



An
Coimisiún
Pleanála

Inspector's Report

ACP-322839-25

Development

Retention for existing detached single storey house with non-habitable attic space which includes a ground floor integrated family unit with accessible entrance. Permission is required to remove the existing kitchen in the family unit and integrate the family unit back into the main house (as per conditioned parent planning application 11/330) and permission is required to remove the existing accessible door and replace it with a window. Retention permission is also required for the detached single storey domestic garage and storage building as constructed located to the rear of the existing house, recessed entrance as constructed and all associated site works.

Location

Larkfield, Punchersgrange,
Newbridge, Co. Kildare.

Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2560364
Applicant(s)	Christopher Nolan
Type of Application	Permission & Permission for Retention
Planning Authority Decision	Refusal
Type of Appeal	First Party v. Decision
Appellant(s)	Christopher Nolan
Observer(s)	None.
Date of Site Inspection	19 th September, 2025
Inspector	Robert Speer

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The proposed development site is located in the rural townland of Punchersgrange, Co. Kildare, approximately 7.6km northwest of Newbridge and 6km east of Rathangan, where it occupies a corner plot to the immediate northwest of the junction of Local Road No. L7006 with the Punchersgrange and Blakestown roads. While the surrounding landscape is primarily one of undulating rural countryside, there is a considerable concentration of piecemeal one-off housing and linear / ribbon development along the roadways in the area, with particular reference to sections of Local Road No. 7006 to the southeast on the approach to the village of Milltown.
- 1.2. The site itself has a stated site area of 2.718 hectares, is irregularly shaped, and comprises two distinct parts with the southwestern corner of the property occupied by an existing dwelling house along with a domestic garage & storage building whereas the remainder of the wider site area shares the physical characteristics of an open agricultural field set as pasture. The roadside boundaries to the south and east are defined by mature hedgerow with the western site boundary being similarly delineated by a combination of dense hedging and mature tree stands. The remaining northern site boundary is demarcated by post and wire fencing while the limits of the garden area of the existing dwelling house are predominantly separated from the wider site by timber post and rail fencing. Adjacent lands are generally in agricultural use with a dwelling house and an associated farm complex located on neighbouring lands to the immediate northwest.

2.0 Proposed Development

- 2.1. The subject proposal consists of the following elements:
- Permission for the retention of an existing detached, single-storey dwelling house (floor area: 394m²) with non-habitable attic space (floor area: 38m²), including a ground floor integrated family unit with accessible entrance.
 - Permission for the retention of an existing detached, single-storey, domestic garage & storage building (floor area: 89m²) as constructed to the rear of the

dwelling house; the recessed entrance arrangement as constructed; and all associated site works.

- Permission to remove the existing kitchen in the family unit and to integrate the family unit back into the main house (as required by Condition No. 8 of PA Ref. No. 11/330) along with the removal of an existing accessible door and its replacement with a window.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 30th May, 2025 the Planning Authority issued a notification of a decision to refuse permission & permission for retention of the proposed development for the following 2 No. reasons:

- Policy HO P11 of the Kildare County Development Plan, 2023 -2029 requires applicants to demonstrate compliance with Table 3.4 of the Plan in terms of local need criteria. It is considered that, based on the information submitted with the application, the applicant has not sufficiently demonstrated compliance with the rural housing local needs criteria as outlined in Section 3.13.3 and Table 3.4 of the Plan. The development would be contrary to Policy HO P11 of the Kildare County Development Plan, 2023 -2029 and would, therefore, be contrary to the proper planning and sustainable development of the area.
- The development for retention, when taken in conjunction with the level of existing development in the vicinity, would exacerbate an excessive density of development in this rural area, would contribute to the further erosion of the rural character of the area and would contravene objective HO O59 of the Kildare County Development Plan, 2023-2029, which seeks to carefully manage Single Rural Dwelling Densities to ensure that the density of one-off housing does not exceed 30 units per square kilometre. The development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Details the site location, planning history, and the relevant policy considerations, including the need to comply with the applicable rural housing policy. The report proceeds to note that permission was previously granted for a dwelling house on the subject site pursuant to PA Ref. No. 11/330 having regard to the then needs / circumstances of the applicant's child with Condition No. 33 of that grant of permission requiring photographic evidence of the stables and swimming pool approved as part of the development to be submitted to the Planning Authority prior to occupation so as to ensure that the housing need was fully demonstrated. It is further noted that Condition No. 33 was not complied with, although the signed affidavit submitted with the application states that the stables and swimming pool were constructed and used by the family, albeit in different locations. The report continues by stating that during a site inspection it was observed that the swimming pool (the scale and location of which differs from that previously approved) had been floored over and now formed part of a bedroom, while the stable building appeared to be used for domestic storage purposes. Accordingly, on the basis that the existing dwelling house had not been constructed in accordance with the terms and conditions of PA Ref. No. 11/330, it was determined that the subject proposal should be assessed under the provisions of the current Kildare County Development Plan, 2023-2029 and, therefore, the applicant would be required to demonstrate compliance with the 'local need' criteria as per Section 3.13.3 of the Plan. In the absence of any documentation on file to demonstrate that the applicant would satisfy the 'local need' criteria, it was thus considered that the proposal would be contrary to the 'local need' provisions of the Development Plan.

The report subsequently refers to Policy HOP26 of the Plan, which requires consideration to be given to the capacity of the receiving environment to absorb further development by applying the 'Single Rural Dwelling Density' toolkit (please refer to Appendix 11 of the Plan), and Policy HO 059 which seeks to ensure that the density of one-off housing does not exceed 30 No. units per square kilometre (unless the applicant is actively engaged in agriculture or has an occupation that is heavily dependent on the land and they are building on their landholding). In this regard,

measurement from the centre point of the application site generates a rural residential density of 32 No. units / km² and thus the proposal is contrary to Policy HO 059.

The remainder of the report primarily focuses on matters pertaining to the receiving environment (including the site location within the 'Chair of Kildare' Landscape Character Area which is of 'Special Sensitivity'), residential amenity, roads & access, and wastewater treatment.

It concludes by recommending that permission be refused for the reasons stated.

3.2.2. Other Technical Reports

Water Services: No objection, subject to conditions.

Kildare / Newbridge Municipal District: No objection, subject to conditions.

Environment: Notes that the development proposed for retention will include an additional bedroom over that approved under PA Ref. No. 11/330 before recommending that the applicant be required by way of further information to submit certification from a competent agent in accordance with Section 5.1 of the EPA's Code of Practice that:

- a) The additional effluent loading generated by the proposed development can be catered for in the existing effluent treatment system and polishing filter, and / or;
- b) The existing effluent treatment system and polishing filter are constructed in compliance with the planning permission under which it is authorised; and
- c) A copy of the Agent's Professional Indemnity insurance policy.

Transport, Mobility and Open Spaces: No objection, subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

None.

4.0 Planning History

4.1. On Site:

- 4.1.1. PA Ref. No. 11330. Was granted on 17th November, 2011 permitting Chris Nolan permission for the erection of a dormer type house with attached bungalow type family flat and attached indoor heated pool, sewage treatment system and pumped percolation area, garage comprising 2 no. stables, tack room and hay store, dung heap, new site entrance to secondary road, together with all associated site works.
- 4.1.2. PA Ref. No. 2360268. Was refused on 23rd November, 2023 refusing Christopher Nolan permission for 1) change of use of existing dwelling from residential use to use as a 'Bed & Breakfast' & all associated site works; 2) a single storey rear extension accommodating 2 no. double bedroom suites & ancillary alterations to side & rear elevations and all ancillary site works. Retention Permission for alterations to dwelling as granted under PI Ref 11 330, including 1) the construction of single storey side extension; 2) a single storey rear extension, as granted under PI Ref 11 330, was not constructed; 3) the relocation of stable block as granted under PI Ref 11 330 within the subject site; and 4) ancillary alterations to front, side & rear elevations and all ancillary site works.
- Objective RE O100 of the Kildare County Development Plan, 2023–2029 seeks to 'support additional and diversification of tourist accommodation and other types of tourism infrastructure such as motorhome parking and toilet facilities at appropriate, sustainable locations, where the vitality and vibrancy of nearby serviced centres is not compromised.' Based on the lack of detail submitted with the application justifying the need for and scale of the proposed B&B in an un-serviced rural location, it is considered the proposed development is contrary to the provisions of Objective RE O100 would seriously injure the amenities of property in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.
 - Section 15.4.12 Extensions to Dwellings of the Kildare County Development Plan, 2023–2029 requires extensions to be sensitive to the appearance and character of the existing house and not adversely distort the scale and mass of the structure. Having regard to the excessive scale of the proposed

extension to the existing dwelling, it is considered the proposed development is contrary to the provisions of Section 15.4.12 of the Kildare County Development Plan, 2023–2029, would seriously injure the amenities of property in the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.

- Having regard to the extent of non-compliance with the conditions of the parent permission pertaining to the subject site, namely Reg. Ref: 11/300, it has not been demonstrated that the existing development on site is authorised, therefore, to permit the development, would facilitate works to an unauthorised development. Furthermore, Condition No. 11 of Reg. Ref: 11/300 restricted the development to ‘domestic related purposes only and not for any commercial, workshop, or other non-domestic use’, the development which seeks to introduce an inherently commercial element to the development would therefore contravene materially this condition. It is considered therefore that the development would be contrary to the proper planning and sustainable development of the area.

4.1.3. PA Ref. No. 2461053. Was refused on 9th December, 2024 refusing Christopher Nolan permission for the retention of an existing detached single storey house with non-habitable attic space which includes a ground floor integrated family unit with accessible entrance as constructed, detached single storey domestic garage and storage building as constructed located to the rear of the existing house, recessed entrance as constructed, and all associated site works.

- Policy HO P11 of the Kildare County Development Plan, 2023-2029 requires applicants to demonstrate compliance with Table 3.4 of the Plan in terms of local need criteria. It is considered that, based on the information submitted with the application, the applicant has not sufficiently demonstrated compliance with the Rural Housing Local Needs criteria as outlines in Section 3.13.3 and Table 3.4 of the Plan. The development would be contrary to Policy HO P11 of the Kildare County Development Plan, 2023-2029 and would, therefore, be contrary to the proper planning and sustainable development of the area.

- The development for retention, when taken in conjunction with the level of existing development in the vicinity, would exacerbate and excessive density of development in this rural area, would contribute to the further erosion of the rural character of the area and would contravene objective HO O59 of the Kildare County Development Plan, 2023-2029, which seeks to carefully manage Single Rural Dwelling Densities to ensure that the density of one-off housing does not exceed 30 units per square kilometre. The development would therefore be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. National and Regional Policy

5.1.1. ***Project Ireland 2040 - The National Planning Framework: First Revision (April, 2025):***

National Policy Objective 24:

- Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

National Policy Objective 28:

- 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;

- In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.1.2. ***Eastern and Midland Regional Spatial & Economic Strategy (RSES), 2019-2031:***

Section 4.8: *‘Rural Places: Towns, Villages and the Countryside’* of the RSES states that:

‘A key challenge is to ensure that in planning for rural places, responses are uniquely tailored to recognise the balance required between managing urban generated demand in the most accessible rural areas, typically in proximity to Dublin and other towns, whilst supporting the sustainable growth of rural communities and economies, including those facing decline. In general, those rural places in proximity to large urban centres have experienced significant growth and urban generated pressures and require levels of growth to be managed in order to ensure that there is a requisite service level for the existing population’.

It further states that the rural housing planning policy of local authorities should be evidence-based and accommodate rural-generated housing consistent with the settlement framework contained in the RSES and the *‘Sustainable Rural Housing, Guidelines for Planning Authorities, 2005’*, or any successor thereof, and should be accommodated within the Housing Needs Demand Assessment, reflecting the housing needs of the county as a whole.

In this regard, Regional Policy Objective (RPO) 4.80 states that:

- Local authorities shall manage urban generated growth in Rural Areas Under Strong Urban Influence (i.e. the commuter catchment of Dublin, large towns and centres of employment) and Stronger Rural Areas 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, and compliance with statutory guidelines and plans, having regard to the viability of smaller towns and settlements.

5.1.3. ***‘Sustainable Rural Housing, Guidelines for Planning Authorities, 2005’:***

These Guidelines promote the development of appropriate rural housing for various categories of individual as a means of ensuring the sustainable development of rural areas and communities. Notably, the proposed development site is located in an *'Area under Strong Urban Influence'* as indicatively identified by the Guidelines. Furthermore, in accordance with the provisions of the Guidelines, the Kildare County Development Plan, 2023-2029 includes a detailed identification of the various rural area types specific to the county at a local scale and *'Map Ref: V1-3.1: Rural Housing Policy Zones'* of the Plan details that the site is located within *'Zone 1: Areas under Strong Urban Influence'*.

5.2. Development Plan

5.2.1. Kildare County Development Plan, 2023-2029:

Chapter 3: Housing:

Section 3.13: Sustainable Rural Housing:

Section 3.13.2: An Evidence-based Approach:

Zone 1 - Areas under Strong Urban Influence:

In *'Areas under Strong Urban Influence'*, it will be an objective of the Council to facilitate the provision of single housing in the countryside based on the core considerations of:

- demonstrable 'economic or social' need to live in a rural area and build their home, and
- siting, environmental and design criteria for rural housing in statutory guidelines and plans

having regard to the viability of smaller towns and rural settlements and the provision and availability of serviced sites in these areas.

Section 3.13.3: Compliance with the Rural Housing Requirements:

Rural generated housing demand will be facilitated having regard, inter alia, to the applicant's genuine local and housing need, together with the protection of key economic, environmental, natural and heritage assets, such as the road network, water quality, sensitive landscapes, habitats, and the built heritage. The Department of Housing, Local Government and Heritage have indicated that new Rural Housing

Guidelines are being prepared to address rural housing issues and to take account of the Flemish Decree, the NPF and broader settlement context. In the interim, Kildare Development Plan must establish a policy to facilitate those who can demonstrate a genuine housing need and a social and/or economic need to live in rural County Kildare. Urban generated rural housing will not be considered.

For the purposes of demonstrating compliance, this plan has provided a definition of 'Economic' and 'Social' need in the context of rural housing policy, as set out below:

Economic:

A person (or persons) who is (are) actively engaged in farming/agricultural activity on the landholding on which the proposed dwelling is to be built, meeting either of the following:

- (i) A farmer of the land or son, daughter, niece or nephew of the farmer who it is intended will take over the operation of the family farm.

Note: A farmer (for this purposes) is defined as a landowner with a holding of >15ha which must be in the ownership of the applicant's immediate family for a minimum of seven years preceding the date of the application for planning permission. The leasing of agricultural land to supplement lands within an applicant's ownership for farming, may be considered for the purposes of calculating the minimum land area of 15ha. The applicant shall submit details of said lease with the relevant planning application indicating that the lease is in place for a period of 10 years or more from the date of the application.

or

- (ii) An owner and operator of farming/horticultural/forestry/bloodstock/animal husbandry business on an area less than 15ha, who is engaged in farming activity on a daily basis, where it is demonstrated through the submission of documentary evidence that the farming/agricultural activity forms a significant part of their livelihood, including but not limited to intensive farming.

Social:

- (i) A person who has resided in a rural area for a substantial period of their lives i.e. 16 years within 5km (Zone 1) or 5km (Zone 2) of the site where they intend to build.

Table 3.4 - Schedule of Local Need Criteria in accordance with the NPF (NPO 19):

Applicant Category	Rural Housing Need Assessment Guide	
Category A - Economic	Zone 1: Areas under Strong Urban Influence	Zone 2: Stronger Rural Areas
i. A farmer of the land or the son/daughter/niece/nephew of the farmer who it is intended will take over the operation of the family farm or i. An owner and operator of a farming/horticultural/forestry/bloodstock/animal husbandry business on an area less than 15ha.	A farmer (for this purpose) is defined as a landowner with a holding of >15ha which must be in the ownership of the applicant's immediate family for a minimum of seven years preceding the date of the application for planning permission. The owner/operator [as referred to in Category A (ii)] must be engaged in that farming activity on a daily basis, as their main employment. Same must be demonstrated through the submission of documentary evidence to include confirmation that the farming/agricultural activity forms a significant part of the applicant's livelihood, including but not limited to intensive farming.	
Category B - Social	Zone 1: Areas under Strong Urban Influence	Zone 2: Stronger Rural Areas
i. A person who has resided in a rural area for a substantial period of their lives within an appropriate distance of the site where they intend to build on the family landholding	Applicants must have grown up and spent 16 years living in the rural area of Kildare and who seek to build their home in the rural area on their family landholding.	Applicants must have grown up and spent 16 years living in the rural area of Kildare and who seek to build their home in the rural area on their family landholding.

	Where no land is available in the family ownership, a site within 5km of the applicant's family home may be considered.	Where no land is available in the family ownership, a site within 5km of the applicant's family home may be considered.
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Note: Applications for rural one-off dwellings will be considered, subject to the policies and objectives set out in the County Development Plan. Applicants will be expected to comply with all other requirements of the plan and demonstrate that the development would not prejudice the environment and the rural character of the area. In this regard, factors such as the sensitivity of the receiving environment, the nature and extent of the existing development and the extent of development on the original landholding will be considered.

Policy HO P11: Facilitate, subject to all appropriate environmental assessments proposals for dwellings in the countryside outside of settlements in accordance with NPF Policy NPO 19 for new Housing in the Open Countryside in conjunction with the rural housing policy zone map (Map 3.1) and accompanying Schedule of Category of Applicant and Local Need Criteria set out in Table 3.4 and in accordance with the objectives set out below. Documentary evidence of compliance with the rural housing policy must be submitted as part of the planning application.

Objective HO 043: Require applicants to demonstrate that they do not own or have not been previously granted permission for a one-off rural dwelling in Kildare.

Objective HO 044: Restrict residential development on a landholding, where there is a history of development through the speculative sale or development of sites to an unrelated third party.

Objective HO O45: Restrict occupancy of the dwelling as a place of permanent residence for a period of ten years to the applicant who complies with the relevant provisions of the local need criteria.

Objective HO O46: Recognise and promote the agricultural and landscape value of the rural area and prohibit the development of urban generated housing in the rural area.

Section 3.13.4: *Siting and Design:*

The design of all new dwellings in rural areas should respond sensitively and appropriately to the characteristics of the receiving environment. Dwellings should be designed to be absorbed into the existing landscape features, including topography, existing field boundaries and green infrastructure. Applying good rural design principles and appropriate site selection criteria will ensure that new dwellings will integrate with the character and natural setting of the specific rural area while also delivering high quality, energy efficient homes. Further to the policies and objectives set out below, detailed guidance is provided in the Kildare Rural Housing Design Guide in Appendix 4.

Policy HO P12: Ensure that the siting and design of any proposed dwelling shall integrate appropriately with its physical surroundings and the natural and cultural heritage of the area whilst respecting the character of the receiving environment. Proposals must comply with Appendix 4 Rural House Design Guide and Chapter 15 Development Management Standards.

Objective HO O50: Require that new dwellings incorporate principles of sustainability and green principles in terms of design, services and amenities with careful consideration in the choice of materials, roof types (i.e. green roofs), taking advantage of solar gain/passive housing and the provision of low-carbon and renewable energy technologies as appropriate to the scale of the development and to support microgeneration in all residential, commercial, agricultural and community development planning. Other sustainable principles could include the use of Sustainable Urban Drainage Systems (such

as attenuation ponds and grass lined swales), the use of gravel or grasscrete rather than permanent paving/tarmac for driveways, landscaping and planting for biodiversity/pollinators and adequate waste segregation and storage space, as set out in Section 15.4 of Chapter 15 (Development Management standards) and the Rural House Design Guide contained in Appendix 4.

Objective HO O51: Require all applications to demonstrate the ability to provide safe vehicular access to the site without the necessity to remove extensive stretches of native hedgerow and trees All applications will be considered on a case-by-case basis, having regard to, the quality of the hedgerow, age and historical context, if an old town boundary hedgerow, species composition, site context and proposed mitigation measures.

Objective HO O52: Recognise the biodiversity and ecosystem services value of established hedgerows within rural and urban settings and where hedgerow must be moved to achieve minimum sight lines, a corresponding length of hedgerow of similar species composition (native and of local provenance) shall be planted along the new boundary, while allowing occasional hedgerow trees to develop.

Objective HO O53: Retain, sensitively manage and protect features that contribute to local culture heritage and distinctiveness including:

- heritage and landscape features such as post boxes, pumps, jostle stones, etc.
- hedgerows and trees,
- historic and archaeological features and landscapes,
- water bodies,
- ridges and skylines,
- topographical and geological features and

- important scenic views and prospects.

Objective HO O54: Protect and maintain all surface water drainage within the curtilage of the site. Where site works impact on surface water drainage effective remedial works will be instated.

Section 3.14: Rural Residential Density:

Policy HO P26: Sensitively consider the capacity of the receiving environment to absorb further development of the nature proposed through the application of Kildare County Councils 'Single Rural Dwelling Density' Toolkit (see Appendix 11) and facilitate where possible those with a demonstrable social or economic need to reside in the area. Applicants will be required to demonstrate, to the satisfaction of the planning authority that no significant negative environmental effects will occur as a result of the development. In this regard, the Council will:

- examine and consider the extent and density of existing development in the area,
- the degree and pattern of ribbon development in the proximity of the proposed site.

Objective HO O59: Carefully manage Single Rural Dwelling Densities to ensure that the density of one-off housing does not exceed 30 units per square kilometre, unless the applicant is actively engaged in agriculture, or an occupation that is heavily dependent on the land and building on their own landholding.

Section 3.15: Environmental and Technical Considerations:

Section 3.15.1: Domestic/On site Wastewater Treatment Systems

Section 3.16: Access and Entrances:

Policy HO P30: Require that proposals retain and maintain existing hedgerows in all instances, with the exception only of the section required to be removed to provide visibility at the proposed site entrance. On such cases, proposals for replacement hedgerows, including

details of composition and planting must be submitted with any application which requires such removal.

Policy HO P32: Require that the design of entrance gateways should be in keeping with the rural setting. All applications for a dwelling in a rural area should include detailed drawings and specifications for entrance treatments. The roadside boundary should ideally consist of a sod / earth mound / fencing planted with a double row of native hedgerow species.

Section 3.18: *Technical Considerations for Rural Housing Proposals in County Kildare*

Chapter 5: Sustainable Mobility & Transport:

Section 5.5: *Road and Street Network*

Section 5.8: *Local Roads*

Chapter 13: Landscape, Recreation & Amenity:

Section 13.3: *Landscape Character Assessment:*

The proposed development site is located within the 'Chair of Kildare' Landscape Character Area as shown on Map Ref.: V1-13.1.

Section 13.3.1: *Landscape Sensitivity:*

Chair of Kildare: Class 4 (Special Sensitivity): Significant adverse effects on the appearance or character of the landscape having regard to prevalent sensitivity factors.

Section 13.3.2: *Impact of Development on Landscape*

Policy LR P1: Protect and enhance the county's landscape, by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the existing local landscape.

Objective LR O1: Ensure that consideration of landscape sensitivity is an important factor in determining development uses. In areas of high landscape sensitivity, the design, type and the choice of location of the proposed development in the landscape will be critical considerations.

Objective LR O2: Require a Landscape/Visual Impact Assessment to accompany proposals that are likely to significantly affect:

- Landscape Sensitivity Factors;
- A Class 4 or 5 Sensitivity Landscape (i.e. within 500m of the boundary);
- A route or view identified in Map V1 - 13.3 (i.e. within 500m of the site boundary).
- All Wind Farm development applications irrespective of location, shall be required to be accompanied by a detailed Landscape/Visual Impact Assessment including a series of photomontages at locations to be agreed with the Planning Authority, including from scenic routes and views identified in Chapter 13.

Objective LR O4: Ensure that local landscape features, including historic features and buildings, hedgerows, shelter belts and stone walls, are retained, protected and enhanced where appropriate, so as to preserve the local landscape and character of an area.

Objective LR O9: Continue to support development that can utilise existing structures, settlement areas and infrastructure, whilst taking account of local absorption opportunities provided by the landscape, landform and prevailing vegetation.

Section 13.5: Scenic Routes and Protected Views

View No. 16:

Location: Punchersgrange, Blakestown, Conlanstown and Canonstown.

Description: Views of the Chair of Kildare and views of the Central Kildare Plains and Boglands from the L7004 and L70061.

Chapter 15: Development Management Standards:

Appendix 4: Rural House Design Guide

Appendix 10: Rural Housing Policy Report

5.3. Natural Heritage Designations

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- Grand Canal Proposed Natural Heritage Area (Site Code: 002104), approximately 2.15km east of the site.
- Pollardstown Fen Special Area of Conservation (Site Code: 000396), approximately 3.35km southeast of the site.
- Pollardstown Fen Proposed Natural Heritage Area (Site Code: 000396), approximately 3.4km southeast of the site.
- Mouds Bog Special Area of Conservation (Site Code: 002331), approximately 3.73km east of the site.
- Mouds Bog Proposed Natural Heritage Area (Site Code: 000395), approximately 3.73km east of the site.

6.0 EIA Screening

6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

- It is very unusual that a planning application for the retention of a one-off rural dwelling house be assessed on the basis of local need, particularly as the

house in question was already approved in principle (PA Ref. No. 11/330) under a previous Development Plan and has been in place for almost 15 No. years during which time it has integrated into the surrounding countryside.

Planning permission for the development, which generally accords with that permitted under PA Ref. No. 11/330, was previously granted by the Director of Services of Kildare County Council and was signed off by the County Manager. This is a normal and legal element of the planning process, however, it appears that the Planning Authority is now seeking to redress an issue which arose almost 15 No. years ago. Such an approach is not consistent with how applications for retention are currently assessed by the Council.

- The stables and pool were constructed and used as part of the development approved under PA Ref. No. 11/330. The stables are available for inspection while the swimming pool has been uncovered and is also open to inspection (having been floored over due to changes in the applicant's circumstances).
- The commencement notice granted by Kildare County Council on 17th December, 2012 indicates that the development approved under PA Ref. No. 11/330 commenced on that date. While it is regrettable that the applicant did not comply with the requirements of Condition No. 2(a) of that grant of permission as regards the lodgement of a letter from an architect / engineer indicating the date on which the dwelling house was occupied, it is considered reasonable to submit that the applicable occupancy period of 7 No. years has since passed and that the necessary development contributions have been receipted as having been paid on 10th January, 2013. In this regard, the applicant has complied with the 7-year occupancy requirement and, therefore, adherence to 'local need' criteria should not apply to the subject development.
- The applicant was previously granted planning permission under PA Ref. No. 11/330 pursuant to Policy RH10 of the then Kildare County Development Plan, 2011-2017 which recognised that applicants with "exceptional health circumstances" could receive permission for a rural dwelling house. Therefore, the issue of 'local need' in its ordinary meaning (i.e. applicants that are an intrinsic part of the local area) is not a consideration in applications

approved under Policy RH10 due to 'exceptional health circumstances'. In effect, 'local need' and 'exceptional health circumstances' were to be considered as mutually exclusive otherwise there would have been no need for Policy RH10 as a standalone provision.

- The Commission is referred to the accompanying affidavit which outlines the applicant's circumstances pertinent to the subject proposal as follows:
 - The applicant moved into the subject dwelling house with his wife and children in 2013;
 - A swimming pool and stables were built and used by the applicant's family (the stables and pool are available for inspection);
 - The applicant's parents moved into the attached family flat in 2013. His father died in 2024 and his mother has moved into a nursing home; and
 - The applicant's marriage ended in 2022 and he needs to sell the property in order to fulfil financial obligations to his wife and family.

The dwelling house was originally permitted for bona fide reasons i.e. the extenuating health circumstances of the applicant at the time. The applicant's father has since passed away; his mother is now a full-time resident of a nursing home; and his marriage has ended. These are the reasons why the family flat is no longer required and why the house must now be sold.

- It is submitted that 'local need' cannot be applied retrospectively to a development which has been in place since 2011 (permission granted) / 2012 (commencement notice granted) / 2013 (development contributions paid) and therefore it is only reasonable that the Planning Authority take a more balanced view of the application.

To apply 'local need' retrospectively would set a dangerous precedent for all one-off houses. While it is acknowledged that the administrative elements of compliance were not completed, it would appear very harsh to apply 'local need' in this instance when the dwelling house was generally constructed in accordance with the grant of permission issued under PA Ref. No. 11/330.

The stables and pool were constructed and used (as can be verified on site),

a commencement notice was lodged, and development contributions were paid, which all indicate the applicant's general compliance with conditions over which he has no control.

- With respect to the second reason for refusal, Objective HO 059 of the County Development Plan states the following:

'Carefully manage Single Rural Dwelling Densities to ensure that the density of one-off housing does not exceed 30 units per square kilometre, unless the applicant is actively engaged in agriculture, or an occupation that is heavily dependent on the land and building on their own landholding'.

The language used in the rural housing density toolkit clearly implies that it is intended to apply to proposed development. Existing housing stock cannot be "managed" – managing single rural houses indicates that something is proposed or to be constructed.

Notwithstanding the foregoing, the rural density toolkit included at Appendix 11 of the County Development Plan gives clear and explicit instructions on how to calculate rural density as follows:

"Under the 'Planning' Tab, go to 'File Number Search', then enter the number (omitting any hyphens – '/'). Then click on the 'Map' tab. There are four icons towards the top left-hand corner. The fourth of these from the right, shows a circle. By moving the cursor over the circle, a 'place radius' information box appears, clicking on this links to a radius distance i.e., a 564-metre radius equates to a 1 square kilometre area; then hit the green tab 'Place Circle' – and then click on the subject site on the map¹ and the circle tool will automatically generate an image of the area of interest, and it creates a buffer circle around the planning application site (i.e., the square kilometre area). Potential applicants can also search for a local historical application and once in the map, they can place the circle over their prospective site/s as part of their preapplication evaluation".

By placing the circle tool over the subject dwelling house, there are 29 No. houses within the relevant square kilometre. If the circle is located further west there are only 27 No. houses identified while siting of the circle to the

extreme east of the application site yields 34 No. houses (Please refer to the accompanying diagrams included with the grounds of appeal).

Given that the subject development is situated on the western side of the site, it would be illogical to locate the circle tool to the extreme east of the site. It is only fair and reasonable to locate the circle tool over the existing dwelling.

Accordingly, Reason No. 2 has been addressed and can be set aside.

- The Commission is requested to grant permission for this existing, established and permitted dwelling house which has been in place in excess of the occupancy requirement of 7 No. years as attached to PA Ref. No. 11/330.

7.2. Planning Authority Response

- The Planning Authority wishes to confirm its decision to refuse permission for the proposed development and refers the Commission to the planning and other technical reports etc. on file which informed the assessment of the application.

7.3. Observations

None.

7.4. Further Responses

None.

8.0 Assessment

8.1. From my reading of the file, inspection of the site, and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development / rural housing policy
- Overall design / visual impact
- Traffic implications
- Wastewater treatment and disposal

These are assessed as follows:

8.2. The Principle of the Proposed Development / Rural Housing Policy:

- 8.2.1. In its assessment of the subject application, the Planning Authority has determined that the failure by the applicant to adhere to certain terms and conditions of the grant of permission issued previously on site under PA Ref. No. 11/330 renders it necessary for the dwelling house proposed for retention to be analysed by reference to the rural housing policy provisions of the current Kildare County Development Plan, 2023-2029 and, more particularly, the obligation to comply with the 'local need' (i.e. the economic and / or social need) requirements set out in Section 3.13.3 of that Plan. In this regard, I would draw the Board's attention to the report of the case planner wherein it is noted that the applicant was previously granted permission for a dwelling house on site due to the exceptional health needs / circumstances of his child (with the therapeutic benefits attributable to equine therapy and swimming / hydrotherapy supporting the construction of a swimming pool and stables etc. as part of that development) and that he failed to comply with Condition No. 33 of that grant of permission which required photographic evidence of the stables and swimming pool to be submitted to the Planning Authority on first occupation of the dwelling house *'to ensure that the housing need was fully addressed'*. Although the planner's report notes the contents of an affidavit prepared by the applicant (and witnessed by his solicitor) which states that the stables and swimming pool were constructed and used by the applicant's family (albeit in different locations to what was approved), it is nevertheless emphasised that a swimming pool of a lesser scale was constructed in a different part of the dwelling house to what was approved (before being floored over and converted into a bedroom) and that the permitted stables appeared to be in use as a garage for domestic storage purposes. It was thus held that the dwelling house permitted under PA Ref. No. 11/330 has not been constructed in accordance with the terms and conditions of that grant of permission (in specific reference to the exceptional health needs which warranted the approval). Therefore, on the basis that the dwelling house to be retained should be assessed from first principles by reference to the rural housing provisions of the Kildare County Development Plan, 2023-2029, and as the applicant has not submitted any documentation with a view to demonstrating compliance with the applicable 'local need' criteria, permission was refused on the grounds that the development would be contrary to Policy HO P11 as

the applicant had not sufficiently demonstrated compliance with the rural housing local needs criteria as outlined in Section 3.13.3 and Table 3.4 of the Development Plan.

8.2.2. While I would acknowledge the position adopted by the Planning Authority, I would suggest that such an approach would not be appropriate in this instance and that further consideration must be given to the planning history of the site and the fact that the subject proposal effectively amounts to the retention of certain design changes to the dwelling house previously permitted and constructed pursuant to the grant of permission issued under PA Ref. No. 11/330. Indeed, I note that the report of the case planner in the assessment of the previous application lodged on site under PA Ref. No. 2461053 (wherein the subject applicant also sought permission for the retention of the existing dwelling house) advised of the need for the development description to include reference to PA Ref. No. 11/330 so as to avoid the application being assessed against the rural housing provisions of the current Development Plan. In this respect, while it is regrettable that the subject application does not overtly state that it concerns the retention of design changes to an already permitted & constructed development, the development description does include reference to PA Ref. No. 11/330 as the 'parent' permission and, therefore, I am inclined to conclude that it is reasonable to assess the application as relating to the revision / alteration of a permitted (and constructed) development rather than the construction a 'new' dwelling house thereby negating any requirement to assess the application from first principles or for the applicant to demonstrate compliance with the rural housing criteria set out in the Development Plan.

8.2.3. In addition to the foregoing, it is of note that the existing dwelling house was constructed pursuant to the grant of permission issued for PA Ref. No. 11/330 with a commencement notice having been granted by Kildare County Council on 17th December, 2012 while the necessary development contributions are receipted as having been paid on 10th January, 2013 (with correspondence from the Planning Authority confirming that Condition No. 31 of the grant of permission had thus been complied with in full). Furthermore, the affidavit submitted with the subject application confirms that the applicant and his family moved into the dwelling house in 2013 and although his wider familial circumstances have since changed, it would appear that he remains resident in the property. In this regard, the applicant has complied with

the 7-year occupancy requirement imposed by Condition No. 2(a) of that grant of permission. Evidence has also been supplied that a swimming pool was constructed as part of the approved dwelling house (albeit on a reduced scale and in a different location to what was approved) while the stable building was constructed.

Notwithstanding that alterations may have been made to both the pool room and stables in the intervening period since the construction of the dwelling house, it appears that both these facilities were provided in some form, presumably to satisfy the 'exceptional heath' needs of the applicant's family at the time.

- 8.2.4. By way of further comment, the reason for the imposition of Condition No. 33 of PA Ref. No. 11/330 (which required photographic evidence of the stables and swimming pool to be submitted to the Planning Authority on first occupation of the dwelling house) was not *'to ensure that the housing need was fully addressed'* but simply stated the following:

'In the interest of proper development given that the heated pool and equine facilities are central to the development'.

- 8.2.5. If the Planning Authority was not satisfied as regards the applicant's compliance with the applicable rural housing criteria in its assessment of PA Ref. No. 11/330 then it could have sought further information on the matter or otherwise have chosen to refuse permission. Instead, it decided to grant permission and thus accepted the merits of the application.
- 8.2.6. In light of the planning history of the site, the development description as set out in the public notices, and noting that the existing dwelling house was constructed pursuant to PA Ref. No. 11/330 with evidence having been provided that the applicant has complied with the occupancy requirement imposed as part of that approval, it is my opinion that the subject application can reasonably be interpreted as concerning the revision / alteration of a permitted (and constructed) development rather than construction a 'new' dwelling house and therefore the need for compliance with the rural housing eligibility criteria set out in the current Development Plan does not arise.
- 8.2.7. By extension, the argument that the subject proposal would exacerbate an excessive density of development in this rural area becomes moot as the dwelling house has already been permitted and constructed pursuant to an earlier grant of permission.

8.3. Overall Design / Visual Impact:

- 8.3.1. With respect to the overall design and the visual / landscape impact of the proposed development, while it is of relevance to note that the proposed development site is located within the 'Chair of Kildare' Landscape Character Area as shown on Map Ref.: V1-13.1 of the Kildare County Development Plan, 2023-2029, which has been designated as a landscape of 'Special Sensitivity' (Class 4) wherein rural housing is considered to have a low likelihood of compatibility, in addition to the requirements of Policy HO P12 which aims to ensure that any proposed housing integrates with its surrounds and complies with the '*Rural House Design Guide*' (Appendix 4) and Chapter 15: '*Development Management Standards*' of the Development Plan, cognisance must be taken of the fact that the subject proposal effectively amounts to the retention of certain design changes to the dwelling house previously permitted and constructed pursuant to the grant of permission issued under PA Ref. No. 11/330. In this regard, the principal deviations from the development as originally approved include the omission of the swimming pool (and associated plant room) return to the rear of the dwelling house; the addition of a sunroom extension to the side of the permitted dwelling; minor revisions to the elevational treatment of the garage & storage building (the former garage and stables building); and the repositioning and reorientation of both the dwelling house and garage / storage building. Furthermore, the only elevational changes proposed as part of the subject proposal comprise the removal of an existing accessible door from within the existing dwelling house and its replacement with a window.
- 8.3.2. Having regard to the planning history of the application site, with particular reference to PA Ref. No. 11/330, and noting that the changes to the broader design and siting of the dwelling house and garage / storage building proposed for retention are relatively minor when compared to the development as originally approved (with the omission of the rear swimming pool extension serving to reduce the overall massing and scale of the construction), I am satisfied that any additional impacts on visual amenity or landscape considerations over and above those attributable to the development permitted under PA Ref. No. 11/330 are of minimal significance. Similarly, the elevational changes associated with the proposed amalgamation of the former family unit into the main residence do not give rise to any material impact from a visual amenity or landscape character perspective.

8.4. Traffic Implications:

8.4.1. The proposed development includes for the retention of the existing splayed entrance arrangement located in the southwestern corner of the application site which provides for access via a minor local road approximately 130m west of its junction with Local Road No. L7006. The need for the retention of this element of the wider development would appear to derive from revisions to its positioning when compared to that originally approved under PA Ref. No. 11/330 along with non-compliance with Condition Nos. 6 & 15 of that grant of permission which stated the following:

- Condition No. 6:

‘Wing walls and piers for the recessed entrance to the site shall comprise post and rail timber fencing not exceeding 1.2m in height.

Reason: In the interest of the visual amenity of the area’.

- Condition No. 15:

‘The recessed entrance to the site shall be constructed generally in accordance with drawing E/1516/B copy attached. The outer piers for the entrance and the new front boundary fence shall be set back a minimum of 3.0 metres from the existing road edge for the entire road frontage.

Reason: In the interest of traffic safety’.

8.4.2. Regrettably, a copy of Drg. No. E/1516/B as referred to in Condition No. 15 of PA Ref. No. 11/330 has not accompanied the subject application nor has any such drawing been provided as part of the plans and particulars forwarded to the Commission by the Planning Authority with respect to PA Ref. No. 11/330. However, I would acknowledge that the entrance as constructed is located marginally closer to the junction to the east than was previously approved while the entrance piers exceed 1.2m in height in contravention of Condition No. 6 of PA Ref. No. 11/330. Nevertheless, it is my opinion that the deviations to the design and siting of the entrance arrangement from that originally approved under PA Ref. No. 11/330 are comparatively minor and do not give rise to any significant concerns from either a visual amenity or traffic safety perspective. The existing site entrance is relatively discrete and benefits from mature planting to both sides while adequate sightlines

are available in each direction on exiting the property onto the public road in keeping with the broader requirements of Condition No. 17 of PA Ref. No. 11/330 which states the following:

'Lines of sight at the recessed entrance to the site shall be provided strictly in accordance with D.M.R.B. document (TD 41-42/09).

Reason: In the interest of traffic safety'.

- 8.4.3. Accordingly, having regard to the foregoing, and noting that the Transport, Mobility and Open Space Department of the Local Authority raised no objection as regards the development to be retained, I am satisfied that the existing entrance construction is acceptable.

8.5. Wastewater Treatment and Disposal:

- 8.5.1. From a review of the available information, it is apparent that the locations of the wastewater treatment system and percolation area as constructed on site differ from those originally approved under PA Ref. No. 11/330. In this regard, the wastewater treatment system has been repositioned to the rear of the dwelling house while the percolation area has been located further east (beyond an additional section of driveway not included as part of the original development proposal). Given that the treatment system itself is a closed module and its revised siting along with that of the percolation area / polishing filter would appear to achieve the necessary minimum separation distances as per the EPA's *'Code of Practice for Domestic Waste Water Treatment Systems, 2021'*, I am amenable to the retention of this aspect of the development as constructed, subject to adherence to the remaining relevant conditions attached to PA Ref. No. 11/330 as regards the design, installation, operation and maintenance of the system.
- 8.5.2. With respect to the report prepared by the Environment Section of the Planning Authority which has raised concerns as regards the capacity of the existing treatment system to accommodate the additional loadings consequent on the development proposed to be retained, with specific reference to the provision of an additional bedroom through the conversion of a space that was originally approved as a music therapy room but which was ultimately used to accommodate an indoor pool, I would advise the Commission that the existing dwelling house at present includes for 8 No. bedrooms i.e. one additional bedroom over the 7 No. bedrooms approved under PA

Ref. No. 11/330. In this regard, I refer to Section 3.3: '*Waste Water Flow*' and Table 3.2: '*Calculation of design capacity based on size of dwelling served*' of the EPA's '*Code of Practice for Domestic Waste Water Treatment Systems*' which sets out the methodology to be applied in calculating the necessary design capacity for a wastewater treatment system based on population equivalent by reference to the number of bedrooms within the dwelling house. The Code of Practice advises that the total design wastewater load should be established from the maximum population that can inhabit the premises based on the number of bedrooms. Moreover, for the purposes of the Code of Practice, the minimum house size is deemed to be two bedrooms, which equates to a design capacity of 4 PE, and for every additional bedroom, irrespective of size, an additional 1 PE is to be added. Therefore, in accordance with Table 3.2, an 8-bedroom house such as that proposed for retention would give rise to 10 No. Population Equivalent.

8.5.3. On the basis that the wastewater treatment system approved under PA Ref. No. 11/330 was an Oakstown BAF PE-15 Sewage Treatment System with a stated maximum design capacity of 15 No. persons, and noting that Condition Nos. 25, 26 & 27 of the grant of permission issued for PA Ref. No. 11/330 all referred to the installation of that system, it would be reasonable to conclude that said system would have sufficient capacity to accommodate the development proposed for retention provided it was installed as per the approval. However, with respect to the subject development, it is of note that in response to Question No. 20 of the application form as regards the wastewater treatment arrangements on site the applicant has indicated that a 'SEPCON' sewage treatment system has been installed on site (despite not being shown as forming part of the development proposed for retention). No further details of this particular treatment system have been provided and, therefore, its design capacity is unclear.

8.5.4. At this point, I would draw the Board's attention to the PA Ref. No. 2461053 (the planning application lodged on site prior to the subject application) wherein the response to Question No. 20 of that planning application form refers to the installation of a 'SEPCON' sewage treatment system despite the application itself being accompanied by a signed, dated (24th August, 2023) and receipted maintenance contract entered into between the subject applicant (Mr. Christopher

Nolan) and O'Reilly Oakstown Limited as regards an 'Oakstown Domestic BAF Waste Water Treatment System' installed at the subject site.

- 8.5.5. On balance, the maintenance agreement submitted with PA Ref. No. 2461053 would seem to support the scenario that the 'Oakstown BAF PE-15 Sewage Treatment System' approved under PA Ref. No. 11/330 has been installed pursuant to that permission and, therefore, it would be reasonable to surmise that the extant wastewater treatment system has adequate capacity to accommodate the additional loadings consequent on the development proposed for retention.
- 8.5.6. In the event the Commission is not satisfied as regards the precise nature or capacity of the existing wastewater treatment system on site, it may wish to seek further information on the matter or to address the issue by way of condition.

9.0 AA Screening

9.1. Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive):

- 9.2. I have considered the proposed development, which comprises the retention of an existing detached, single-storey dwelling house ('Larkfield') with non-habitable attic space (including a ground floor integrated family unit with accessible entrance) served by an existing wastewater treatment system which discharges to ground via a percolation area in accordance with EPA standards; a domestic garage & storage building; a recessed entrance arrangement; and all associated site works, along with the proposed integration of the family unit back into the main house and the removal of an existing accessible door and its replacement with a window, all at Punchersgrange, Newbridge, Co. Kildare, in light of the requirements S177U of the Planning and Development Act, 2000, as amended.
- 9.3. (Please refer to Section 2.0 of this report for a more detailed description of the proposed development).
- 9.4. The proposed development site is located in the rural townland of Punchersgrange, Co. Kildare, approximately 7.6km northwest of Newbridge and 6km east of Rathangan, where it occupies a corner plot to the immediate northwest of the junction of Local Road No. L7006 with the Punchersgrange and Blakestown roads.

While the surrounding landscape is primarily one of undulating rural countryside, there is a considerable concentration of piecemeal one-off housing and linear / ribbon development along the roadways in the area, with particular reference to sections of Local Road No. 7006 to the southeast on the approach to the village of Milltown. Adjacent lands are generally in agricultural use with a dwelling house and an associated farm complex located on neighbouring lands to the immediate northwest. The subject site is not located within or adjacent to any European Site with the closest such sites as follows:

- Pollardstown Fen Special Area of Conservation (Site Code: 000396), approximately 3.35km southeast of the site.
- Mouds Bog Special Area of Conservation (Site Code: 002331), approximately 3.73km east of the site.

9.5. No nature conservation concerns have been raised in the planning appeal.

9.6. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

9.7. The reasons for this conclusion are as follows:

- The nature and scale of the development;
- The location of the development site and its distance from the nearest European site(s), and the absence of hydrological or other ecological pathways to any European site; and
- The contents of the appropriate assessment screening report and conclusion statement completed by Kildare County Council.

9.8. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

9.9. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act, 2000) is not required.

10.0 Water Framework Directive

- 10.1. The subject site is located in the rural townland of Punchersgrange, Co. Kildare, approximately 7.6km northwest of Newbridge and 6km east of Rathangan, where it occupies a corner plot to the immediate northwest of the junction of Local Road No. L7006 with the Punchersgrange and Blakestown roads. The surrounding landscape is primarily one of undulating rural countryside, however, there is a considerable concentration of piecemeal one-off housing and linear / ribbon development along the roadways in the area, with particular reference to sections of Local Road No. 7006 to the southeast on the approach to the village of Milltown. The site is situated within the Cloncumber Stream _020 WFD River Sub Basin (IE_SE_14C170250) and the Kildare Ground Water Body (IE_SE_G_077) which has 'Good' chemical, quantitative and overall GW status.
- 10.2. The subject proposal comprises the retention of an existing detached, single-storey dwelling house ('Larkfield') with non-habitable attic space (including a ground floor integrated family unit with accessible entrance); a domestic garage & storage building; a recessed entrance arrangement; and all associated site works, along with the proposed integration of the family unit back into the main house and the removal of an existing accessible door and its replacement with a window. The existing and proposed developments are to be served by an extant wastewater treatment system discharging to ground via a percolation area in accordance with EPA standards. Surface water runoff is directed to an on-site soakpit. A water supply is available via a private bored well on site.
- 10.3. No water deterioration concerns were raised in the planning appeal.
- 10.4. I have assessed the existing dwelling house, garage and entrance arrangement proposed for retention, along with the proposed integration of the family unit back into the main house and associated works, all at Larkfield, Punchersgrange, Newbridge, Co. Kildare, and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be

eliminated from further assessment because there is no conceivable risk to any surface and / or groundwater water bodies either qualitatively or quantitatively.

10.5. The reason for this conclusion is as follows:

- The small scale and nature of the development,
- The adequacy of the proposed wastewater treatment and disposal arrangements, and
- The nature of the receiving environment.

10.6. Conclusion

I conclude that on the basis of objective information, that the both the proposed development and the development proposed to be retained will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment

11.0 Recommendation

11.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be overturned in this instance and that permission & permission for retention be granted for the proposed development for the reasons and considerations, and subject to the conditions set out below.

12.0 Reasons and Considerations

12.1. Having regard to the planning history of the site, with particular reference to planning register number 11/330, the pattern of development in the area, the nature of the development proposed for retention, and to the provisions of the Kildare County Development Plan, 2023 – 2029, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of siting, design and wastewater treatment, would not seriously injure the visual amenities of the area or the amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would constitute an appropriate

development in this rural location. The development proposed to be retained and carried out would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, 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 within three months of the date of this order and the development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall be retained, carried out and completed in accordance with the terms and conditions of the permission granted on the 17th day of November, 2011 under planning register reference number 11/330, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is retained, carried out and completed in accordance with the previous permission.

3. 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 within three months of the date of this order 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 Bord 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Robert Speer
Senior Planning Inspector

29th September, 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

Case Reference	ACP-322839-25
Proposed Development Summary	Retention for existing detached single storey house with non-habitable attic space which includes a ground floor integrated family unit with accessible entrance. Permission is required to remove the existing kitchen in the family unit and integrate the family unit back into the main house (as per conditioned parent planning application 11/330) and permission is required to remove the existing accessible door and replace it with a window. Retention permission is also required for the detached single storey domestic garage and storage building as constructed located to the rear of the existing house, recessed entrance as constructed and all associated site works.
Development Address	Larkfield, Punchersgrange, Newbridge, Co. Kildare.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No. No further action required.

2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b)(i): Threshold: 500 No. dwelling units Proposal: 1 No. dwelling house

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4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Form 2 - EIA Preliminary Examination

Case Reference	ACP-322839-25
Proposed Development Summary	Retention for existing detached single storey house with non-habitable attic space which includes a ground floor integrated family unit with accessible entrance. Permission is required to remove the existing kitchen in the family unit and integrate the family unit back into the main house (as per conditioned parent planning application 11/330) and permission is required to remove the existing accessible door and replace it with a window. Retention permission is also required for the detached single storey domestic garage and storage building as constructed located to the rear of the existing house, recessed entrance as constructed and all associated site works.
Development Address	Larkfield, Punchersgrange, Newbridge, Co. Kildare.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development comprises the retention of an existing detached, single-storey dwelling house ('Larkfield') with non-habitable attic space (including a ground floor integrated family unit with accessible entrance); a domestic garage & storage building; a recessed entrance arrangement; and all associated site works, along with the proposed integration of the family unit back into the main house and the removal of an existing accessible door and its replacement with a window. The existing and proposed developments are to be served by an extant wastewater treatment system

	discharging to ground via a percolation area in accordance with EPA standards. Given the surrounding pattern of development in the area, the proposal is not considered exceptional in the context of the receiving environment. Wastewater treatment will be required to adhere to the Environmental Protection Agency's 'Code of Practice: Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)'. It is considered that there are no environmental implications with regard to the size, design, cumulation with existing / proposed development, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The proposed development site is located in a rural area where it occupies a corner plot to the immediate northwest of the junction of Local Road No. L7006 with the Punchersgrange and Blakestown roads. The surrounding landscape is primarily one of undulating rural countryside, however, there is a considerable concentration of piecemeal one-off housing and linear / ribbon development along the roadways in the area, with particular reference to sections of Local Road No. 7006 to the southeast on the approach to the village of Milltown. Adjacent lands are generally in agricultural use with a dwelling house and an associated farm complex located on neighbouring lands to the immediate northwest.

	The proposed development site is located within the 'Chair of Kildare' Landscape Character Area as shown on Map Ref.: V1-13.1 of the Kildare County Development Plan, 2023-2029. This LCA has been designated as Class 4 (Special Sensitivity). Mature boundaries define the southern, eastern and western site boundaries while the remaining northern site boundary is demarcated by post and wire fencing. The design & visual impact of the proposal are considered further in the planning assessment of the Inspector's Report. Concerns as regards the protection of ground and surface waters can be satisfactorily mitigated through the implementation of suitable measures / controls. The Grand Canal Proposed Natural Heritage Area (Site Code: 002104) is located approximately 2.15km east of the site. The Pollardstown Fen Special Area of Conservation (Site Code: 000396) is approximately 3.35km southeast of the site while the Mouds Bog Special Area of Conservation (Site Code: 002331) is c. 3.73km to the east. Screening for the purposes of appropriate assessment has concluded that the proposed development would not be likely to have a significant effect on any European site. There are no further environmental sensitivities in terms of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural
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	environment e.g. wetlands, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the scale of the proposed development (i.e. a single dwelling house served by an on-site wastewater treatment system) and the nature of the works associated with the development, its location removed from any sensitive habitats / features, the likely limited magnitude and spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environment factors listed in Section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)