



Planning and Development Acts 2000 to 2019

Planning Authority: Meath County Council

Planning Register Reference Number: RA/181500

APPEAL by the Residents of L62221 Cul De Sac care of J. Kelleher Solicitors of 4-5 Saint Mary's Terrace, Dunboyne, County Meath against the decision made on the 18th day of June, 2019 by Meath County Council to grant subject to conditions a permission to Noel O'Hora care of McKenna and Associates of Trim, County Meath for the proposed development.

Proposed Development: Construction of a two-storey style dwelling and detached domestic garage, the installation of a proprietary domestic effluent system, connection to existing public services, new site entrance and all associated site works at Waynestown, Dunboyne, County Meath, as amended by the further public notice received by the planning authority on the 24th day of May, 2019.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. The site of the proposed development is located within an “Area Under Strong Urban Influence” as set out in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April 2005, wherein it is policy to distinguish between urban-generated and rural-generated housing need. Furthermore, the subject site is located in an area that is designated under urban influence, where it is national policy, as set out in National Policy Objective 19 of the National Planning Framework, to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements. Having regard to the documentation submitted with the application and appeal, the Board is not satisfied that the applicant comes within the scope of the housing need criteria as set out in the Guidelines nor has a demonstrable economic or social need to live in this rural area. Furthermore, the Board is not satisfied that the applicant’s housing needs could not be satisfactorily met in an established smaller town or village/settlement centre. It is considered, therefore, that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines and in national policy for a house at this location. The proposed development would be contrary to the Ministerial Guidelines and to the over-arching national policy, notwithstanding the provisions of the current Meath County

Development Plan 2013-2019 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the nature and location of the applicant's employment located within an existing village settlement, it is considered that the proposed development would involve urban generated housing within a rural area under urban influence.

In deciding not to accept the Inspectors recommendation to grant permission, the Board noted that Kilcloon is, in fact, an existing village/settlement centre and is accordingly a built-up urban area, notwithstanding the fact that it is not included in the County Meath Urban Settlement Hierarchy (Table 2.1) in the Meath County Development Plan 2013-2019 and noted that the Inspector did not take this issue into account, and referred solely to the provisions of the County Development Plan in relation to rural housing need. Furthermore, the Board considered that it was appropriate that the proposed development be assessed not only in relation to the provisions of the Development Plan but also by reference to the Ministerial Guidelines or the over-arching national policy, to which the Board is statutorily obliged to have regard under the provisions of the Planning and Development Act 2000, as amended. The Board therefore considered, for the reasons as set out in its Order, and notwithstanding the provisions of the Development Plan, that the proposed development was contrary to these Ministerial Guidelines and national policy.

Terry Ó Niadh
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.