



An
Coimisiún
Pleanála

Inspector's Report PL-501414-KE-26

Development	Retention of home gym and link connection with all associated site works
Location	Grangebeg, Kildare, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2660260
Applicant(s)	Ashling White
Type of Application	Retention
Planning Authority Decision	Refuse Retention
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Ashling White
Observer(s)	None
Date of Site Inspection	28 th September 2026
Inspector	Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The site has a stated area of 0.326 ha and is located within townland of Grangebeg, c.2km southwest of the Kildare Town development boundary. The area is characterised as rural with a level of ribbon development from one off housing. The application site accommodates a detached single storey dwelling; a single storey pitched roof structure and a single storey flat roof structure the subject of this application. The property shares an entrance from the road with another detached dwelling within the wider family land holding.

2.0 Proposed Development

- 2.1. Planning permission is sought to retain a single storey gym building (85 sq. m) along with planning permission for a proposed single storey link (30 sq. m) connection to join existing dwelling, single storey gym building, and art studio together. Permission is also sought to retain existing septic tank and percolation area and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority (PA) refused permission for the following reasons,
1. Having regard to Section 15.4.13: Domestic Garage/Store/Home-work Pod/Garden Room of the Kildare County Development Plan 2023–2029, and the Development Management Standards contained therein, the scale and siting of the subject gym, proposed to be retained, is considered unacceptable. The structure exceeds the maximum gross floor area of 40m² and is located forward of the front building line of the existing dwelling, contrary to the provisions of the Kildare County Development Plan 2023–2029. While the Plan allows for exceptions based on the need for the development and the location and characteristics of the site, no compelling justification has been provided in this regard. Having regard to the foregoing,

the subject development would be contrary to Section 15.4.13: Domestic Garage/Store/Home-work Pod/Garden Room of the Kildare County Development Plan 2023–2029, and the Development Management Standards contained therein, and if granted would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the lack of sufficient detail regarding wastewater treatment on the site, the Planning Authority is not satisfied that the existing septic tank to be retained is appropriate for the application site. To permit the development to be retained would be prejudicial to human health and the protection of water quality and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer includes the following,

- The principle of development in the unzoned, rural lands, is dependent on strict compliance with the relevant rural housing policies and objectives set out in the County Development Plan.
- Notwithstanding the submission of a planning report outlining the specific needs of the applicant and her family, the PO did not accept that the need for the development has been justified.
- The proposed development does not comply with the provisions of Section 15.4.13 of the Kildare County Development Plan 2023-2029 by virtue of its size, (which is above the maximum recommendation of 40 sq. m) and its location (forward of the front building line).
- Permission is also requested to construct a 30 sq. m link between the house and gym. As the link is reliant on the structure to be retained, the PO considered it to be inappropriate.
- The PO refers to the report from the Environment Section which recommends that further information is requested regarding compliance with the EPA Code of Practice (2021) and a revised site layout indicating all foul sewer drainage

lines, waste water treatment systems and possible discharges within the overall site boundary and adjoining sites.

- In the absence of this information, the PO cannot conclude that the proposal would not be prejudicial to human health and water quality.
- The report of the PO notes the planning history for the site, which includes enforcement action by the PA and previous refusals for development of a similar type. They are not satisfied that the previous reasons for refusal have been addressed by the applicant.

3.2.2. Other Technical Reports

- **Environment Section** – The following information is requested,
 - The site characterisation form for planning permission 19/826, a copy of which was submitted with this application indicates that a secondary effluent treatment system with a raised tertiary polishing filter was required for this development due to the presence of rock at a level of 0.8m bgl. Revised proposals to address this issue in accordance with the EPA Code of Practice (2021) are requested.
 - In accordance with Section 5.1 of the EPA CoP certification that:
 - a. The effluent loading generated by the development can be catered for in any proposed effluent treatment system. Full loading calculations detailing all existing and proposed wastewater discharging to the effluent treatment system shall be provided. All connections to any proposed effluent treatment system, including any discharge from the gym/shed and art studio should be indicated on the site layout.
 - b. The proposed effluent treatment system (including raised polishing filter) is/will be constructed in compliance with the EPA Code of Practice (2021)
 - c. Copy of the Agent's Professional Indemnity insurance policy is also required.

- A revised site layout indicating all foul sewer drainage lines, waste water treatment systems and possible discharges within the overall site boundary and adjoining sites, including all sheds, outbuildings, dwellings, derelict and temporary buildings.
- **Transport & Mobility** – No objection subject to the condition that the historic gateway from the main road to the gym/art studio is permanently closed to vehicular traffic, that sightlines are retained and that surface water shall be attenuated within the site.
- **Water Services** – No objection.
- **Planning Enforcement** – Planning Enforcement are investigating the unauthorised development under **PA Ref. UD8549**.
- **Fire Service** – No objection.

3.3. Prescribed Bodies

- No responses received.

3.4. Third Party Observations

- No observations received.

4.0 Planning History

25/60906 – Planning permission was **refused** permission for (A) retention planning permission for a gym/domestic storage shed and (B) retention planning permission for an existing septic tank and percolation area, and all associated site works.

(I note to the Commission that the building for retention under this permission is the same as the ‘gym’ building in the appeal).

The reasons for refusal were as follows:

1. *Having regard to Section 15.4.13: Domestic Garage / Store / Home-work Pod / Garden Room of the Kildare County Development Plan 2023–2029, and the Development Management Standards contained therein, the scale and siting of the subject gym/domestic shed is considered unacceptable. The structure*

exceeds the maximum gross floor area of 40m² and is located forward of the front building line of the existing dwelling, contrary to the provisions of the Development Plan. While the Plan allows for exceptions based on the need for the development and the location and characteristics of the site, no compelling justification has been provided in this regard. Having regard to the foregoing, the subject development would be contrary to Section 15.4.13: Domestic Garage / Store / Home-work Pod / Garden Room of the Kildare County Development Plan 2023–2029, and the Development Management Standards contained therein, and if granted would be contrary to the proper planning and sustainable development of the area.

- 2. Having regard to the planning history of the site and the established pattern of unauthorised development that has occurred since, including the existence of two active enforcement cases and a Court Order confirming unauthorised residential use, and discrepancies associated with the wastewater treatment system, there is a real and substantial risk that the development in respect of which permission is sought would not be completed in accordance with any permission or any condition to which such permission would be subject. Accordingly, the proposed development would be contrary to the proper planning and sustainable development of the area.*

25/60296: Planning permission refused for retention of an existing agricultural storage building/agricultural stable and all associated site works.

(I note to the Commission that this application does not relate to the buildings for retention in the subject appeal).

The reasons for refusal were as follows:

- 1. It is considered that the Applicant has not demonstrated the suitability of the structure and the viability of the equine operation contrary to RD O16 of the Kildare County Development Plan 2023 2029. It is considered that the shed for retention is not used for equine purposes and that the development for retention negatively impacts upon the amenity value of this rural area due to its scale and use and would therefore be contrary to RD O15 of the Kildare County Development Plan 2023 2029.*

2. *It is therefore considered that to permit the development for retention would seriously injure the visual amenities of the area and would lead to an undesirable precedent for similar developments in this rural landscape and would therefore be contrary to the proper planning and sustainable development of the area.*
3. *The structure for which retention is being sought, and the wider development site incorporates existing developments which have not been permitted under any previous planning permission and are considered to be unauthorised. Having regard to the existing unauthorised, haphazard and piecemeal development on the site, it is considered by the Planning Authority that there is a real and substantial risk that the development in respect of which permission is sought would not be completed in accordance with any permission or any condition to which such a permission would be subject to, and therefore to permit the development for retention would not be appropriate having regard to the proper planning and sustainable development of the area*

24/60930: Planning permission **refused** for (A) retention of existing apartment unit to serve a stable yard manager and (B) an application for retention of an existing development which is currently serving as a separate independent two-bedroom living unit. It is proposed to retain the existing development while changing the existing use as a separate independent two-bedroom living unit, to a proposed work from home office, a sensory room and bedroom for a family member.

(I note to the Commission that this application did not relate to the buildings in the subject appeal. Buildings in this application are positioned to the rear of the appeal property).

Permission was refused for the following reasons,

1. *Having regard to the scale of the landholding in the Applicant's ownership, the lack of any discernible equine / agricultural activity on site and the lack of an existing stable yard on the Applicant's site, it is considered that there is no justification for the retention of the apartment unit on site for a stable yard manager. The existing apartment unit, located within an existing stable block*

is considered to be speculative and urban generated and has contributed to the haphazard and piecemeal development of the landholding in a manner not envisaged or planned for. Furthermore, the application fails to provide the Planning Authority with any justification for the occupation of the unit for a stable yard manager in accordance with the provisions of the Kildare County Council's Rural Housing Policy. To retain the unit as proposed would be contrary to the provisions of Section 3.13.3 and Policy HO P11 of the Kildare County Development Plan 2023-2029, would set an undesirable precedent for similar developments of this nature and would therefore be contrary to the proper planning and sustainable development of the area.

- 2. Having regard to the planning history of the site, including dwelling with sensory room and art studio/workspace permitted under reg ref 19/826, the Planning Authority considers that the needs of the Applicant have already been met on site. Furthermore, the use of the apartment for the stated purpose is not considered suitable in the location proposed and contributes further to the haphazard and piecemeal development of the landholding, fails to meet the requirements for home-work units as set out at Section 15.4.13 of the Kildare County Development Plan 2023-2029, would represent an unacceptable home office/sensory environment, by virtue of its location on site and would therefore be contrary to the proper planning and sustainable development of the area.*
- 3. Having regard to the lack of sufficient detail regarding wastewater treatment on site, the Planning Authority is not satisfied that the additional effluent loading generated by the development can be catered for in the existing wastewater treatment system. To permit the development as proposed would be prejudicial to human health and the protection of water quality and would therefore be contrary to the proper planning and sustainable development of the area.*

19/826: Planning permission **granted** for the construction of a bungalow (255 sq. m) to be accessed through existing entrance gate, effluent treatment system and percolation area, and closing of existing unused entrance gate to now demolished original house.

Enforcement History:

UD 8549 – Warning Letter issued 29/07/2024 regarding non-compliance with terms and conditions of Reg Ref 19/826 including unauthorised conversion and occupation of domestic shed to residential use; unauthorised construction of shed c.37 sq m perpendicular to converted domestic shed; unauthorised vehicular entrance from the public road to the north, serving the converted shed; unauthorised location of wastewater treatment system serving permitted dwelling (19/826); non-compliance with conditions relating to archaeological monitoring for the development permitted under reg ref 19/826.

UD 7463 – Court Proceedings re: Non-compliance with Condition No. 1 of Planning register reference 07/1260 - Material change of use of permitted stable block, to 2 no. residential units and a workshop and ancillary services including an associated wastewater treatment system, provision of water supply and electricity supply and material change of use of permitted stable block to workshop and all associated site works.

5.0 Policy Context

5.1 Development Plan

The operative development plan for the site is the **Kildare County Development Plan 2023-2029** (KCDP).

The site is outside of any settlement boundary and is on unzoned land.

The main policies/objectives that relate to the development proposal are set out below. This is not an exhaustive list and should not be read as such.

Policies and objectives denoted with an Asterix(*) are referenced in the grounds of appeal.

The Commission should consider inter alia the following:

Chapter 3: Housing

***Section 3.11.2** – People with Disabilities – The PA support the ‘National Housing Strategy for Disabled People’ 2022-2027. The Vision for which is to facilitate

disabled people to live independently with the appropriate choices and control over where, how and with whom they live, promoting their inclusion in the community and to further enable equal access for disabled people to housing, with integrated support services.

Planning Policies –

***Policy HO P8** – Ensure that groups with specialist housing needs, such as older persons, people with disabilities, the homeless, Travellers, those in need of emergency accommodation including those fleeing domestic violence, are accommodated in a way suitable to each of their specific needs.

***Policy HO 026** – Support access for people with disabilities, to the appropriate range of housing and related support services, delivered in an integrated, timely and sustainable manner, which promotes equality of opportunity, individual choice, and independent living.to support access for people with disabilities to an appropriate range of housing and support services.

***Policy HO 027** – Support and direct funding into the provision of specific purpose-built accommodation, including assisted/ supported living units, lifetime housing, and adaptation of existing properties in a manner that would not cause any undue delay to the delivery of same. to support purpose-built housing including the adaption of existing properties.

HO P27: Require 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.

Chapter 6: Infrastructure

Objective IN 018: Discourage the provision of single house septic tanks and treatment plants in the plan area to minimise the risk of groundwater pollution. Where such facilities are permitted, full compliance with the prevailing regulations and standards, including the EPA's Code of Practice for Wastewater Treatment and

Disposal Systems Serving Single Houses (pe≤10), (2021) as may be amended, will be required.

Chapter 15: Development Management Standards

**15.4.12: Extensions to Dwellings*

The following basis principles shall be applied:

- The extension should be sensitive to the appearance and character of the house and the local area (urban or rural).
- The extension shall have regard to the form and scale of the existing dwelling and should not adversely distort the scale or mass of the structure.
- The design and scale should have regard to adjoining properties.
- A flexible approach will be taken to the assessment of alternative design concepts and high-quality contemporary designs will be encouraged. A different approach may apply in the case of a Protected Structure, structures with significant heritage or within an Architectural Conservation Area.
- In rural areas, the design of extensions should have regard to the Key Principles set out in Appendix 4 Rural House Design Guide.
- The extension should not provide for new overlooking or loss of privacy below reasonable levels to the private area of an adjacent residence.
- The cumulative impact of the existing extent of overlooking and the overlooking that would arise as a result of any proposed extension need to be considered.
- The extension should not have an overbearing impact on neighbouring properties. Large extensions, particularly if higher than one storey, should be moved away from neighbouring property boundaries.
- New extensions should not overshadow adjacent dwellings to the degree that there is a significant decrease in daylight or sunlight entering into the house.
- An adequate area of private open space, relative to the size of the dwelling should be retained, generally not less than 25sq.m.

- Where required, it will be necessary to demonstrate that the existing on-site wastewater treatment system serving the main dwelling can facilitate the additional loading from the proposed extension. Where this cannot be demonstrated, it will be necessary for the on-site wastewater treatment system to be upgraded as part of the development proposal.

15.4.13 Domestic Garage / Store / Home-work Pod / Garden Room

The development of a domestic garage/store/home-work pod /garden room for use ancillary to the enjoyment of a dwelling house will be considered subject to compliance with the following standards:

- The domestic garage/store/home-work pod /garden room shall be single storey only, with a maximum gross floor area of 40m² and a maximum ridge height of 5m.
- The unit shall generally be located behind the front building line of the existing dwelling.
- In urban areas, the development will be assessed on the scale of the space surrounding the dwelling and any impact on neighbouring properties.
- The design and external finishes of the unit shall generally be in keeping with that of the dwelling house.
- The unit shall only be used for purposes ancillary to the enjoyment of the dwelling house and not for human habitation.
- The Planning Authority may consider exceptions to the criteria above having regard to the need for the development and the location and characteristics of the subject site.

**15.9.7 Home-Based Economic Activity*

Home based economic activity, defined as small scale commercial activity carried out by residents of a house, being subordinate and ancillary to the use of the house as a single dwelling unit will only be granted to the resident of the dwelling and will be restricted to use by the applicant.

Appendix 4 – Rural House Design Guide

Section 8 – Extensions, Accessibility & Lifetime Adaptability

When extending a rural house the key considerations include,

- Design should respect but not imitate the original dwelling.
- Design the extension to be subservient to the main dwelling. i.e., smaller in scale / height.
- Clearly distinguish the extension from the original dwelling.
- Break down massing of structures if an extension has a larger floor area than the original footprint.
- Use narrow plan elements to break down the massing.
- The shape of larger extensions should ensure that the structure appears subservient to the main dwelling.
- The dwelling should be accessible for those with moderate mobility difficulties and for occupants as they age.
- Allow for the internal layout to be adaptable to facilitate the changing needs of occupants.
- When choosing a site for a dwelling, consider whether the site has capacity to accommodate a future extension if required.

5.4 Natural Heritage Designations

5.1.1. No designations apply to the appeal site.

6.0 EIA Screening

6.1.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal generally respond to the reasons for refusal and are summarised below.

Refusal Reason No. 1 –

- The applicant has submitted a detailed letter outlining the specific medical needs of two family members that necessitate the provision of a separate gym area and the extension to connect the gym with the house.
- Section 15.4.13 of the KCDP allows for exceptions to the criteria for assessing proposals for garden rooms, or similar development, having regard to the need for the development and the location and characteristics of the subject site. The grounds of appeal submit that the circumstances specific to the application qualify for such an exception.
- Regarding the location of the gym, forward of the front building line of the house, this is due to the presence of an existing gable wall which was utilised in the construction of the development. The appeal argues that the clustering of buildings on the site is reflective of the history of the site and the character of development in the surrounding area.
- The applicant has no objection to the attachment of a condition requiring that the building be used for purposes ancillary to the applicant's dwelling only and shall not be used for any other purposes, sold or let independently.
- In terms of visual impact, the applicant submits that the proposed gym building will integrate visually with the existing structures on the site and will not detract from the character of the area.
- With regard to historical enforcement issues on the wider site, these were outside of the control of the applicant who requests that the subject application be assessed on its merits and without prejudice.

Refusal Reason No. 2 – Wastewater

- The applicant notes that the report of the Environment Section of the PA did not recommend a refusal of permission and requested further information to inform the assessment.
- In response to the comments of the Environment Section, consultants were engaged to carry out a thorough review of the proposal. A full Site Suitability Assessment was completed in accordance with the EPA Code of Practice (CoP) 2021 and was submitted with the appeal.
- The existing septic tank arrangement is proposed to be decommissioned and replaced with an upgraded secondary wastewater treatment system incorporating tertiary treatment and polishing filter infrastructure.
- The applicant submits that this fully addressed the second reason for refusal.
- In terms of compliance with the KCDP, the grounds of appeal consider the proposal to be in accordance with the following policies and/or objectives,
 - Section 15.9.7 – Home Based Economic Activity
 - Policy HO P8 – which relates to the provision of accommodation for people with disabilities and other specific needs.
 - Section 3.11.2 – People with Disabilities.
 - Policy HO 026 – to support access for people with disabilities to an appropriate range of housing and support services.
 - Policy HO 027 – to support purpose-built housing including the adaption of existing properties.
 - Section 15.4.12 – Extensions to Dwellings

7.2. Planning Authority Response

- A response was received from the PA that confirms their decision with no additional comments on the appeal.

7.3. Observations

- No observations.

8.0 Assessment

8.1. The issues raised in the grounds of appeal are addressed under the following headings,

- Principle of Development
- Procedural Issues
- Proposed Use
- Design
- Wastewater Treatment

8.2. Principle of Development

- 8.2.1. The subject site is located on unzoned land in a rural area. The development proposal is to retain a single storey, flat roof, gym building (85 sq. m) and to construct a single storey link between the existing house, separate art studio and the gym. Planning permission is also sought to retain and upgrade the existing on-site wastewater treatment system. The proposed gym building would be ancillary to the main residential use.
- 8.2.2. Sections 15.4.12 and 15.4.13 the Kildare County Development Plan 2023-2029 (KCDP) contain development standards for extensions to dwellings, including rural dwellings and for the development of a domestic garage/store/home-work pod /garden room for use ancillary to the enjoyment of a dwelling house. Appendix 4 of the Kildare Rural House Guide also includes the key principles for consideration in the design of extensions. As the proposal is ancillary to the main residential use on the site, the principle of the development is acceptable. I am satisfied that it can be assessed on its merits and in accordance with the policies and objectives of the KCDP.

8.3. Procedural Issues

- 8.3.1. The application details include information regarding Planning Enforcement action in relation to development on the subject site and the wider site. I note to the Commission that Planning Enforcement is a matter for the PA under Part 8 of the Planning and Development Act 2000 (as amended) and is not a matter for the Commission. The subject appeal will be assessed on its merits using the information at hand.

8.4. Proposed Use

- 8.4.1. The subject proposal is for a single-storey, flat roof, structure with a floor area of 85 sq. m to be used as a gym for a family member residing in the existing house. The building has been constructed to the front of, and, perpendicular to the existing house. At the time of the site visit, the structure was unfinished and had a Perspex roof covering. Drawings submitted with the application show approximately 6.4m between the house and the gym. A single storey building, referred to as an art studio, is also in place to the north of the house and is positioned behind the rear wall of the gym building. It is proposed to construct a single storey extension of c. 30 sq. m. connect all three buildings and to provide sheltered movement between them. Drawings submitted with the application appear to show the extension as a glazed connection, however, details on external finishes are not provided.
- 8.4.2. Section 15.4.12 of the KCDP contains clear design guidance for extensions to dwellings and Section 15.4.13 contains the criteria for assessing garden rooms and structures ancillary to the main residential use. Having visited the site, I am satisfied that the proposed gym use, as stated, would be ancillary to the main use. As such, Section 15.4.13 of the KCDP contains the most appropriate planning guidance for its assessment.
- 8.4.3. In the first reason for refusal the PA considered the gym building to be contrary to the provisions of Section 15.4.13 by virtue of its scale and siting. Section 15.4.13 contains a list of six standards against which proposals will be assessed. Standards that relate to the subject proposal state that,

- The building shall be single storey only, with a maximum gross floor area of 40m² and a maximum ridge height of 5m.
- The unit shall generally be located behind the front building line of the existing dwelling
- The design and external finishes of the unit shall generally be in keeping with that of the dwelling house, and,
- The unit shall only be used for purposes ancillary to the enjoyment of the dwelling house and not for human habitation.

8.4.4. The proposal is positioned to the front of the main house and has a stated floor area of 85 sq. m. Therefore, the building is not in accordance with two of the standards. The grounds of appeal note that Section 15.4.13 also states that the PA *'may consider exceptions to the criteria above having regard to the need for the development and the location and characteristics of the subject site'*. A letter from the applicant was included in the appeal describing the particular medical needs and requirements of the family that necessitate the provision of a gym with room to house large pieces of equipment. Additional reports and correspondence from the South Kildare West Wicklow Children's Disability Network Team and the HSE were also submitted with the appeal. The applicant considers these needs to be sufficient to qualify as an 'exception' to the criteria set out in Section 15.4.13. In the interests of GDPR I will not outline the content of the medical information submitted. However, I direct the Commission to review the information in the hard copy file to ensure their decision is fully informed. The report of the PO also refers to information submitted with the application that outlines the specific needs of the applicant and her family but considered the information did not justify the need for the development.

8.4.5. I have visited the site and assessed the information at hand, and I accept that the applicant's family has specific medical needs that would benefit from the use of a home gym. Furthermore, I note the grounds of appeal which include references to development plan policy and objectives that seek to support specific requirements and circumstances for people with disabilities. Although the existing house was constructed with the inclusion of a 'sensory room', the applicant states that this room is now too small to accommodate the existing needs of the family. The application

states that the detached 'art studio' is currently in use as a gym but the applicant states that this is also too small.

- 8.4.6. The KCDP supports the principle of lifetime adaptability within the home. As noted by the PO the floor plans for the main house included a sensory room. Whilst I accept this room may be too small to house large pieces of gym equipment, the gross floor area of the main house as granted under PA Ref. 19/826 is 255 sq. m, which is substantial. The detached art studio has an internal floor area of c. 42 sq. m which is also ancillary to the main residential use. The addition of a gym (85 sq. m) would provide a total of 382 sq. m of space for the residents. An additional 30 sq. m is proposed as an extension to connect all three structures, which would result in a footprint of 412 sq. m. At the time of the site visit the art studio had some large pieces of gym equipment in it. It is the stated intention of the applicant to use the art studio as a home office. I accept that the needs of the family may require more space than an average family. However, I am not convinced that the existing space available in the house and art studio is incapable of facilitating the mix of uses and activities required.
- 8.4.7. Section 15.4.13 of the KCDP states that the design and finishes of the garden room / garage shall generally be in keeping with that of the dwelling house. This is mostly true of the building which has rendered on the elevations facing the house. However, as the structure is forward of the house, it is visible from the main road. The elevation facing the road is clad in stone, which matches the elevation of the art studio building. Whilst the elevations facing the house are acceptable, the flat roof profile with existing gable wall presents an inconsistent vista when viewed from the road. The stone cladding and flat roof profile presents a mix of traditional and contemporary elements which are at odds with the traditional finishes and appearance of the art studio. The retention of the historic gable wall to the road gives the impression that the structure is unfinished. Should permission be granted for the structure, I recommend that these details are refined to provide either a contemporary finish or a traditional pitched roof profile. However, as noted, I am not convinced that the level of additional space for the gym has been sufficiently justified to warrant an exception from the standards set out in Section 15.4.13 of the KCDP.

8.5. Design

- 8.5.1. As a single storey extension to the main house is proposed to connect all three buildings, Section 15.4.12 and Appendix 4 of the KCDP are relevant. In terms of the design and scale of the extension, it would be a modest single storey, flat-roofed structure. It appears to be glazed but finishes are not detailed in the drawings. This could be addressed by planning condition should permission be granted.
- 8.5.2. By virtue of the nature, scale and position of the extension, it would not impact on the amenity of any adjoining houses in terms of overlooking the or loss of privacy. The extension would not be visible outside of the site and would therefore not result in any visual impact on the wider area. The house would have sufficient private open space remaining. It is not unusual to connect buildings with a glazed link, and given the location and scale of the proposal I consider it to be acceptable. However, whilst the extension itself is acceptable, the connection between all three buildings would result in a haphazard and sprawling form of development within the rural site. Both the art studio and the proposed gym have elevations that face onto the public road. These elevations have been clad in stone with each elevation having a residential appearance with a door and windows facing onto a shared courtyard. The art studio has been finished with a pitched roof but the flat roof on the gym structure gives it an unfinished appearance. The gym was constructed on the footprint of a cottage with the gable wall and chimney stack still visible from the public road. Whilst the juxtaposition between the two buildings reflects the traditional clustering of buildings in rural farmsteads, the flat roof profile of the gym building would be incongruous. The retention of the gable wall to the road exacerbates this visual impact. In design a pitched roof profile would be better suited to the elevation visible from the public road.
- 8.5.3. The site is in a rural area on a large landholding. Given the location of the site, the proposal would not have an impact on the residential amenity of neighbouring properties in terms of, overlooking or overshadowing. I accept that the specific needs of the family would benefit from the provision of a home gym. However, the proposed building has a floor area of 85 sq. m, which is substantial, and more than the 40 sq. m standard in Section 15.4.13 of the KCDP. Although Section 15.4.13 of the KCDP allows for exceptions to the standards, I am not convinced that the proposed gym use cannot be facilitated within the permitted buildings on the site.

Whilst the single storey connection is an attempt to ensure the structures are ancillary to the main use, the proposal would result in a haphazard form of development within the site. Based on the size of the structure proposed, which exceeds 40 sq. m, its location forward of the front building line of the main house, the subject proposal would be contrary to the provisions of Section 15.4.13 of the KCDP.

8.6. Wastewater Treatment

8.6.1. Planning permission is also sought to retain the onsite wastewater treatment system which comprises a septic tank and percolation area. Permission was granted for a septic tank and percolation area to the front of the house under PA Ref. 19/826. However, the wastewater treatment system was installed to the rear of the house. The PA considered the information relating to the wastewater system to be lacking and this was the basis for refusal reason No. 2.

8.6.2. In response to the concerns of the PA, the applicant engaged a consultant to carry out a full Site Suitability Assessment in accordance with the EPA Code of Practice (CoP) 2021. The grounds of appeal include a revised proposal whereby the existing septic tank is decommissioned and replaced with an upgraded wastewater treatment system incorporating tertiary treatment and a polishing filter. All foul drainage associated with the dwelling and ancillary structures would discharge to the proposed upgraded treatment system. The report/assessment confirmed that,

- The proposed system can adequately cater for the hydraulic and biological loading associated with the development.
- The proposed treatment system and polishing filter can be constructed in accordance with the EPA Code of Practice [2021].
- Subject to proper installation commissioning and maintenance, the proposed development is not expected to adversely impact groundwater quality.

8.7. The grounds of appeal include a Site Characterisation Form (SCF), completed in accordance with the EPA CoP 2021 and results from site investigation works which included, trial hole assessment, groundwater assessment, subsoil classification, surface and sub-surface percolation testing, and site drainage evaluation.

- 8.7.1. In Section 2.0 of the SCF the underlying aquifer is stated as a '*LI – Locally Important*' with an 'extreme' vulnerability. Therefore, the Groundwater Protection Response was determined to be '*R2¹ – Acceptable subject to normal good practice. Where domestic water suppliers are located nearby, particular attention should be given to the depth of subsoil over bedrock so that the minimum depths required in Chapter 6 are met...*' The site is underlain by the Kildare Groundwater Body (IE_SE_G_077), which has a 'Good' status and is 'Not at Risk' in the Water Framework Directive (WFD). During the site investigations a trial hole was excavated to a depth of 1.8m below ground level. No groundwater or winter groundwater was encountered in the trial hole, but bedrock was encountered at a depth of 1.8m.
- 8.7.2. The topsoil and upper horizon of subsoil were found to be 'silt/clay' with a crumb structure, low density compactness with a brown colour. The lower subsoil was found to have clay intermixed with stone, with a blocky structure, a medium density compactness and a brown colour. The results of the subsurface percolation test returned a percolation value of 25.89 minutes per 25mm and the surface percolation test for soil returned a percolation value of 11.67 minutes per 25mm. Both values indicate that soakage is within the acceptable range and, as per Table 6.4 of the EPA CoP, that the site is suitable for the secondary treatment and soil polishing filter proposed. There are no watercourses in or around the site and all required separation distances as per Table 6.2 of the EPA Code of Practice can be met. Minimum unsaturated soil and / or subsoil depths required in Table 6.3 are also met.
- 8.7.3. Section 5.0 of the Site Characterisation Form recommends that the existing septic tank is decommissioned and upgraded to a packaged treatment system with a tertiary treatment unit and a raised polishing filter with a final discharge to groundwater. Based on Table 10.1, Option 6 of the CoP, a polishing filter of 45 sq. m is required. However, to further protect the groundwater, the SCF recommends that this area is increased to 90 sq. m.
- 8.7.4. When I visited the site, the trial holes were still open. The soil strata were visible and in accordance with those described in the SCF. There was no evidence of pooling in the hole, and the area underfoot was firm with no visible signs of waterlogging or standing water. Based on the results of the SCF and my observations on the site, I am satisfied that the site has the characteristics and the capacity for the wastewater

system proposed, which is a packaged system with tertiary treatment and soil polishing filter.

9.0 AA Screening

- 9.1.1. The site is in a rural area, approximately 6km to the east of the River Barrow and River Nore SAC, which is the closest European site. The proposed development seeks to retain a single storey structure, construct a small domestic extension and decommission and upgrade an onsite wastewater treatment system.
- 9.2. 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. The reason for this conclusion is as follows:
- The rural, domestic nature and modest scale of the works,
 - The distance between the site and the closest European site.
 - The proposed on-site wastewater treatment system which will treat wastewater prior to discharge to ground in compliance with the EPA Code of Practice.
 - The screening determination by Kildare County Council.
- 9.3. 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.
- 9.4. 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. 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, together with relevant guidance published by the Environmental Protection Agency (Ireland), including applicable codes of practice for the protection of water quality.
- 10.2. 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.

- 10.3. The proposed development has been designed in accordance with EPA codes of practice and best practice guidance, ensuring that appropriate measures are incorporated to prevent pollution, control runoff, and protect both surface water and groundwater receptors.
- 10.4. Furthermore, the development will not adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good Ecological Status/Potential and Good Chemical Status, as required under the Directive.
- 10.5. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

11.0 Recommendation

- 11.1. I recommend that a split decision is issued in this case.

Recommendation (1) - I recommend that permission is granted for the retention of and upgrade to the onsite wastewater treatment system.

Recommendation (2) – I recommend that planning permission is refused for retention and completion of a single storey gym building and single storey link connecting the main house with the gym building and existing art studio.

12.0 Reasons and Considerations (1)

Having regard to the rural location of the site and its characteristics, the details of the onsite wastewater treatment system proposed, and the policies and objectives of the Kildare County Development Plan 2023-2029, and in particular with Planning Policy HO P27 and Objective IN 018, which require all domestic wastewater treatment systems to comply with the EPA's Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses (pe≤10), (2021), and subject to the compliance with the conditions below, the proposed development would not endanger public health or adversely impact on water quality in the vicinity. The

proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 26th day of May 2026, 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 prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on [date] and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) ” – Environmental Protection Agency, 2021.
- (b) Treated effluent from the wastewater treatment system shall be discharged to a polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)” – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution

13.0 Reasons and Considerations (2)

1. Having regard to the size and location of the proposed development for a gym building ancillary to the main house in a rural area, and to the policies and objectives of the Kildare County Development Plan 2023 -2029, specifically with Section 15.4.13, which seeks to accommodate buildings ancillary to the main residential use, it is considered that the proposed development, by virtue of its excessive floor area and position to the front of the building line of the main house, would not be acceptable and would be contrary to the provisions of said Development Plan. The proposed development would, therefore, be in accordance with 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.

Elaine Sullivan
Planning Inspector

2nd October 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	501414-KE-26
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.
(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)	
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.	State the Class here
☒ 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	State the Class and state the relevant threshold
☐ Yes, the proposed development is of a Class but is sub-threshold.	State the Class and state the relevant threshold
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: _____