

An
Coimisiún
Pleanála

Commission Order

ABP-322196-25

Planning and Development Acts 2000 to 2025

Planning Authority: Meath County Council

Planning Register Reference Number: 25/17

Appeal by Rose Murray care of BPS Planning and Development Consultants of PO Box 13658, Dublin against the decision made on the 26th day of March, 2025 by Meath County Council to refuse permission.

Proposed Development: Demolition of existing carport and attached domestic garage with living area over to the east, single storey living room projection to the west, two-storey projection and balcony to front, existing chimney stack, reduction of floor area on ground and first floor layouts, removal and reconfiguration of roof structure to a lower ridge height. Construction of a new single storey dining area to west, new external and internal walls to form proposed layout changes, new window arrangements to the front elevation, new reconfigured roof structure with reduced ridge height, all associated elevational changes, new additions to wastewater treatment system, new percolation area and all associated works. Retention of the remaining two-storey style dwellinghouse, proprietary wastewater treatment system, site entrance onto cul-de-sac laneway and all associated site works, all at Faughanhill, Bohermeen, Navan, County Meath.

Decision

REFUSE permission for the above development for the reasons and considerations set out below.

Reasons and Considerations

1. Having regard to the level of existing and permitted development it is considered the proposed development would give rise to an excessive density of development, in a rural area lacking certain public services and community facilities, and would establish an undesirable precedent for further development of this type. Furthermore, the proposed development would be contrary to the policies and objectives of the Meath County Development Plan 2021-2027 which seeks to provide more sustainable formats of development within the rural area, through supporting vitality of lower order centres and existing local community facilities including policies/objectives RD POL 4, RD POL 8, RUR DEV SO 5, CS OBJ 1 and RD OBJ. Taking these two conclusions together, the development proposed to be retained and proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The wastewater treatment system proposed to be retained would be contrary to the minimum requirements of the EPA Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) (2021). Having regard to the documentation submitted in connection with the planning application and the appeal, it is considered that, in relation to the exact nature and extent of the water table on site, the necessary depth of the proposed soil polishing filter cannot be accurately determined. The development proposed to be retained and proposed development would contravene Policy RD POL 48 of the Meath County Development Plan 2021-2027, would be prejudicial to public health, and would, therefore, be contrary to the proper planning and sustainable development of the area.

The Commission concurred with the Inspectors recommendation to refuse permission, but did not concur with the totality of this assessment and recommendation.

Notwithstanding previous assessments on this matter, the Commission did not concur with the Inspector's conclusion that residency in an unauthorised structure accorded with the development plan requirement to have lived in the rural area for a period of over 5 years.

The Commission considered the totality of Chapter 9 of the Meath County Development Plan and noted the multiple criteria that are to be considered when assessing whether an applicant accords with the policies and objectives that determine compliance, including the rural area type; persons who are an intrinsic part of the Rural Community; Development Assessment Criteria; and Rural Nodes.

Despite the fact that the applicant has not demonstrated in this application that they satisfy the Development Plan criteria as a person who is an intrinsic part of the rural community, should so be the case (for reasons other than occupancy of an unauthorised structure) Section 9.5.4 of the current development plan states the housing needs of those members of the rural community who are not part of the agricultural/horticultural community will be facilitated in designated rural nodes. The applicant has not provided evidence that they are part of the agricultural/horticultural community. Therefore, should the applicant be able to demonstrate that they satisfy the development plan criteria for a rural house, the Development Plan clearly provides for such housing need to be met in identified rural nodes (Policy RD POL 8, map 4.1) not the open countryside, subject to according with other requirements. For completeness the Development Plan directs urban generated housing to areas zoned for new housing developments to settlements, in the Settlement Hierarchy identified in the plan as villages and towns, but not rural nodes (RD POL 5).

The Commission identified Bohermeen as the designated rural node closest to the applicant's site. However, the applicant's property is not within the boundary, identified as the rural node, in the Development Plan maps, with the Inspectors

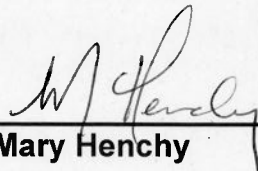
report stating the site is 1.7 kilometres north of Bohermeen. Therefore, even if the applicant had demonstrated in the application that they accorded with the Plan's criteria for a rural dwelling, the Development Plan is clear that the appropriate location for such a dwelling is a rural node, as identified in the Settlement Hierarchy not the open countryside.

Having noted the Inspector's assessment of Density of Rural Residential Development, the Commission concurred with the conclusion that the refusal of planning permission, on the grounds of excessive density, is entirely appropriate and consistent with the policies in Meath County Development Plan 2021-2027.

However, the Commission did not concur with the Inspector on the matter of consistency based on other grants of permissions. Each application must be considered on its merits, without revisiting the facts of each case referenced in the appeal and considered in the Inspector's report, it is noted that one of these decisions dates to 2008, predating the current Development Plan and the other two include a condition limiting their occupation, indicating that they accorded with the, Rural Housing policy. In addition, the Commission noted the planning history section in the Inspector's report and previous Inspectors' reports on applications on the appeal site and noted the number of applications that have been refused in the general area by both the planning authority and An Coimisiún Pleanála. The Commission considered that this demonstrated development pressure in this rural area. The Commission concurred with the planning authority that allowing the retention of this dwelling, in an area experiencing ongoing development pressure, would give rise to an excessive density of development in a rural area lacking certain public services and community facilities and would establish a precedent for further development of this type, and considered it would, therefore, be contrary to the proper planning and sustainable development of the area.

On the matter of house design, the planning authority's second reason for refusal, the Commission considered that the significant alterations proposed to the existing structure go some way to align with the Meath County Council Rural Design Guide (Appendix 15 of the development plan). The re-engineering proposed simplifies the overall design of the structure, though some elements remain incongruous in form having regard to the Rural Design Guide; for example, the plan depth and the roof

structure. The Commission also noted that the Rural Design Guide relate to the totality of the site, the entrance, layout etc. The Commission did not concur with the Inspector that the proposed alteration to the design of the existing structure accorded with the Guide's requirements. The Commission were cognisant that further amendments may be tantamount to a demolition of the existing structure, but were it not for the substantial reasons for refusal, the Commission may have requested further information regarding compliance with Meath County Council Development Plan Rural Design Guide.



Mary Henchy

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.



Dated this 31st day of July 2025.