

An
Coimisiún
Pleanála

Inspector's Report

PL-501003-KE-26

Development

Retention of log chalet to be used for habitable accommodation for a temporary period of 3 years

Location

3 The Willows, Allenwood, Co. Kildare.

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

2561462

Applicant(s)

Stuart Freeman and Rachel Nolan

Type of Application

Retention

Planning Authority Decision

Refuse Retention

Type of Appeal

First Party Normal Planning Appeal

Appellant(s)

Stuart Freeman and Rachel Nolan

Observer(s)

None

Date of Site Inspection

29 May 2026

Inspector

Gillian Kane

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1.0 Site Location and Description

- 1.1. The subject site is located in the village of Allenwood, in County Kildare. The Willows is a small residential estate of cul-de-sacs around a central green, north of the village centre. Currently on site is two storey detached dwelling with a single storey log chalet to the rear, adjoining the northern boundary.

2.0 Proposed Development

- 2.1. Permission is sought to retain a log chalet to be used for habitable accommodation for a temporary period of three years.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 20th February 2026, the Planning Authority issued a notification of their intention to refuse permission for the following two reasons:

1. Having regard to Objective HO O6 of the Kildare County Development Plan 2023–2029, which is to ‘ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development’, and to the minimum floor area requirement for a one-bedroom dwelling as required by Table 15.2 of the Plan, it is considered that the chalet proposed for retention constitutes a substandard form of residential development. The structure also adversely impacts the residential amenity of the adjoining property to the north due to its height, proximity to the boundary, and the presence of two windows directly overlooking that property’s private open space. The development would materially contravene Objective HO O6 of the Kildare County Development Plan 2023-2029, set an undesirable precedent for similar substandard proposals, and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the ‘B - Existing/Infill Residential’ zoning objective pertaining to the subject site, as set out in Volume 2 Part 2: The Villages & Rural Settlements of the Kildare County Development Plan 2023-2029, the objective of which is ‘protect and enhance the amenity of established residential communities and promote sustainable growth’, it is considered that the development proposed to be retained

would have a negative impact of the residential amenity of adjoining residential properties given the overbearing and overlooking impacts. The development would therefore contravene the zoning objective of the area and would be contrary to the proper planning and sustainable development of the area

3.2. Planning Authority Reports

- 3.2.1. **Environment Section:** No objection to retention subject to one standard condition referring to discharge to the public foul sewer system.
- 3.2.2. **Roads, Transportation & Public Safety Department:** No objection subject to the imposition of 2 no. standard conditions.
- 3.2.3. **Water Services:** No objection subject to condition.
- 3.2.4. **Planning Report:** States that the structure is excessive and out of character with its surrounds. Stated floor area of 47sq.m. is less than the required 55sq.m. for a one bed unit, table 15.2 of the development plan refers. Cannot be considered a family flat as structure is not connected to the main dwelling. On site visit, second single storey garden room in use for domestic purposes, not indicated on layout. Adequate open space available. Windows on northern boundary directly overlook the private open space of adjoining dwelling to the north. Recommendation to refuse permission.

3.3. Prescribed Bodies

- 3.3.1. None on file.

3.4. Third Party Observations

- 3.4.1. Two observations to the Planning Authority raised the following issues: excessive height and visual intrusion, overlooking and loss of privacy, traffic and parking issues, precedent, planning history on site,

4.0 Relevant Planning History

- 4.1. Enforcement UD8351: Warning Letter served regarding log cabin built without the benefit of planning permission.

5.0 Policy Context

5.1. Kildare County Development Plan 2023-2029

5.1.1. Allenwood is a designated 'Village' in the County Kildare Settlement Strategy, table 3.1 of Part 2, Volume 2 refers. The site is zoned B Existing / Infill Residential.

5.1.2. Of relevance to the subject application are the following:

HO 06: Ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development is achieved in all new developments

5.2. Natural Heritage Designations

5.2.1. The subject site is 0.41km north of the pNHA Grand Canal (002104) and 4.8km west of the Ballynafagh Lake SAC (001387).

6.0 EIA Screening

6.1.1. 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. An agent for the first party has submitted an appeal of the decision of Kildare County Council. The Coimisiún's attention is drawn to the appeal which states that the application is for the father of "Stuarts partner Elizabeth". The Coimisiún will note that the applicants are Stuart Freeman and Rachel Nolan. I note that all other references refer to Rachel and therefore am satisfied that this is an error that is not material.

7.1.2. The grounds of the appeal can be summarised as follows:

- The log chalet was erected so Stuart's partner could care for her father James Nolan. James Nolan has medical issues and the development allows him to live in close proximity to a family member.
- The chalet is like a granny flat and there was never an intention to subdivide the site or have two dwellings.
- A condition could have been attached extending the chalet to the 55sq.m. required for a one-bed unit.
- The criteria under Section 15.4.14 for Granny Flats are more appropriate:
 - The existing chalet is temporary,
 - The resident has a genuine medical need to live close to his daughter,
 - A link to the main house can be constructed, being only metres from the house,
 - Chalet contains one bedroom, bathroom and living space,
 - The design criteria is based on an extension and not a one-bedroom house as quoted by the Planning Authority,
 - Open space located to the rear of the dwelling,
 - Mains serving the house are adequate for the chalet,
 - Conditions prohibiting sale, conveyance or leasing separately from the main dwelling could have been attached to the permission,
 - When the need for the family flat no longer exists the dwelling can be returned to a single dwelling unit.
- Given the acute housing need, the Council's decision to refuse is strange.
- Windows to the boundary can be frosted or repositioned to prevent overlooking. The bedroom window could be placed in the storeroom and the storeroom would be modified to become part of the bedroom or moved to the side gable. The living room window would be removed and replaced with a rooflight.

- The objectors have a garage of the same height up against the boundary wall which blocks as much light as the chalet. The Observers photos show that the chalet is not excessive and is single storey.
- Domestic garages / store / home-work pod / garden rooms of up to 40sq.m. and 5m in height are exempt. The 47sq.m. is only a slight increase on the 40sq.m. allowed without planning. Section 15.4.13 of the development plan refers.
- Likely proposed amendments to planning law will allow such structures.
- Planning Authorities are currently implementing amendments to planning requirements which would exempt chalets in back gardens of houses, without the need for attachment to the main dwelling or limited to granny flat criteria. This law will nullify this refusal of permission.
- There are many examples of this type of development around the country. Retention is usually granted as the scale is small, unobtrusive and domestic in scale.
- The Coimisiún is urged to grant permission.

7.2. Planning Authority Response

- 7.2.1. Kildare County Council responded to the first party appeal, stating that they have no further comment or observation to make. The Coimisiún is referred to the Planning Authority planning reports and reports of the various technical departments referred to during the assessment of the application.

7.3. Observations

- 7.3.1. None on file.

8.0 Assessment

8.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, having inspected the site, having regard to the relevant policies and guidance, and having regard to the planning history of the site, I consider that the substantive issues in this appeal are as following:

- Principle of proposed development
- Impact on residential amenity
- Extent of Development Proposed

8.2. Principle of Proposed Development

8.2.1. Section 7.5 of the Development Management Guidelines (2007) refers to temporary permissions. It advises that in deciding whether a temporary permission is appropriate, three main factors should be taken into account. First, the grant of a temporary permission will rarely be justified where an applicant wishes to carry out development of a permanent nature that conforms with the provisions of the development plan. Secondly, it is undesirable to impose a condition involving the removal or demolition of a structure that is clearly intended to be permanent. Thirdly, the material considerations to which regard must be had in dealing with applications are not limited or made different by a decision to make the permission a temporary one. The Guidelines state that the reason for a temporary permission can never be that a time limit is necessary because of the adverse effect of the development on the amenities of the area.

8.2.2. In the subject case, the applicant has provided details of the medical need to retain the subject structure and their willingness to remove the structure once that need no longer exists. Having regard to the details submitted with the application I am satisfied that the use of the log chalet as a residential dwelling is temporary. This can be achieved by way of condition should the Coimisiún decide to grant permission. The impacts of the structure on the residential amenity of the area are discussed in detail below.

8.2.3. The appellant submits that a link to the main dwelling could be created should the Coimisiún require it. I consider such a structure would significantly negate the

amenity available in the rear garden and would serve no use to either the main dwelling or the chalet, other than ticking a box of 'attachment'.

8.2.4. The appellant notes that the use of chalets in rear gardens has been subject to national media discussion with regard to the possibility of being exempted development. While development can not be predicated on the possibility of an event in the future, given that the unit is required for a defined period and that the principle of the development is acceptable, it is considered reasonable to allow the unit to remain in-situ until such a discussion has been had. Should same not occur, the unit will be removed when its use is no longer required and as stipulated by condition attached to permission, should the Coimisiún decide to grant. Given that the principle of the development to remain for a temporary period is acceptable, I consider this route to be reasonable.

8.3. Impact on Residential Amenity

- 8.3.1. The applicant has indicated that the windows on the northern boundary can be frosted or moved to the southern gable. I am satisfied that the use of opaque glazing in the windows on the northern boundary would mitigate the limited overlooking to the north. Should the Coimisiún decide to grant permission, same can be achieved by way of condition.
- 8.3.2. The scale of the structure, while larger than a standard / common garden shed, is not excessive, in that sufficient private open space is retained. I am satisfied that the impact on neighbouring properties is not significant and is in keeping with the pattern of development in the area.

8.4. Extent of Development

- 8.4.1. The Planning Authority report refers to the 47sq.m. floor area of the chalet to be retained, stating that it is below the 55sq.m. required for one-bedroom units, as per table 15.2 of the development plan. The appellant requests the Coimisiún to consider the chalet as a 'granny flat' rather than a one-bedroom house, thereby negating the requirement to provide 55sq.m. floor space. I consider the shortfall to be minor - 8sq.m. As the unit is occupied by a single person, rather than a couple, this shortfall is considered reasonable. Also, noting the proximity of the main dwelling and all residential services available in same, the unit does not function as a stand alone

dwelling and as such does not require the full services and amenities associated with a one-bedroom house.

9.0 AA Screening

9.1.1. I have considered the proposed light of the requirements S177U of the Planning and Development Act 2000 as amended. The proposed development comprises retention of a log chalet (47sq m). The subject site is not located within or directly adjacent to any European Site.

9.1.2. The subject site is 0.41km north of the pNHA Grand Canal (002104) and 4.8km west of the Ballynafagh Lake SAC (001387). 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 European Site. The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development;
- The distance from the nearest European site and lack of connections; and
- Taking into account screening report/determination by Kildare County Council.

I conclude that 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 Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Water Framework Directive

10.1.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body

status, as required under the Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

11.1. I recommend permission to RETAIN be granted for the following reasons and considerations and subject to the following conditions:

12.0 Reasons and Considerations

Having regard to the site's location and the policy and objectives as set out in the Kildare County Development Plan 2023-2029 in respect of residential development, the nature, scale and design of the development for which retention is sought, to the pattern of existing and permitted development in the area, it is considered that, subject to compliance with the conditions set out below, the development for which retention is sought would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of pedestrian and traffic safety. The subject development would, therefore, be in accordance with the proper planning and sustainable development of the area

13.0 Conditions

1. The development shall be retained 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 and the development shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The permission for the retention of the log chalet shall be for a period of three years from the date of this Order. The log chalet, including the base, shall then be removed unless, prior to the end of the period, planning permission shall have been granted for its retention for a further period.

Reason: To enable the planning authority to review the use and maintenance of the log chalet over the stated time period, having regard to the circumstances then prevailing, and in the interest of orderly development.

3. The glazing to all windows on the northern boundary of the chalet shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interest of residential amenity.

4. The log chalet shall not be let, sold or otherwise transferred or conveyed, except as part of the overall site that contains the existing dwelling, as outlined in red on submitted drawings.

Reason: In the interest of clarity and to delimit the extent of ownership of the development hereby permitted and prevent the severing of the log chalet from the remainder of the holding.

5. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Surface water from the site shall not discharge onto adjoining property, but shall be disposed of on site.

Reason: In the interests of public health and residential amenity.

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



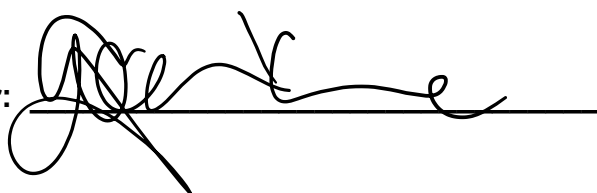
Gillian Kane
Senior Planning Inspector

05 June 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501003-KE-26
Proposed Development Summary	Retention of Log Chalet to be used for habitable accommodation for a temporary period of 3 years
Development Address	3 The Willows, Allenwood, 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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)?	
☒ 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?	
☒ Yes, the proposed development is of a Class but is sub-threshold.	Schedule 5, Part 2, Paragraph 10 of the Planning & Development Regulations 2001, as amended, relates to Infrastructural Projects, and includes Construction of more than 500 dwellings.
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)?	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

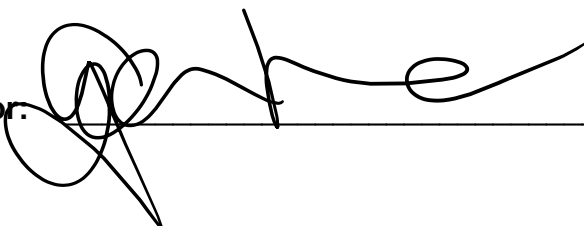


Date: 05 June 2026

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-501003-KE-26
Proposed Development Summary	Retention of log chalet to be used for habitable accommodation for a temporary period of 3 years
Development Address	3 The Willows, Allenwood, 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	The development has a modest footprint, comes forward as a standalone project, does not require demolition works, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
Location of development	Established residential area, fully serviced site, no environmental sensitivities
Types and characteristics of potential impacts	There is no potential for significant effects
Conclusion	
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector. _____



Date: 05 June 2026