areas close to urban centres and settlements.

## **5.5. Natural Heritage Designations**

5.6. The closest Natura 2000 site is Ballynafagh Bog SAC approx. 1.8km to the north west. Ballynafagh Bog is also a pNHA. Grand Canal pNHA is also approx. 1.8km to the south of the site.

## **5.7. EIA Screening**

Having regard to the nature and scale of the proposed development and the nature of the receiving environment there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage, and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The main points made can be summarised as follows:

- The backland site to the rear of the applicant's family home is flat, is well screened from the public road by mature boundaries that will be retained and reinforced and is more than sufficient in length to accommodate an additional house. The proposed house will be more than 50 metres from the rear of the existing house.
- The site is on the edge of the village, less than 200 metres from the boundary and within 800 metres walking distance of the village centre. It is on a minor

country road and not a major distribution route. It will not contribute to the appearance of excessive linear type development on an approach road.

- The Council was satisfied the applicant complies with the Rural Housing Policy as set out in Section 4.12.7 of the County Development Plan 2017-2023. The applicant is a member of the local community having grown up in the area and attended local schools. The applicant's father is the landowner who is also from the area and his mother is buried in the cemetery to the west. The applicant is a traditional Irish musician whose contribution to the cultural landscape of the area is as valid as that of anyone working in the rural economy. He is an active member of the local community and contributes, through music, to the cultural traditions and heritage of the area. Working from home as a songwriter and music producer is a valuable cultural contribution to the rural economy.
- The development accords with the requirements of Policy RH 14 of the Plan which relates to backland development in the rural area.
- The site broadly complies with the principles of Section 16.3.1 (The Right Site) of the Plan by utilising an existing site with established mature boundaries.
- The development does not materially contravene Policy RH 9:
  - The Planner's Report indicated no concern with the proposed house design.
  - Existing boundaries will be retained and reinforced.
  - The extent to which an area can be considered capable of absorbing further development is open to interpretation, is entirely subjective and the Plan does not contain clear guidance on how to quantify this. This raises questions on who gets to decide and what criteria is used.

The Planners Report for P.A. Reg. Ref. 19/435 and the current application notes that there are approx. 16 houses along an approx. 500 metres stretch of this road. The applicant does not accept this as being an appropriate measure of excessive density and is not one supported by the Plan. The development will not extend linear development. Of the 16 no. houses referred to, seven are generously set back from the public



road and the houses are generally separated by large areas of undeveloped road frontage.

A view east from the site along the road is not consistent with suburban type development but of a standard country road.

The proposed development does not represent excessive development or development taking the area beyond the tipping point.

- The proposed access does not result in the removal of an excessive stretch of hedgerow or require the removal of any trees. A drawing has been submitted with the grounds of appeal indicating the extent of the alteration required together with a letter of consent from the relevant landowner.
- The development accords with the requirements of the EPA Code of Practice and SuDS.
- The development does not materially contravene Policy RH 10:
  - The development does not constitute piecemeal and haphazard development as it is facilitated by Policy RH 14. It cannot be considered to set an 'undesirable precedent' as any development facilitated by Policy 14 establishes precedent. The development represents the sustainable reuse of a former garden space on a backland site.
  - It will not impact on newly developing areas on the edge of the village because it is an established residential plot. It will not prevent development of surrounding lands or the ability to develop zoned land.
  - In terms of infrastructure the site is already serviced.
  - In terms of undermining viability of public transport, the site is within walking distance of the village centre.
- The Council's settlement strategy allocates a housing unit target of 325 no. units for Prosperous between 2011 and 2023 though only six units have been constructed up to 2017. There is little evidence many more have been constructed since then. Granting development does not mean they will be constructed. The conclusion of the Planners Report is overly simplistic. Zoning

alone does not result in the provision of housing. Any property that does come to market is overvalued.

## **6.2. Planning Authority Response**

6.2.1. The planning authority has no further comment to make. Please refer to the planning report for the assessment of the application.

## **6.3. Observations**

6.3.1. None.

## **6.4. Further Responses**

6.4.1. None.

## **7.0 Assessment**

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

- Compliance with the Rural Housing Policy
- Compliance with Policies RH 9 and RH 10 of the County Development Plan 2017-2023.
- House Design
- Wastewater Treatment
- Vehicular Entrance
- Appropriate Assessment

## 7.1. Compliance with the Rural Housing Policy

- 7.1.1. The planning application is for a one-off house on unzoned land outside the town of Prosperous. An applicant must comply with the requirements of the rural housing policy for a grant of permission to be considered.
- 7.1.2. The site is in an area designated as Rural Housing Policy Zone 1 in the Kildare County Development Plan 2017-2023. An applicant must comply with one of the categories set out in Section 4.12.7 (Rural Housing Policy) of the Plan. The applicant considers that he complies under Table 4(b) – Category of Applicant 2 (ii) i.e. 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.
- 7.1.3. The applicant is proposing to construct a house to the rear of his original family home where his father lives. The applicant currently rents accommodation in Celbridge, Co. Kildare and he is a self-employed musician. The submitted 'Design Report for Planning Submission' briefly outlines the applicant's links to the local community. A copy of the applicant's birth certificate has been submitted, giving his father's address as Killybegs, Prosperous, letters confirming attendance from the primary and secondary schools in the town, a Revenue letter dated 2018 giving the applicant's address as Killybegs, Prosperous and land registry detail indicating the applicant's father has owned the site since 1972. The planning authority assessment considered that the applicant complied with the rural housing policy. However, the first reason for refusal in the planning authority decision stated that, notwithstanding compliance with the local need criteria, the development would fail to comply with the provisions of Policy RH 9 of the County Development Plan 2017-2023 which relates to siting and design considerations.
- 7.1.4. I consider that it has been established that the applicant has spent more than 12 years living in this area and now wishes to return. However, NPO 19 of the NPF requires that in rural areas under urban influence, which this site is as evidenced by its location within Zone 1, single housing in the countryside is based on the core consideration of economic or social need to live in a rural area, having regard to the viability of smaller

towns and rural areas. The need to support population growth in rural towns and villages is also referenced in the RSES. I do not consider that the applicant has demonstrated a housing need such that it meets the requirements of these national and regional policies. The applicant is a self-employed musician. It is stated on the cover letter submitted with the planning application that the applicant also manages a local café on a part-time basis. Neither of these require the applicant to live in a rural one-off house. Given the proximity of the site to the town I also do not consider that the applicant has demonstrated a social need that requires a one-off house.

- 7.1.5. Having regard to the foregoing, while I acknowledge the applicant's connection to the site I do not consider that it is sufficient to meet the threshold established by NPO 19 of the National Planning Framework or RPOs 77,78 and 80 of the RSES.

## **7.2. Compliance with Policies RH 9 and RH 10 of the County Development Plan 2017-2023**

- 7.2.1. The planning application was refused because the planning authority considered that the proposed development would materially contravene Policies RH 9 and RH 10 of the Plan. The proposed house is to the rear of the existing house. Policy RH 14 of the County Development Plan 2017-2023 states that family members only shall be considered for backland development. Backland development shall have no negative impact on neighbouring property owners and viable sites will be required. In addition, only single storey houses will be allowed. These requirements have been met. The grounds of appeal consider that, as the development complies with Policy RH 14, then it effectively cannot materially contravene Policies RH 9 or RH 10.
- 7.2.2. I do not consider that, solely by complying with the parameters of Policy RH 14, reasonable consideration of an application under other policies is avoided. For example, Policy RH 9 requires consideration of an application under normal siting and design considerations such as archaeological landscapes, vehicular access, geological features or ground conditions. These issues are not negated merely by complying with Policy RH 14. Specifically with this planning application the planning authority consider that Policy RH 9 (iv) – the capacity of the area to absorb further development – is particularly applicable as it was referenced in the first reason for refusal and it was also cited as a reason for refusal under P.A. Reg. Ref. 19/435. The

grounds of appeal state that subsection (iv) is subjective and open to interpretation. As the site is a backland site facilitated by the Plan and would not extent linear development the grounds of appeal does not consider this reason to be applicable.

- 7.2.3. The existing house on site is the first house in a line extending approx. 270 metres to the east where there are approx. eight houses. In addition, there are more houses further to the east on both sides of the local road. The planning authority's first reason for refusal specifically references that, having regard to the extent of existing development in the immediate vicinity of the site, the proposed development would exacerbate an excessive density of development in this rural area and that it would contribute to the increasing suburbanisation of the area. The grounds of appeal query who gets to decide at what point is 'excessive' achieved. This is the role of the planning authority, or the Board on appeal.
- 7.2.4. Having regard to the extent of existing one-off residential development in the vicinity of Prosperous I consider that the decision of the planning authority in relation to Policy RH 9 is reasonable. I consider that an additional house at this location, in an area already subject of substantial one-off rural housing development, would exacerbate an excessive density of development in this rural area, would contribute to the increasing suburbanisation of the area and would be contrary to Policy RH 9 (iv).
- 7.2.5. The second reason for refusal cites Policy RH 10 which seeks to control the level of piecemeal and haphazard development of rural areas close to urban centres. The site is a backland site. Vehicular access to the proposed house would require driving between the existing house and the side site boundary, a width of approx. 4-5 metres. The main door of the existing house is on this side elevation. Subsection (i) refers to the orderly and efficient development of newly developing areas on the edges of towns. I consider the proposed development would comprise a suburban type of sprawl in an area close to the town boundary which would be contrary to the aim of (i). The grounds of appeal claim, in relation to subsection (ii) that infrastructure i.e. road and electricity, is provided. However, the site is not serviced by a public foul sewer and water is from a group water scheme. As it is a rural one-off site, it is a low-density development in terms of public transport (subsection (iii)).

- 7.2.6. I again agree with the planning authority in relation to the second reason for refusal. The proposed development would not be in accordance with Policy RH 10 and it would be inconsistent with orderly and efficient development on the edge of the town.
- 7.2.7. Having regard to the existing pattern of development in the area and the site location I consider the proposed development would be contrary to both Policies RH 9 and RH 10 of the Kildare County Development Plan 2017-2023.

### **7.3. House Design**

- 7.3.1. Policy RH 14 only permits single storey bungalows in backland locations. This was an issue in the third reason for refusal under P.A. Reg. Ref. 19/435 which proposed a part two-storey house with a maximum height of 8.486 metres. The first floor habitable area has been removed under the current application but a substantial maximum height, for a single storey house, of 7.25 metres is proposed which includes sizeable attic areas. I consider that this overall height should be reduced in any future planning application or, in the event of a grant of permission, by condition.
- 7.3.2. In terms of design and footprint the proposed house is similar to that previously applied for. The footprint is staggered with internal steps at ground floor level. The roof profile comprises of two separate pitched roofs with a render wall finish and a slate roof. The house design is contemporary, and I consider that it is acceptable in principle though it should be reduced in height to more accurately reflect a single storey house.

### **7.4. Wastewater Treatment**

- 7.4.1. There are two new wastewater treatment systems proposed; one to replace the septic tank system for the existing house and the second to serve the proposed house.
- 7.4.2. The site is in an area where there is a locally important aquifer of moderate vulnerability. Groundwater was encountered at depths of 1.0 metre and 700mm respectively with no bedrock encountered in the 1.5 metres and 1.2 metres deep trial holes. Clay was the soil type encountered in both trial holes. Both trial holes fall within the R1 response category as per Table B.2 (Response Matrix for On-Site Treatment Systems) of the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses i.e. acceptable subject to normal good practice.

7.4.3. The trial hole and percolation test holes for the replacement wastewater treatment system were excavated in September 2019 whereas the submitted Site Characterisation Form for the proposed house indicates they were excavated in March 2019. (Only one trial hole and percolation test holes were excavated for P.A. Reg. Ref. 19/435). T-test results of 24.92 and 21.94 respectively were recorded. P-tests were also carried out. These results were 22.03 for the replacement system and 21.03 for the proposed house system. The results indicate the site is suitable for development of a secondary treatment system. I consider these results are consistent with the ground conditions observed on site which was a heavily grassed area. Both trial holes were open for inspection and there was no groundwater observed in either. From the site layout plan submitted with the Site Suitability Assessments I consider that the separation distances set out in Table 6.1 (Minimum Separation Distances in Metres) of the Code of Practice are or can be achieved.

7.4.4. Notwithstanding discrepancies in the submitted documentation e.g. the Site Characterisation Form for the proposed house states there will be four bedrooms whereas the floor plans show two bedrooms, having regard to the ground conditions observed on site and the documentation submitted, I consider the site to be capable of accommodating the replacement system and the proposed new system. I also note the planning authority's Environment Section indicated no objection subject to conditions.

## **7.5. Vehicular Entrance**

7.5.1. Under P.A. Reg. Ref. 19/435, it was proposed to retain the existing driveway to serve the existing house and construct a second driveway to serve the proposed house. While the new driveway was not cited as a reason for refusal both the Area Engineer and the Roads, Transportation and Public Safety Department recommended a combined driveway. Sightlines were also considered to be an issue.

7.5.2. Under the current application it is proposed to close the existing vehicular entrance point and construct a new vehicular entrance at the western corner of the road frontage with a new driveway serving both existing and proposed houses. The boundaries to the houses to the east are all set back from the road edge giving reasonable sightlines in this direction. However, to the west, the natural roadside hedgerow is forward of the

existing set back area to the front of the house. Hedgerow removal is necessary to the west in order for appropriate sightlines to be achieved. The documentation submitted with the planning application did not include adequate drawings illustrating the proposed vehicular access point and achievable sightlines. The planning authority's Roads, Transportation and Public Safety Department recommended further information in relation to sightlines and letter(s) of agreement from adjoining landowners for the setting back of boundaries, if required. Notwithstanding, the planning authority decision was made without further information being sought and this issue was not included as a reason for refusal.

- 7.5.3. As part of the grounds of appeal a layout plan and a letter from the adjoining landowner has been submitted in relation to provision of sightlines. I do not consider that this layout adequately outlines whether sufficient sightlines can be achieved. The drawing is not to scale (it is an A4 sheet with the scale stating 1:500 at A3), there are no distances cited and the length of hedgerow removal required is not clear. Policy RH 9 refers to this issue. Subsection (iii) requires that development protects landscape features such as hedgerows and trees and subsection (v) refers to the ability to provide safe vehicular access without the necessity to remove extensive stretches of native hedgerow. In addition, subsection (v) states that the need for the removal of extensive roadside hedgerow may indicate that the site is unsuitable for development. I consider that, in the absence of suitable documentation to the contrary, the proposed development would likely require the removal of an excessive stretch of hedgerow which would be contrary to Policy RH 9, as referred to in Section 7.2.

## 7.6. **Appropriate Assessment**

- 7.6.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, remote from and with no hydrological pathway to any European site, 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.



## 8.0 Recommendation

- 8.1. I recommend that the planning application be refused for the following reasons and considerations.

## 9.0 Reasons and Considerations

1. Having regard to the location of the site within Rural Housing Policy Zone 1 of the Kildare County Development Plan 2017-2023 (as amended by Variation No. 1 of the Plan), Regional Policy Objective RPO 4.80 of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, National Policy Objective 19 of the National Planning Framework and the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005, it is considered that the applicant does not come within the scope of the housing need criteria as set out for a house at this location. It is considered that the applicant has not demonstrated an economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements and, therefore, the proposed development does not comply with Regional Policy Objective 4.80 and National Policy Objective 19. In the absence of any identified locally-based need for the house, the development would contravene local, regional and national housing policy objectives and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Policies RH 9 and RH 10 of the Kildare County Development Plan 2017-2023 seek to ensure that, inter alia, the capacity of the area to absorb further development is considered and the level of piecemeal and haphazard development of rural areas close to urban centres is controlled. Having regard to the extent of existing development in the immediate vicinity of the subject site and the location of the site in close proximity to Prosperous it is considered that the proposed development would exacerbate an excessive density of development and would contribute to the increasing suburbanisation of this rural area. The development 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.

---

Anthony Kelly

Planning Inspector

29.06.2020