



## Inspector's Report

**PL-500118-KE**

<b>Development</b>	Change of use from stables, for ancillary use to main house with associates works.
<b>Location</b>	Portolino, Hazelhatch, Celbridge, Co.Kildare.
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	2560903
<b>Applicant(s)</b>	Robert Wardell
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Robert Wardell
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	20 <sup>th</sup> April 2026
<b>Inspector</b>	Matthew O'Connor

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Appendix 1: Form 1 EIA Pre-Screening

Appendix 2: Form 2 - EIA Preliminary Examination

## 1.0 Site Location and Description

- 1.1. The appeal site is 0.404ha and located in the townland of Stacumny some 4km to the east of Celbridge, Co. Kildare. The site is irregularly shaped and accessed from a local road by an agricultural gate and hard-surfaced lane. The majority of the site is to the rear of an established one-off dwelling (the applicant's principal residence) and comprises a detached storey and a half stable building with surrounding area of hardstanding. The remainder of the site is a grassed field. The site boundaries comprise a mixed hedgerow to north; post and rail timber fence to the west and south; and, planted hedge to the east with the applicant's residence.
- 1.2. The immediate locality is rural in nature despite the general proximity to Celbridge and western periphery of Dublin. The topography is generally flat and the area is characterised by agricultural holdings and one-off rural dwellings of varying styles situated between Grand Canal (east) and the South Western Commuter rail line (north). There are no Protected Structures or Recorded Sites and Monuments located within or immediately adjacent to the appeal site.

## 2.0 Proposed Development

- 2.1. The proposed development seeks permission for the change of use from agricultural stables to ancillary domestic use to the main house. The primary works comprise the following:
  - Single storey extension (35sq.m) to the side of existing structure to provide a living area;
  - Single storey extension (7.4sq.m) to the front of the house to provide a larger kitchen and bedroom;
  - Entrance Porch (6.6sq.m);
  - Exterior insulation to existing structure; and,
  - Ancillary works to service the structure.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. The Planning Authority refused permission for the proposed development for the following reason:

1. *Objective HO 043 of the Kildare County Development Plan 2023 – 2029 ‘requires applicants to demonstrate that they do not own or have not been previously granted permission for a one-off rural dwelling in Kildare.’ Having regard to the fact that the Applicant was previously granted and currently owns a dwelling in a rural area, it is considered that the Applicant does not have a genuine need for a second dwelling in a rural area and to permit the dwelling would contravene materially the provisions of Objective HO 043 of the Kildare County Development Plan 2023-2029 and would therefore, be contrary to the proper planning and sustainable development of the area.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Report

- The Planner’s Report had regard to the submitted documentation, locational context of the site, planning history on the site, relevant sections of the Development Plan and inter departmental/referral reports.
- The Planning Authority noted scope of works proposed and that a proposed Site Layout Plan was not received.
- The assessment of the development noted the applicant’s rationale/need for the conversion of the building along with supporting documentation.
- The Planning Authority had regard to the policy provisions in the Development Plan – namely HO P22; HO P11; and, HO O43.
- The Planning Authority’s assessment informed that the applicant must demonstrate compliance with Table 3.4 of the Development Plan in terms of Local Need criteria. There was serious concerns that a sufficient need has not been demonstrated for the provision of a second dwelling for the applicant in this Rural Area and that the application would be contrary to HO O43 of the Development Plan.
- It was recommended that permission be refused.

### 3.2.2. Other Technical Reports

- Area Engineer – No objection, subject to conditions
- Roads Department – No objection, subject to conditions.
- Water Services – No objection, subject to conditions.
- Chief Fire Officer – No objection
- Environment - No objection, subject to conditions.

### 3.3. **Prescribed Bodies**

- Uisce Eireann – No response to referral.
- Environmental Health Officer – No response to referral.

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

- None.

## 4.0 **Planning History**

4.1. The following planning history is associated with the appeal site:

**25/60239** Permission REFUSED for change of Use permission for development from agricultural stables to ancillary domestic use to the main house. The development consists of the following. 1. Single storey extension of 35sqm. to the side of existing structure to provide a living area. 2. Single storey extension to the front of the house of 7.4sqm to provide a larger kitchen and bedroom. 3. Entrance Porch of 6.6sqm. 4. Exterior insulation to existing structure and ancillary works to services to the structure. Applicant: Robert Wardell.

4.2. The refusal reason is stated as follows:

1. *It is the policy of the Kildare County Development Plan 2023-2029 under HO P11 and Section 3.13.3 to focus the provision of one-off housing in the rural countryside to the category of 'local need', subject to compliance with normal planning criteria including siting and design considerations. In the absence of specific documentation and documentary evidence including but not limited to the Rural Housing Planning Application Form, it is*

*considered that the Applicant has not demonstrated compliance with Local Need Criteria of the Kildare County Development Plan 2023-2029. The proposed development would be contrary to Section 3.13.3 and 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.*

**70/9423** Permission GRANTED to erect a house at Stacumny Cottage, Celbridge. Applicant: RB Wardell.

4.3. The Planner's Report indicates the following Planning Enforcement history on the site:

**UD7228** Warning Letter issued to Robert Wardell on 05/02/2019 stating the following unauthorised development may have been carried out (1) Change of use of single storey annex building from home office to one-bedroom self-contained dwelling unit; and, (2) connection of unauthorised dwelling unit to septic tank. STATUS: Case closed in 2022.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The Kildare County Development Plan 2023-2029 is the relevant Development Plan for the subject site.

5.1.2. Chapter 3 relates to Housing and Section 3.13: 'Sustainable Rural Housing' is of relevance to the subject development. Map 3.1: Rural Housing Policy Zones demonstrates that the appeal site is located within 'Zone 1' - Areas under Strong Urban Influence. In this area, it will be an objective of the Council to facilitate the provision of single housing in the countryside based on the 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.

5.1.3. For an applicant to be considered for a one-off dwelling in the rural area of Kildare, compliance with the policy provisions outlined in Section 3.13.3: 'Compliance with the Rural Housing Requirements' is required whereby a genuine housing need and a social and/or economic need to live in rural County Kildare is demonstrated. To this end, urban generated rural housing will not be considered. For the purposes of

demonstrating compliance, the Development Plan provides a definition of 'Economic' and 'Social' need in the context of rural housing policy which is 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 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 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 Criteria	
<b>Category A - Economic</b>	<b>Zone 1:</b> Areas under Strong Urban Influence	<b>Zone 2:</b> Stronger Rural Areas
<p>i. A <b>farmer</b> 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</p> <p>or</p> <p>iii. <b>An owner and operator of a farming/horticultural/ forestry / bloodstock/ animal husbandry business</b> on an area less than 15ha.</p>	<p>A farmer (for this purpose) is defined as a landowner with a holding of &gt;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.</p> <p>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.</p>	
<b>Category B - Social</b>	<b>Zone 1:</b> Areas under Strong Urban Influence	<b>Zone 2:</b> Stronger Rural Areas
<p>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</p>	<p>Applicants must have grown up and spent <b>16 years</b> living in the rural area of Kildare and who seek to build their home in the rural area on their family landholding.</p> <p>Where no land is available in the family ownership, a site within <b>5km of the applicant's family home</b> may be considered.</p>	<p>Applicants must have grown up and spent <b>16 years</b> living in the rural area of Kildare and who seek to build their home in the rural area on their family landholding.</p> <p>Where no land is available in the family ownership, a site within <b>5km of the applicant's family home</b> may be considered.</p>

*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.*

5.1.4. The following rural housing policies/objectives are considered to be most relevant in respect of the subject development:

*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 O43 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 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 O47 Recognise that exceptional health circumstances, supported by relevant documentation from a registered medical specialist, may require a person to live in a particular environment. Housing in such circumstances will generally be encouraged in areas close to existing services and facilities and in Rural Settlements. All planning permissions for such housing granted in rural areas shall be subject to a ten-year occupancy condition.*

*Objective HO O48 Encourage the appropriate re-use and adaptation of the existing rural residential building stock as a sustainable alternative to new build.*

5.1.5. Section 3.13.4 of the Development Plan relates to the Siting and Design. The following policies/objectives are considered to be relevant:

*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.*

*Policy HO P16 Consider proposals for backland development for family members only. Proposals for such development must demonstrate that the proposed development would not have a negative impact on third parties/neighbouring property owners by way of overlooking/ orientation of dwelling. Sufficient screening will be required to be provided and proposal for this shall be submitted with the planning application and must be in place prior to occupation of the dwelling. Particularly sensitive design approaches should be considered in these instances.*

*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 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.*

5.1.6. Section 3.13.5 of the Development Plan relates to the Restoration/Refurbishment of Traditional Structures. The following policy are considered to be relevant:

*Policy HO P22 Positively accept any brown field residential site, non-habitable dwelling or farm buildings irrespective of their condition, as a viable alternative to a new residential build in a rural area. Rural density figures or limits will not apply to applicants who comply with the local need criteria<sup>5</sup>.*

*\*Footnote 5: Rural density limits set out in Objective HO O59 will not apply to applicants restoring or refurbishing existing farm structures or non-habitable dwellings who comply with the local need criteria.*

5.1.7. Section 3.14 of the Development Plan is relevant as it relates to Rural Residential Density. The following policy and objective are of relevance and associated with the aforementioned Policy HO P22:

*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<sup>10</sup> 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.*

5.1.8. Section 3.15 relates to Environmental and Technical Considerations and provides policy on Domestic/On-site Wastewater Treatment Systems. Section 3.16 relates to Access and Entrances and includes a number of policies. Section 3.18 relates to Technical Considerations for Rural Housing Proposals in County Kildare.

5.1.9. The following appendices of the Kildare County Development Plan 2023-2029 are also considered to be relevant:

- Appendix 4 – Rural House Design Guide
- Appendix 10 – Rural Housing Policy Report

## **5.2. Relevant National or Regional Policy & Ministerial Guidelines**

- *National Planning Framework - First Revision, 2025.*
- *Sustainable Rural Housing Guidelines for Planning Authorities, 2005.*
- *EPA Code of Practice – Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ), 2021.*

## **5.3. Natural Heritage Designations**

5.3.1. The appeal site is not located within or immediately adjoining any designated Natura 2000 sites. The nearest designated sites are Rye Water Valley/Carton Special Area of Conservation (Site Code: 001398) which is located approximately 3.94km to the north of the site; the Glenasmole Valley Special Area of Conservation (Site Code: 001209) which is located approximately 11.82km to the southeast of the site; the Wicklow Mountains Special Area of Conservation (Site Code: 002122) which is located approximately 13.18km to the southeast of the site; and, the Red Bog, Kildare Special Area of Conservation (Site Code: 000397) which is located approximately 14.44km to the southwest of the site. The appeal site is also 0.35km to the northwest of the Grand Canal (Site Code: 002104) proposed Natural Heritage Area (pNHA).

## 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

7.1.1. The First Party appeal has been prepared on behalf of the applicant against the Planning Authority's decision to refuse permission. The grounds of appeal are summarised as follows:

- The Planning Authority's reason for refusal relies on Objective HO 043 of the Development Plan. This objective appears to lead to the conclusion that the applicant, by merit of their existing accommodation, does not have a genuine need and consequently, the proposal does not represent proper planning and sustainable development.
- The applicant's home, Portolino, is not a one-off rural dwelling.
- Permission granted under Reg. Ref. 70/9423 does not have a condition which restricts the applicant's future housing rights.
- No covenants were tendered removing the possibility to change the use and make alterations to an existing building.
- Portolino was granted 55 years ago, the One-Off rural housing provisions in Kildare first appeared in the Development Plan in 1999.
- Mobility building regulations did not exist in Kildare 55 years ago.
- The validity of the retrospective designation of Portolino as a one-off rural house is queried. One-off rural housing is a necessary construct, carrying with it definition and rules. For reasons of fairness, it is rare for any rule-based construct to be applied retrospectively.

- The applicant was not granted permission for a one-off rural dwelling in Kildare in 1970, Portolino is a rural house in Kildare.
- Portolino is no longer suited to the applicant's needs and is at a point where plans need to be progressed.
- The assessment of need requires consideration of facts beyond the existence of a Development Plan objective.
- The assertion that the applicant does not have a genuine need has not been substantiated and is not true.
- Proper planning provides for aging residents to remain in their local area and to remain as independent as possible.
- The proposal is sustainable due to the modest works to provide comfort and accessibility to an existing underutilised building and facilitates beneficial use with modest resource consumption.
- Analogous approaches are taken in such schemes as the Derelict Homes scheme and in this case, it is not the fabric but the use that has been abandoned.
- No green field development is proposed, and no unsustainable precedent is set.

## 7.2. **Planning Authority Response**

- A response has been received from the Planning Authority which confirms its decision.

## 7.3. **Observations**

- None.

## 8.0 **Assessment**

Having examined the application details and all other documentation on file, the reports of the Planning Authority, having conducted an inspection of the site, and having reviewed relevant local policies and guidance, I consider that the main issues in this First Party appeal can be addressed under the following relevant headings:

- Principle of Development
- Design & Siting

- Access & Services
- Appropriate Assessment (Screening)

## 7.1. Principle of Development

7.1.1. The Planning Authority's decision to refuse permission is based on the consideration that the development does not comply with Objective HO 043 of the Development Plan. This objective requires that applicants demonstrate that they do not own or have not been previously granted permission for a one-off rural dwelling in Kildare. The Planning Authority consider that the applicant was previously granted and currently owns a dwelling in a rural area and so does not have a genuine need for a second dwelling in a rural area.

7.1.2. The grounds of appeal contend that the applicant's home is not a one-off rural dwelling but rather a rural house in County Kildare. It is stated that permission was granted in or around 1970 which was prior to any Development Plan provisions on one-off houses. It is further claimed in the appeal that there are no conditions attached with the applicant's previous permission which restrict the applicant's future housing rights and that there are no covenants removing the possibility to change the use and make alterations to an existing building. The appeal states that the applicant's existing home is no longer suited to their needs and that the assessment of this application requires assessment of facts that are beyond a Development Plan objective. The applicant is of the view that the assertion of the Planning Authority that they do not have a genuine need has not been substantiated and is not true. It is contended that proper planning provides for aging residents to remain in their locality and to remain as independent as possible. It is also considered that the proposal is sustainable on account of the works being modest and will make uses of an existing underutilised building.

7.1.3. In my consideration of the proposal before the Commission, I note that the applicant seeks to change the use of an existing agricultural stables to ancillary domestic use to the main house. The rationale provided by the applicant for the change of use is based on mobility and accessibility needs and a desire to remain close to family members. The stable building to be converted is located on its own site with separate access which is to the rear of the applicant's current residential property.

- 7.1.4. In my view, the change the use of stable to domestic use will result in the creation of a new residence and therefore, the provisions of the Development Plan in terms of rural housing are a primary a consideration of this proposal. To this end, the applicant must demonstrate their compliance with the parameters outlined in Section 3.13.3 (Compliance with the Rural Housing Requirements) of the Development Plan to be considered for a one-off rural dwelling. Policy HO P11 of the Development Plan seeks to facilitate, subject to 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 of the Development Plan), the accompanying Schedule of Category of Applicant and Local Need Criteria set out in Table 3.4 of the Development Plan and the relevant objectives (HO O43 – HO O49) of the Development Plan.
- 7.1.5. The appeal site is located within 'Zone 1' (Areas under Strong Urban Influence) as indicated in Map 3.1 of the Development Plan. To determine compliance with the Rural Housing Policy, an applicant must either have a demonstrable 'economic' or 'social' need to live in the rural area of Kildare. An 'economic' need is defined as 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; or, a 'social' need, which is defined as a person who has resided in a rural area for a substantial period of their lives i.e. 16 years within 5km (Zone 1) of the site where they intend to build.
- 7.1.6. The relevant criteria for considering an 'economic' or 'social' need is set out in Table 3.4: 'Schedule of Local Need Criteria' of the Development Plan (see section 5.1.3 of this report) and relates to NPO 19 of the National Planning Framework. On the submitted Rural Housing Planning Application Form, the applicant states that they have resided in the rural area of County Kildare for at least 16 years and that they have owned/been granted planning permission for a dwelling in County Kildare previously. The applicant has indicated that need for the proposed dwelling is 'downsizing and adaptation to mobility need of senior occupant'. The applicant states that they comply with Category B – a social need of Table 3.4 of the Development Plan. In support of the planning application, the applicant has submitted evidential documentation to demonstrate their social need. I have reviewed this documentation which includes, but is not limited to, personal information of the applicant's birth, a utility bill, an insurance correspondence, a financial correspondence, a GP letter and Land Registry folios.

- 7.1.7. From an examination of the information and evidential documentation submitted on the appeal file, I acknowledge the applicant's 'social' connections to the subject area by residing in the townland of Stacumny for a considerable portion of their life. However, I also note that the applicant has clearly indicated that they are the owner and resident of the adjacent dwelling neighbouring/adjoining the appeal site and that they were previously granted planning permission for this dwelling. Therefore, on the basis of the information provided, I am not satisfied that the applicant has sufficiently demonstrated a social need for a second rural dwelling house on the subject site which is in compliance with the provisions of the Development Plan. If permitted, I consider that the provision of a second dwelling/house at this location would result in a haphazard and unsustainable form of development in this rural area which 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 and also undermine the settlement strategy set out in the Development Plan. The proposed development would, therefore, be contrary to Policy HO P11 and Objective HO O43 of the Kildare County Development Plan 2023-2029. I recommend that permission be refused.
- 7.1.8. As a further point to the above, I do not accept the applicant's contention that the existing dwelling is not a one-off rural dwelling but rather a rural dwelling in Kildare. In my view there is considerable commentary at local and national level regarding sustainable rural development, defining rural areas and setting out rural housing requirements. Furthermore, I do not consider that the applicant's rationale/reasoning of the subject development is such that it requires assessment which lies beyond the provisions of the Development Plan. The policy provisions regarding rural development exist to carefully manage and protect the countryside from inappropriate and unsustainable forms of development.
- 7.1.9. In addition to my consideration of the subject development and in the interests of clarification, I refer to the assessment of the Planning Authority which made reference to Policy HO P22 of the Development Plan. This policy seeks to positively accept any brown field residential site, non-habitable dwelling or farm buildings irrespective of their condition, as a viable alternative to a new residential build in a rural area. This policy also states that rural density figures or limits will not apply to applicants who comply with the local need criteria. I note that this policy is contained in Section 3.13.5:

'Restoration/Refurbishment of Traditional Structures' and the commentary relates to County Kildare's significant number of attractive vernacular structures within the rural area and that rather than risk the loss of the built heritage through dereliction that the retention and sensitive refurbishment of vernacular buildings within the county will be promoted and encouraged. The subject building, in my view, is not a vernacular or traditional building as it is evident that this stable is a relatively recent build. However, the wording of Policy HO P22 is not clear that consideration of development is restricted to traditional/vernacular buildings when referring to 'farm buildings irrespective of their condition as a viable alternative to a new residential build in a rural area'. Nevertheless, this policy does refer to applicants needing to comply with local needs criteria. As set out above, I am not satisfied that applicant has provided a demonstrable social need for a second house/residence on the appeal site.

## **7.2. Siting and Design**

- 7.2.1. The Planning Authority set out the nature of the proposed works but did not assess the siting, design or layout against the provisions of the Development Plan. In considering the siting and design, I note the development, as described in the statutory notices consists of the change of use from agricultural stables to ancillary domestic use to the main house. The existing stable building has the appearance of a recently constructed building. It is detached and storey and a half with a dual-pitched roof. The floor area is indicated at 66sq.m and has a height of 5.664 metres. The submitted planning drawings demonstrate two stables at ground floor level with an attached toilet to the rear. The upper level, indicated as a store is accessed via an external stairs.
- 7.2.2. The proposed works include a single storey extension to the side (west) of the building with an area of 36sq.m to provide a living area; a new front extension with an area of 7.4sq.m to provide a kitchen and bedroom; and, the provision of a new front entrance porch with an area of 6.6sq.m. The works will incorporate internal modification and reconfiguration to provide a kitchen/dining/living area and en-suite master bedroom. The existing toilet will also be internalised within the building. There are not works proposed to the upper floor level which is indicated as remaining as a store access from the external stairs. The development will also include exterior insulation to existing structure, and I note that the building will be finished with render to match the existing elevations and the roof will also match the existing slate finish.

7.2.3. While I note that the area of the proposed extensions, at approximately 52sq.m, represents a 79% increase of the floor area of the existing stable building, I am cognisant that the proposed residence is quite modest in size and there are no prescribed floor area limitations on extensions of a domestic nature in the Development Plan. I consider that the proposed change of use would be largely in accordance with Appendix 4: Rural House Design Guide of the Development Plan in terms of height, form/shape/proportions and materials. In terms of siting, it is my view that the change of use of this stable building to a dwelling would constitute backland development as it is located to the rear of the principal residence. I note in this regard that the Policy HO P16 of the Development Plan allows for consideration of proposals for backland development for family members only and that such proposals must demonstrate that the development would not have a negative impact on third parties/neighbouring property owners by way of overlooking/ orientation of dwelling. Given the orientation of the stable building, the intended ground floor only use and existing planted boundary, I consider that the development would not result in detrimental impacts on the amenity of the principal dwelling.

7.2.4. With the above in mind, I consider that the approach of proposed conversion of the stable building to residence use is broadly in accordance with the policy provisions in terms of Siting and Design in the Development Plan. Notwithstanding, I have previously outlined my concerns regarding the principle of the development and that permission should be refused on that consideration.

### 7.3. **Access & Services**

#### Access

7.3.1. The proposed development is to be served an existing entrance and hard-surfaced lane to the immediate south of the principal residence from the L-6005. No details have been submitted with the application in terms of any upgrades, layout or finishes of this access of the entrance which has a largely agricultural-type appearance. The application was referred to the Transportation, Mobility and Open Spaces Department and the Celbridge/Leixlip Municipal District Office of Kildare County Council who raised 'no objection' to the proposed development, subject to conditions which include the upgrade of the existing agricultural and residential entrance to a Double Recessed

Entrance in accordance with Kildare County Council's Drawing No. E3639-2; and, along with standard drainage and maintenance/sightline requirements.

- 7.3.2. Having inspected the lands and observed the relatively lightly trafficked nature of the road along with its straight alignment and, having reviewed the comments from the Planning Authority on the appeal file; I consider that the entrance arrangement as recommended by the Transportation, Mobility and Open Spaces Department would be appropriate. I am satisfied that a combined recessed entrance would not endanger public safety by reason of traffic hazard. In the event that the Commission considers that this development be granted, a similarly worded condition could be attached requiring the construction of an entrance in accordance with Kildare County Council's Drawing E/3639-2.

#### Wastewater Treatment

- 7.3.3. The proposed development will be served by a new domestic wastewater treatment system (DWWTS). In assessing the wastewater treatment for the proposed development, I note that Policy Objective HO P27 of the Development Plan requires *'all applications to demonstrate, to the satisfaction of the Planning Authority that the proposed development site can accommodate an on-site wastewater treatment system in accordance with the EPA Code of Practice for Wastewater Treatment Systems for single houses (2021), the County Kildare Groundwater Protection Scheme, and any other relevant documents / legislation as may be introduced during the Plan period'*.
- 7.3.4. I have reviewed the Site Characterisation & Assessment Report with the submitted appeal file. The Site Characterisation Form (SCR) indicates the site as being in an area which has a Locally Important Aquifer Category with high groundwater vulnerability. The SCR informs that a 2.1 metre deep trial hole was dug and that the soil/sub-soil is classified as topsoil which is crumb and firm to approximately 0.4 metres deep and gravelly clay which is granular and loose between 0.5 metres to 2.1. The water table was not indicated as being encountered. The percolation test is indicated as being 22.00 at surface and 26.00 at sub-surface. Section 4.0 (Conclusion of Site Characterisation) of the SCR indicate that the site is suitable for development and that a septic tank system, secondary treatment system and tertiary treatment system are all suitable options with a discharge to groundwater. Section 5.0 (Selected DWWTS) of the SCR proposes to install a Secondary Treatment System and Soil Polishing Filter

to discharge to ground water. A 6 PE BAF system is recommended based on an occupancy of 4 PE.

- 7.3.5. There is a report from the Environment Section of Kildare County Council on the appeal file which indicates 'no objection' to the proposed wastewater treatment system, subject to a number of conditions in relation to installation and maintenance. I consider that these conditions are generally standards/conventional. Having regard to the information on file and having inspected the appeal site, I am satisfied that the proposed development would meet the required separation distances between neighbouring houses, wells and watercourses. I consider the proposed treatment and disposal of wastewater to be acceptable and would accord with the EPA's Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ), 2021.

#### Surface Water Drainage

- 7.3.6. In relation to surface water, Question 20 of the submitted Application Form states that the proposed surface water disposal will be by soakpit. No details have been provided in terms of the location of the soakpit or its design. A report from the Water Services Department of Kildare County Council indicates no objection to the proposed development, subject to a condition relating to collection and discharge of surface water. Having inspected the appeal site, I am satisfied that surface water could be effectively managed on the site would likely be acceptable having regard to the prevailing site conditions. If the Commission are minded granting permission, I consider that a suitably worded condition could be attached relating to the collection and disposal surface water in accordance with the requirements of the Local Authority who are responsible for such services.

#### Water Supply

- 7.3.7. According to Question 20 of the submitted Application, the proposed development has an existing connection to the public water mains.

### **9.0 Appropriate Assessment (Screening)**

- 9.1. I have considered the subject development in light of the requirements S177U of the Planning and Development Act 2000 (as amended). The proposed development seeks the change of use from agricultural stables to ancillary domestic use to the main house.

The proposed works include a single storey extension to the side of existing structure to provide a living area, a single storey extension to the front to provide a larger kitchen and bedroom, an entrance porch, exterior insulation and servicing of the structure through new DWWTs. The appeal site is located in a rural area and is not located within or immediately adjoining any designated Natura 2000 sites.

- 9.2. The subject site is approximately 3.94km from the nearest designated site which is the Rye Water Valley/Carton Special Area of Conservation (Site Code: 001398). I note that other European Sites within 15km of the site include which include the Glenasmole Valley Special Area of Conservation (Site Code: 001209), the Wicklow Mountains Special Area of Conservation (Site Code: 002122) and, the Red Bog, Kildare Special Area of Conservation (Site Code: 000397)
- 9.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment as there is no conceivable risk to any European site. The reason for this conclusion is as follows:
- The scale and nature of the development;
  - The distance to the nearest European site and the lack of direct connections; and,
  - Taking into account the screening determination of the Planning Authority.
- 9.4. 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. Likely significant effects are excluded and therefore a retrospective Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

## 10.0 Water Framework Directive

- 10.1. There are no water courses on or adjoining the appeal site which is situated within a rural area of northeast County Kildare. The nearest waterbody to the appeal site is the Grand Canal which is approximately 300 metres to the southeast of the site. The proposed development comprises the change of use from agricultural stables to ancillary domestic use to the main house. The proposed works include single storey extensions to the side and front of the existing structure along with a porch and exterior insulation. The subject development is proposed to connect to a new DWWTs with water supply coming from the public mains. No specific water deterioration concerns

were raised in the planning appeal. I have assessed the proposed development 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.

10.2. 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. The reason for this conclusion is as follows:

- The nature and scale of the proposed works; and,
- The distance from nearest water bodies and lack of direct hydrological connections.

10.3. I conclude that on the basis of objective information, that the subject development 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. I recommend that permission be REFUSED for the following reason and consideration as set out below.

## 12.0 Reasons and Considerations

The appeal site is located within an area designated 'Zone 1 - Areas under Strong Urban Influence' of the Kildare County Development Plan 2023-2029 as set out the relevant national policies and guidance, including National Policy Objective 19 of the National Planning Framework (2018) and Sustainable Rural Housing Guidelines for Planning Authorities (2005). Having regard to the documentation submitted with the planning application and appeal, the Commission is not satisfied that the applicant has a demonstrable social need to live in this rural area as they currently own a dwelling and were previously granted permission for a rural dwelling in County Kildare. It is considered therefore that the applicant does not come within the scope of the local need criteria as set out in the Kildare County Development Plan 2023-2029. It is

considered that the proposed development for the change of use from agricultural stables to ancillary domestic use to the main house, if permitted, 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 and would be contrary to Policy HO P11 and Objective HO O43 of the Kildare County Development Plan 2023-2029 and would, therefore, be contrary to the proper planning and sustainable development of the area.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Matthew O Connor  
Planning Inspector

30<sup>th</sup> April 2026

### Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	PL-500118-KE
<b>Proposed Development Summary</b>	Change of use from stables, for ancillary use to main house with associates works.
<b>Development Address</b>	Portolino, Hazelhatch, Celbridge, Co. Kildare.
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1. <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	Class 10(b)(i)(iv) - Infrastructure Projects
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	

<input type="checkbox"/> 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. <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b> <b>OR</b> <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	Class 10 (b)(i) Construction of more than 500 dwelling units.  The proposed development is subthreshold as it relates to the provision of 1 no. dwelling.
<b>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)?</b>	
Yes <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2: Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	PL-500118-KE
<b>Proposed Development Summary</b>	Change of use from stables, for ancillary use to main house with associates works.
<b>Development Address</b>	Portolino, Hazelhatch, Celbridge, Co. Kildare.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<p><b>Characteristics of proposed development</b></p> <p>(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).</p>	<p><b>Briefly comment on the key characteristics of the development, having regard to the criteria listed.</b></p> <p>The development seeks permission for the change of use from agricultural stables to ancillary domestic use to the main house. Works include a single storey side extension (35sq.m), a single storey extension to the front (7.4sq.m) and a porch extension (6.6sq.m). Other works include internal and external modifications to the building and the provision of a new DWWTS.</p> <p>The size of the development would not be described as exceptional in the context of the existing environment.</p> <p>The proposal will not produce significant waste, emissions or pollutants. By virtue of its development type, it does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
<p><b>Location of development</b></p> <p>(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,</p>	<p><b>Briefly comment on the location of the development, having regard to the criteria listed</b></p> <p>The proposed development is situated within a rural area.</p> <p>There are no significant environmental sensitivities in the vicinity – potential impacts on Natura 2000 sites is addressed under Appropriate Assessment (Screening).</p>

cultural or archaeological significance).	
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<b>Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.</b>  Having regard to the limited nature and scale of the proposed development (i.e. the conversion of a stable building to 1 no. dwelling/residential building in a rural area in the open countryside), there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment.</b>	EIA is not required.

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)