



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319804-24

|                                     |                                                                                                                   |
|-------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <b>Development</b>                  | Retention application<br>Revised house design, equestrian stables and garage                                      |
| <b>Location</b>                     | Kimblewick, Haynestown, Naas, Co. Kildare, W91 A8RP and Kimblewick Lodge, Haynestown, Naas, Co. Kildare, W91 HF7T |
| <b>Planning Authority</b>           | Kildare County Council                                                                                            |
| <b>Planning Authority Reg. Ref.</b> | 23/60129                                                                                                          |
| <b>Applicant(s)</b>                 | Michael & Sylvia Ryan                                                                                             |
| <b>Type of Application</b>          | Retention                                                                                                         |
| <b>Planning Authority Decision</b>  | Split Decision                                                                                                    |
| <b>Type of Appeal</b>               | First Party                                                                                                       |
| <b>Appellant(s)</b>                 | Michael & Sylvia Ryan                                                                                             |
| <b>Observer(s)</b>                  | None.                                                                                                             |
| <b>Date of Site Inspection</b>      | 11 February 2025                                                                                                  |
| <b>Inspector</b>                    | Paula Hanlon                                                                                                      |

## **1.0 Site Location and Description**

- 1.1. The site subject to this appeal (hereafter referred to as 'the site') is in the townland of Haynestown, circa 3.8km east of Naas, Co. Kildare.
- 1.2. The site (5.26ha) extends in an easterly direction from the adjoining roadside and comprises two dwellings, one of which is sited within the northwestern (top) corner and one at the southeastern (rear) end of the site with an adjoining ancillary garage and a stable block (southwest).

The site is accessed via a single vehicular access off the southern side of a local road (L2019), with a single lane accessway extending internally within the site along the site's southern boundary, serving the 2(no) dwellings, stable building and the applicant's adjoining paddocks. All remaining land within the site boundary is laid in grass.

- 1.3. The site is bound to the west by a local road, to the northwest and southwest by single detached houses and all other adjoining lands are in grassland/agricultural use.
- 1.4. The topography of the site slopes downwards in a southeasterly direction with a fall of approximately 10 metres between the adjoining road and the footprint of the Main House at the southeast (rear) of the site.
- 1.5. The site's roadside boundary is of mature native hedgerow.

## **2.0 Proposed Development**

- 2.1. Retention permission is sought for a change of house design, change of ancillary (Equestrian Stables, Managers House and Domestic Garage) structures design, revised site layout and footprint of structures and ancillary and associated modifications to Planning Reference: 00/678. The modifications sought for retention include:

1. Revised (two storey with converted attic) Dwelling design and footprint;
2. Revised (single storey) Garage design and footprint;
3. Revised (single storey) Equestrian Stables design and footprint;

4. Revised (single storey dormer / bungalow style) Manager's House design & footprint;
5. Revised Wastewater Treatment Plant System locations; and,
6. Associated and ancillary modifications including driveway alignment and paddock boundaries.

Planning Permission is also sought for works comprising:

the completion of the site entrance, replacing existing arrangement.

- 2.2. The initial application submitted was not accompanied by any planning, environmental or technical report(s).

A Sewage System Survey Report associated with the existing wastewater system serving the 'Manager's House', based on a visual survey, dated December 2023, undertaken by Sepcon is appended to the applicant's further information response to the PA.

A Sewage System Survey Report associated with the existing wastewater system serving the 'Main House', based on a visual survey, dated December 2023, undertaken by Sepcon is appended to the appellants appeal submission.

### **3.0 Planning Authority Decision**

#### **3.1. Further Information**

The Planning Authority (PA) requested further information on 10 October 2023, which was informed by, and reflects the recommendations of the Planning Officer, contained within the accompanying Planning Reports and as summarised in Section 3.3.1 below.

#### **3.2. Decision**

By order dated 29 April 2024, Kildare County Council (WCC) issued a Notification of decision to:

**Grant** permission for the completion of the site entrance, replacing existing arrangement subject to 7(no) conditions

And to

**Refuse** retention permission for a change of house design, change of ancillary equestrian stables, managers house and domestic garage structures design, revised site layout and footprint of structures and ancillary and associated modifications to Pl. Ref. 00/678 modifications, which include:

1. Revised (two storey with converted attic) Dwelling design and footprint.
2. Revised (single storey) Garage design and footprint
3. Revised (single storey) Equestrian Stables design and footprint
4. Revised (single storey dormer/bungalow style) Manager's House design and footprint
5. Revised Wastewater Treatment Plant System locations, and,
6. Associated and ancillary modifications including driveway alignment and paddock boundaries

for 3 (no) reasons, as follows:

Refusal Reason 1:

1. *Having regard to the design, layout and internal configuration of the single storey element consisting of 2 no. bedrooms, a kitchen, own door entrance, lounge and bathroom, located at the northern section of the main dwelling it is apparent that the dwelling has been subdivided into two units. The development, given its design, configuration, layout, and the absence of any apparent need having been identified which would comply with the requirements of the Kildare County Development Plan 2023-2029, it is considered that the development would set an undesirable precedent for similar type developments and would therefore be contrary to the proper planning and sustainable development of the area.*

Refusal Reason 2:

2. *The proposed use for the Manager's House as ancillary family accommodation would materially contravene condition 2(a) of Pl. Ref. 00/678, which restricts the occupation of the house to an appointed Stud Farm Manager. In addition, the proposal would materially contravene condition 2(d) of Pl. Ref. 00/678, which outlines that the dwelling and*

*stables complex shall be occupied and operated as a unit, and the development shall not be rented, sold, or otherwise disposed of except as a unit. If permitted, the proposal would set an undesirable precedent for similar type developments and would therefore be contrary to the proper planning and sustainable development of the area.*

### Refusal Reason 3:

*3. The Applicant has not demonstrated that the existing Waste Water Treatment System is capable of catering for waste flows from the existing main house. The development is therefore considered to be prejudicial to public health and constitutes an unacceptable risk of water pollution. If permitted, the proposal would set an undesirable precedent for similar type developments and would therefore be contrary to the proper planning and sustainable development of the area.*

## **3.3. Planning Authority Reports**

### **3.3.1. Planning Reports**

Two Planning Reports have been attached to the file. The first report completed on 10 October 2023 recommended that further information be sought on the following:

- (1) Subdivision of Main dwelling into 2 separate units
- (2) Contravening a condition of the parent permission on the occupancy of Manager's House which was restricted to an appointed stud farm manager.
- (3) Contravening a condition on the parent permission on the proposed use of stable building & its future intensification of use/traffic if operated independently.
- (4) Capacity of wastewater system associated with the Manager's House.

The second planning report completed on 22 April 2024 forms the basis for the decision by WCC to refuse permission. The recommended 3(no) reasons for refusal are reflected in the PA's decision to refuse, as set out in Section 3.2 above.

### **3.3.2. Other Technical Reports**

- Roads, Transportation & Public Safety (19/09/23): No Objection, Conditions

recommended

- Naas Municipal District (Engineer Report)(21/09/23): No objection, Conditions recommended
- Water Services (25/08/23): Conditions recommended
- Environment Section (19/04/24): Refusal recommended on wastewater provisions /capacity serving the Main House.

### 3.4. Prescribed Bodies

None received.

### 3.5. Third Party Observations

None received.

## 4.0 Planning History

00/678 – Permission was granted to Mr. Denis Fehan for a new entrance, 2st. house, domestic garage, Puraflo septic tank, dormer style manager's house and Puraflo septic tank, 16 stables to include feed store and tack room and dungstead, subject to conditions.

*Condition 2(a)* of this permission is as follows;

As the manager's house is necessary to provide security and constant attendance on the stud farm, the house shall be occupied at all times by the duly appointed Stud Farm Manager.

(b) The dwelling, when complete, shall be first occupied as a place of permanent residence by the applicant, his family or those employed full time in agriculture or bloodstock on the overall landholding.

(c) The stables shall be constructed at the same time as the proposed dwelling, and the dwelling shall not be occupied until the stables are completed.

(d) The dwelling and stables complex shall be occupied and operated as a unit, and the development shall not be rented, sold or otherwise disposed of, except as a unit  
Reason: To protect the rural amenities of the area and to meet the requirements of the county development plan in relation to the protection of the bloodstock industry by ensuring that a dwelling permitted for the use of the bloodstock industry, remains available for such use.

*Condition No. 3* required that the proposed two-storey dwelling be first occupied for at least five years as a place of permanent residence by the applicant, his or her next of kin and/or members of the applicants immediate family. It further stated that the PA would consent to any sale of the property by a lending institution, with approval subject to its own merit.

The stated reason for the attachment of this condition was *“To secure in the interests of orderly development that the proposed house is used to meet the applicants stated housing needs and to ensure that development in this rural area is appropriately restricted in the interests of proper planning and development and visual amenity of the area”*.

99/907 – Outline permission was granted to Mr. Denis Fehan for a two storey house, new entrance, domestic garage and Puraflo septic tank, managers house and Puraflo septic tank, 17 stables to include feed house and tack room, dungstead, subject to conditions.

*Condition No. 9* sets out wastewater provision requirements, in accordance with SR6/1991 Recommendations.

## **5.0 Policy Context**

### **5.1. Kildare County Development Plan 2023-2029.**

5.1.1. The Kildare County Development Plan 2023-2029 (CDP) which came into effect 28 January 2023 is the operative Development Plan for the county.

5.1.2. The site is located within a rural area of Co. Kildare. Relevant policies, objectives and standards within the CDP are set out under Housing (Chapter 3), Our Rural Economy

(Chapter 9), Development Management Standards (Chapter 15) and Rural Design Guide (Appendix 4).

5.1.3. The county is classified into two areas for the purposes of rural housing policy, Zone 1 (Areas Under Strong Urban Influence) and Zone 2 (Stronger Rural Areas).

5.1.4. The appeal site is located within Zone 1 (Areas under Strong Urban Influence).

5.1.5. The following policies, objectives and Sections are also relevant to the consideration of this appeal: Section 3.13.3 (Compliance with the Rural Housing Requirements); policy HO P12 (siting and design); Section 15.4.14 (family flat/granny flats requirements) and policy RD P3 (Support equine related activities of an appropriate size at suitable locations).

#### Section 15.4.14 Family Flat (DM Standard)

Family flats (often known as granny flats) refer to a temporary subdivision or extension of an existing dwelling unit. They are a way of providing additional accommodation with a level of semi-independence for an immediate family member (dependent on the main occupants of the dwelling). Applications for a family flat shall have regard to the following requirements:

- The applicant shall be required to demonstrate that there is a genuine need for the family flat.
- An occupancy condition may be applied.
- The proposed unit should be linked directly to the main dwelling by a connecting door.
- Accommodation must be subsidiary to the main dwelling in scale and only in exceptional cases will more than one bedroom be permitted where a need has been demonstrated.
- The design standards for house extensions shall be applied to the family flat. • Any external doors permitted (to provide access to private / shared open space or for escape from fire) shall be limited to the side or rear of the house.

- 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 family flat. 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. It is normal procedure to include conditions in any grant of permission that the family flat cannot be sold, conveyed or leased separately from the main residence, and that when the need for the family flat no longer exists the dwelling must be returned to a single dwelling unit.

## **5.2. Sustainable Rural Housing – Guidelines for Planning Authorities**

These guidelines state that development plans should facilitate the housing need of the rural community while directing urban generated housing to settlements. The guidelines go on to state that the housing requirements of persons with a link to the rural area should be facilitated in the area it arises subject to normal siting and design requirements.

## **5.3. Natural Heritage Designations**

The appeal site is not located on or within proximity to any designated Natura 2000 sites or Natural Heritage Areas. The nearest European Site is Red Bog Kildare SAC (Site Code 000397), located circa 4km southeast of the subject site.

## **5.4. EIA Screening**

See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## **6.0 The Appeal (First Party)**

### **6.1 Grounds of Appeal**

- The proposal is appropriate & in keeping with the spirit of the parent permission.
- A number of elements within the proposed development that were refused (incl. the physical changes) were referenced as being of no concern by the PA itself.
- The proposal allows a practical resolution to the failed commercial equestrian activity.
- The principle of the development is already established under pl. ref. 00/678.
- It is requested that consideration be given to the unique characteristics of the proposal and existing development rights of the site.
- The refusal reasons are not connected to the marginal effect of the proposed development and are readily resolvable, with condition(s), if required.
- There are apparent errors between the decision made and the supporting recommendations in terms of refusal number 3 on wastewater provisions.
- There were no queries raised on the wastewater treatment system attached to the Main House, in any event, any concerns are resolvable via condition.
- The concerns associated with the perceived sub-division of the Main house requires a balanced consideration and can be addressed by condition(s).
- The PA's emphasis on the conditions of the parent permissions (pl. refs. 00/678 and 99/907) is inappropriate, with consideration required on the current prevailing circumstances/ 'change in circumstances' on its own merit.
- The merits of the proposed development in its totality should result in a grant of permission. The individual elements of the development were justified at application and further information stage.

### **6.2 PA Response**

A response has been received from the Planning Authority dated 20/06/2024. It refers the Board to the Council's planning reports & other technical reports that are referred to within the PA's assessment.

## 7.0 Assessment

In noting that S.37(1b) PDA requires that the Board determines the application the subject of the appeal as if it had been made to the Board *de novo*, having examined the application details and all other documentation on file, including the first party appellant's submission (the subject matter of this appeal), undertaking a site inspection and having regard to the relevant policy-objectives & guidance, I am satisfied that the main issues to be considered pertain to the three reasons for refusal given by the PA and I am satisfied that no other substantive issues arise.

The main issues in determining this appeal therefore are as follows:

- Principle of Development and Uses
- Wastewater
- Other Matters.

### 7.1 Principle of Development & Uses

The proposed retention works relate to revised design and layout modifications carried out at construction stage in respect of 3(no) elements attached this site, notably 1. the Main House and ancillary domestic garage, 2. the Manager's House and 3. the Equestrian Stables.

The principle of 2(no) residences (notably Main House & Manager's House) and a stable block is established on this site under the parent planning permissions (Pl. Ref. 99/907 and 00/678).

In reviewing the reports of the PA, I note that the PA's assessment gives due cognisance to the site's planning history in terms of the permission granted & site size, along with the visual absorption opportunities provided by the site's existing topography and vegetation in accepting in broad terms, the external design and footprint of structures proposed for retention.

In this context, there is no dispute regarding the overall principle of the development. The focus of this assessment is therefore premised on the respective refusal reasons given by the PA in respect of the retention works now sought.

### 7.1.1 Subdivision of Main House

The subject lands are unzoned and are located within an unserviced rural area. The overall footprint of the Main House (871m<sup>2</sup>) has increased by an additional 171m<sup>2</sup> from that which was permitted under the parent permission. I am of the view that the modifications carried out, resulting in its internal subdivision and provision of 2(no) independent residential units, as raised by the PA within its assessment, is a consideration of material significance in informing the Board's decision on this case.

Whilst the submitted application refers to the Main House as a single residential unit, I submit that there is no ambiguity within the drawings provided that 2(no) separate residential units exist within the Main House. I note that the northern part of the Main House comprises 2(no) bedrooms, ensuite, lounge, kitchen, bathroom, utility, pantry, entrance hall and store, with its own door access and that this unit has no internal connection(s) with the Main House. I therefore concur with the PA and I consider that this space within the overall dwelling is more akin to a 'family flat' as opposed to being a space which is integral to the overall home/Main House.

I note that the CDP expressly acknowledges structures described as a 'family flat' and sets out the requirements against which proposals for such unit types should be measured (Refer 15.4.14, CDP). Given the configuration of the Main House, it is my submission to the Board that the proposed development should therefore be assessed against these requirements to determine if the subdivision of the Main House to include a family flat/granny flat constitutes acceptable development at this rural location. My considerations are as follows:-

- The 'family flat' is not sought on a temporary basis, but on a permanent basis.
- Whilst reference is made to its previous occupancy by a family member, the applicant has not demonstrated that there is a genuine need for a 'family flat' within the application submitted.
- The applicant is agreeable to an occupancy condition.
- There is no direct link to the Main Dwelling by a connecting door.

- No exceptional case has been provided for the need for more than one bedroom within the 'family flat', with 2(no) bedrooms contained within the subject unit.
- The external doors are located to the side and rear of the house, as required.
- It has not been satisfactorily demonstrated that the existing on-site wastewater treatment system serving the main dwelling can facilitate the additional loading from the 'family flat' (Refer also, Section 7.2 below).

In light of the above, I am not satisfied that the subdivision of the main house complies with the relevant development management standard for a 'family flat'. I do not consider that the matter can be satisfactorily addressed by way of the attachment of conditions, as suggested by the applicant. Its overall size, with 2(no) bedrooms and the intended use of this independent unit has not been justified and, in the absence of sufficiently demonstrating that the site can accommodate wastewater, I am of the view that the proposal, with associated increase in the PE loading on the site's wastewater system serving the Main House would pose a risk to public health. I therefore recommend that reason for refusal 1 of the PA's decision to refuse permission be upheld.

#### 7.1.2 Manager's House Occupancy Condition

The Sustainable Rural Housing Guidelines for the Planning Authorities (2005), provide specific guidance in relation to occupancy conditions. Section 4.7 refers to the inflexible nature of long-term occupancy agreements and suggests that the focus should be on deciding on the individual merits of a case in terms of the proper planning and sustainable development of the area.

In noting that condition 2(a) of the parent permission (Pl. Ref. 00/678) requires that occupancy of the Manager's House be restricted to the Stud Farm Manager, I submit that the attachment of such a condition does not restrict the submission and consideration of subsequent applications, and the proposal should be assessed on its individual merit.

On review of the planning history of the site, I note that the site was located within an area categorised as 'Areas Under Development Pressure' (Map 4) in the operative

CDP at the time of the PA's decision. The plan indicated that a positive presumption be given towards the building of one-off housing, for own occupation based on classes of persons as set out, which included among others, persons whose primary employment was in agriculture, horticulture, forestry or bloodstock and persons with existing family linkages with the rural location.

I am satisfied that the applicant has clearly justified the extent of equine operations attached to the applicant's landholding since 2002 and that due to a change in circumstances including the downturn in the Irish equestrian industry and the uncertainty of the applicant's equestrian business going forward, that the removal of an occupancy condition which was attached in excess of 24 years ago is now sought.

I note the change in circumstances and ownership of this site, as outlined within Appendix A of the applicants further information response to the PA, the passing of time since the construction and occupation of the Manager's House, being in excess of 20 years and the provisions of both the Sustainable Rural Housing Guidelines for Planning Authorities and the current CDP provisions, the later of which sets out that the first occupancy of a rural house is restricted to a period of 10 years (HO O45). In this context, and on balance, I do not consider it reasonable that the occupancy of the Manager's House be further restricted given the significant changes in policy and guidance in relation to the time restriction on the occupancy of rural dwellings, since this condition was attached, in excess of 24 years ago.

Therefore, I recommend that condition 2(a) of the parent permission should not be a reason on its own which warrants a refusal in this case and that an occupancy condition should no longer be attached to the Manager's House in this particular case.

#### 7.1.3 Operation of the Managers House, stables and paddocks as a Unit (Stud Farm)

The PA deemed that the proposed development would materially contravene Condition 2(d) of Pl. Ref. 00/678, being the parent permission on this site which stated that "The dwelling and stables complex shall be occupied and operated as a unit, and the development shall not be rented, sold or otherwise disposed of, except as a unit". Again, I reiterate that the Board is required to assess this application on its own individual merit and insofar as there has been a change in circumstances which is of material bearing to the relevance of this condition.

I note that the PA's stated reason for the attachment of this condition was "to protect the rural amenities of the area and to meet the requirements of the CDP in relation to protecting the bloodstock industry by ensuring that a dwelling permitted for the use of the bloodstock industry, remains available for such use". The applicant has clearly highlighted that the principal use of the site as a stud farm is no longer the case and an alternative means for the future viable operations of the subject site is now sought. The applicant seeks the change of use of the stable to accommodate all agricultural activity, not just bloodstock in order to lease the stables and ancillary paddocks to active farmers.

Given the passing of time since the parent decision and on the basis that the landholding will remain in single ownership, I am satisfied that the rationale for the occupancy of the Manager's House and possible future rental and use of the stable buildings for equine or agricultural purposes is reasonable, subject to compliance with all other planning considerations. I therefore do not concur with the PA that any permission granted would materially contravene Condition 2(d) of Pl. Ref. 00/678 or that the proposal would set an undesirable precedent for similar type developments, if permitted as each application is required to be assessed on individual merit.

Furthermore, given the size of the applicant's landholding at this location (12 acres) with associated stocking density requirements and to the size of the stable building, with access & achievable sightlines onto a local road, I do not consider that the proposal would result in the intensification of use such that it would pose a risk to traffic safety. The stable building is setback within the applicant's landholding, with ample provision in accommodating ancillary off-road parking requirements.

For this reason, it is my view that condition 2(d) of the parent permission should not be a reason on its own which warrants a refusal in this case.

While I acknowledge that the stable building could be satisfactorily repurposed for other agricultural uses (e.g. agricultural storage) in the event that its equine use is not viable/ceases, for the purposes of clarity and to ensure that its future alternative use is acceptable on planning grounds, I suggest that a condition be attached by the Board, if it is minded to grant permission, which requires that prior to the occupation of the stable building, that the applicant submit confirmation details on its intended use and occupation for the written approval of the PA.

## 7.2 Wastewater

The PA's third reason for refusal is premised on the sufficiency of details associated with the wastewater treatment system associated with the Main House. Whilst the matter was not raised by the PA at further information stage, I note that its decision was informed by the report of the Environment Section which was received on 19/04/24 following receipt of the applicant's further information.

I have reviewed the details submitted. I see no reason to dispute the PA's refusal reason on wastewater provisions as the applicant has not clearly demonstrated the ability of the site to adequately attenuate and dispose of effluent generated in a manner that is consistent with the requirements of the EPA's Code of Practice for Domestic Wastewater Treatment Systems Population Equivalent  $\leq 10$  (2021) (CoP). The report by Sepcon which is appended to the applicant's appeal submission identifies shortfalls in the availability of required information, including soil polishing filter/percolation area size is not given, evidence of structural damage with the existing wastewater system is recorded. I also note that the wastewater system proposed to be retained is a 7PE and not a 9PE, as required, based on the 7-bedroom Main House sought for retention.

Similarly, in the case of the Manager's House, whilst the PA raises no issue in regard to wastewater, based on survey details provided by Sepcon on behalf of the applicant at further information stage, I am concerned that sufficient details have not been provided in accordance with the requirements of the EPA's Code of Practice. The size of the soil polishing filter/percolation area is not given and the wastewater system proposed to be retained is a 6PE and not a 7PE, as required, based on the 5-bedroom Manager's House which is sought for retention.

In the absence of sufficient documentation on file to the contrary, I consider that the proposed retention of the Main House and the Manager's House and associated wastewater provisions, if permitted would be prejudicial to public health and constitute an unacceptable risk to ground water and surface water and I do not consider that this matter can be suitably addressed by way of condition. I therefore recommend that retention permission be refused for both the Manager's House and the Main House.

## 7.3 Other Matters

I have reviewed the application in the context of addressing any outstanding matters by condition. Given that the internal layouts/number of bedrooms of the 2(no) respective houses in this case, notably Manager's House and the Main House are integral to the location and sizing of the associated proposed wastewater treatment systems, coupled with concerns regarding the subdivision of the Main House, I am of the view that these matters are interlinked and materially significant, such that they cannot be addressed by way of condition. I therefore do not consider it appropriate that permission be granted for the Manager's House and the Main House at this time.

I concur with the PA's view in respect of the the completion of the site entrance, replacing existing arrangement and I am generally satisfied that associated and ancillary modifications including driveway alignment and paddock boundaries and revisions sought to the domestic garage & equestrian stable building are acceptable, subject to conditions.

In respect of Development Contributions, I note that the current Development Contribution Scheme 2023-2029 provides that the first 600m<sup>2</sup> of agricultural/equine development on a landholding is exempt from a charge. Contributions are applicable in the case of extensions to residential developments (refer Section 8.1.1. Development Contribution Scheme) and therefore a standard condition in respect of development contributions should be attached in the event that the Board is of a view to grant permission for the Main House and Manager's House.

## **8.0 AA Screening**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works on an established residential and equine site.

- Location - Distance from nearest European site and lack of any direct connections. This site is within a rural area, c.4km northwest of Red Bog Kildare SAC (Site Code 000397), being the nearest European site.
- Taking into account screening determination by the PA.

## 9.0 Recommendation

I recommend the following:

**GRANT** of permission and retention permission for

- the completion of the site entrance, replacing existing arrangement
- associated and ancillary modifications including driveway alignment and paddock boundaries
- revised (single-storey) garage design and footprint
- revised (single-storey) equestrian stables design and footprint

in accordance with the submitted plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

**REFUSE** retention permission for a change of house design (Main House), change of ancillary structures design (Manager's house) and associated revised wastewater treatment plant system locations

based on the reasons and considerations marked (2) under.

## **10.0 Reasons and Considerations (1)**

Having regard to the nature and intended use of the works sought in respect of the completion of the site entrance and driveway alignment and to the plans and particulars received in regard to the garage and equestrian stables within the subject site, in accordance with the provisions of the Kildare County Development Plan 2023 to 2029, including policy RD P3 in supporting equine related activities of an appropriate size at suitable locations, it is considered that, subject to conditions, the proposed development works in respect of the site entrance, driveway, garage and equestrian stables would not give rise to a traffic hazard or negatively impact on the environment. On this basis, these development works which form part of the subject application site would be in accordance with the proper planning and sustainable development of the area.

## **11.0 Conditions**

1. The development works hereby permitted shall be carried out and completed in accordance with the plans and particulars lodged with the application and further information details of 02/04/2024, 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. The equestrian stable building shall be used for equine use or agricultural/horticultural purposes only. The building shall not be used for human habitation or any commercial purpose other than a purpose incidental to the permitted use(s), whether or not such use might otherwise constitute exempted development. Prior to its occupation, the applicant shall submit full confirmation details on the intended use and occupation of the stable building for the written approval of the Planning Authority and the

development thereafter shall be carried out strictly in accordance with the approved details.

**Reason: In the interest of orderly development and the amenities of the area.**

3. The domestic garage shall not be used for human habitation, or any commercial activity or for any other purpose than a purpose incidental to the enjoyment of the Main dwelling.

**Reason: In the interest of development management.**

4. The Recessed entrance shall be constructed in accordance with submitted Drawing E/3639-5 and Entrance Gate-Permitted and As Built and Proposed Detail Plan Drawing No PA-400. Outer piers shall be fully 2.4 metres back from the road edge.

**Reason: In the interest of traffic safety.**

5. The existing front roadside verge shall be kept free from obstruction and shall be maintained by the landowner so as not to impede lines of sight at the entrance hereby permitted.

**Reason: In the interest of traffic safety.**

6. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.  
(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

**Reason: In the interest of traffic safety and to prevent flooding or pollution.**

## **12.0 Reasons and Considerations (2)**

1. The Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent generated as a result of the change of house design and layout to both the Main House and to the Manager's

house and their respective revised wastewater treatment plant system locations can be satisfactorily treated and, or disposed of on site.

The proposed development, including the internal layout and design of both the Main House and the Manager's House and on-site wastewater provisions would, therefore, be prejudicial to public health, may pose a risk to groundwater and surface waters and would therefore be contrary to the proper planning and sustainable development of the area.

2. Given the design and internal configuration of the Main Dwelling which provides for a separate residential unit that is akin to a 'family flat', ancillary to the main house, and in the absence of justification of its scale comprising 2(no) bedrooms and the absence of an internal connection between both the Main Dwelling and the 'family flat', it is considered that to permit the development as proposed would be contrary to Kildare County Council's development management standard on family flats contained within Section 15.4.14 of the Kildare County Development Plan 2023-2029, would pose a risk to public health in the absence of satisfactory on-site wastewater provisions to serve this development 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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Paula Hanlon  
Planning Inspector

27 February 2025

# Form 1

## EIA Pre-Screening

|                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |            |   |
|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|---|
| <b>An Bord Pleanála<br/>Case Reference</b>  | 319804-24                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |            |   |
| <b>Proposed<br/>Development<br/>Summary</b> | <ul style="list-style-type: none"> <li>Retention permission is sought for a change of house design, change of ancillary (Equestrian Stables, Managers House and Domestic Garage) structures design, revised site layout and footprint of structures and ancillary and associated modifications to Planning Reference: 00/678. The modifications sought for retention include: <ol style="list-style-type: none"> <li>1. Revised (two storey with converted attic) Dwelling design and footprint;</li> <li>2. Revised (single storey) Garage design and footprint;</li> <li>3. Revised (single storey) Equestrian Stables design and footprint;</li> <li>4. Revised (single storey dormer / bungalow style) Manager's House design &amp; footprint;</li> <li>5. Revised Wastewater Treatment Plant System locations; and,</li> <li>6. Associated and ancillary modifications including driveway alignment and paddock boundaries.</li> </ol> </li> </ul> <p>Planning Permission is also sought for works comprising of the completion of the site entrance, replacing existing arrangement.</p> |            |   |
| <b>Development Address</b>                  | Kimblewick, Haynestown, Naas, Co. Kildare, W91 A8RP and Kimblewick Lodge, Haynestown, Naas, Co. Kildare, W91 HF7T                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |            |   |
|                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>Yes</b> | X |

|                                                                                                                                                                                                                |   |                                                                               |                                           |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|-------------------------------------------------------------------------------|-------------------------------------------|--|
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings) |   |                                                                               | No                                        |  |
| <b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>                                                            |   |                                                                               |                                           |  |
| Yes                                                                                                                                                                                                            | X | Class 10(b) (i) Construction of more than 500 Dwellings                       |                                           |  |
| No                                                                                                                                                                                                             |   |                                                                               |                                           |  |
| <b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>                                                                                                  |   |                                                                               |                                           |  |
| No                                                                                                                                                                                                             | X | The proposed relates to the retention of 2(no) dwellings and stable building. | Proceed to Q4                             |  |
| <b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>                                                                                   |   |                                                                               |                                           |  |
| Yes                                                                                                                                                                                                            | X | Class 10 Infrastructure Development (proposal is for 2(no) dwellings)         | Preliminary examination required (Form 2) |  |

|                                                       |   |                                                                    |
|-------------------------------------------------------|---|--------------------------------------------------------------------|
| <b>5. Has Schedule 7A information been submitted?</b> |   |                                                                    |
| No                                                    | X | Pre-screening determination conclusion remains as above (Q1 to Q4) |
| Yes                                                   |   |                                                                    |

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

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

## Form 2

### EIA Preliminary Examination

|                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>An Bord Pleanála Case Reference</b>                                                                                                                                                                                                                                                     | 319804-24                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Proposed Development Summary</b>                                                                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>Retention permission is sought for a change of house design, change of ancillary (Equestrian Stables, Managers House and Domestic Garage) structures design, revised site layout and footprint of structures and ancillary and associated modifications to Planning Reference: 00/678. The modifications sought for retention include: <ol style="list-style-type: none"> <li>1. Revised (two storey with converted attic) Dwelling design and footprint;</li> <li>2. Revised (single storey) Garage design and footprint;</li> <li>3. Revised (single storey) Equestrian Stables design and footprint;</li> <li>4. Revised (single storey dormer / bungalow style) Manager's House design &amp; footprint;</li> <li>5. Revised Wastewater Treatment Plant System locations; and,</li> <li>6. Associated and ancillary modifications including driveway alignment and paddock boundaries.</li> </ol> <p>Planning Permission is also sought for works comprising of the completion of the site entrance, replacing existing arrangement.</p> </li> </ul> |
| <b>Development Address</b>                                                                                                                                                                                                                                                                 | Kimblewick, Haynestown, Naas, Co. Kildare, W91 A8RP and Kimblewick Lodge, Haynestown, Naas, Co. Kildare, W91 HF7T                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

|                                                                                                                                                                                                                                                                                                                                                        | Examination                                                                                                                                                                                                                                                                                                                                                                                                                      | Yes/No/<br>Uncertain |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| <p><b>Nature of the Development</b></p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>                                                                                               | <p>The site which is unzoned, is located in the open countryside and adjoins a local road in the townland of Haynestown, Naas, Co. Kildare</p> <p>The proposed development is not exceptional in the context of existing environment.</p> <p>The proposed development will not result in the production of any significant waste, emissions or pollutants.</p>                                                                   | No                   |
| <p><b>Size of the Development</b></p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>                                                                                         | <p>No. The site area is stated on application form submitted as 5.26ha.</p> <p>Permission was granted on this site for 2(no) dwellings and stable building (Pl. Ref. 00/678). There are no other developments under construction in proximity to the site. All other developments are established uses.</p>                                                                                                                      | No                   |
| <p><b>Location of the Development</b></p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p> | <p>No. The appeal site is not located within any designated European site(s). The subject site is located a distance of approximately 4km from the nearest European site, with no direct hydrological or ecological connections.</p> <p>Due to the nature and scale of the proposal, the proposed development does not have the potential to significantly affect other significant environmental sensitivities in the area.</p> | No                   |

|                                                                                                    |
|----------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• <b>Conclusion</b></li></ul>                                |
| <b>There is no real likelihood of significant effects on the environment.</b><br>EIA not required. |

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

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

(only where Schedule 7A information or EIAR required)