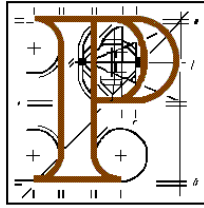


An Bord Pleanála



Inspector's Report

PL17. 246490

DEVELOPMENT: Retain house and install septic tank system

ADDRESS: Primatestown, Ashbourne, Meath

PLANNING APPLICATION

Planning Authority: Meath County Council

Planning Authority Reg. No.: AA/160117

Applicant: Fred Kavanagh

Application Type: Permission

Planning Authority Decision: Refuse permission

APPEAL

Appellant: Fred Kavanagh

Type of Appeal: 1st party vs. refusal

Observers: None

DATE OF SITE INSPECTION: 13th July 2016

INSPECTOR: Stephen J. O'Sullivan

1.0 INTRODUCTION

- 1.1 This report deals with a first party appeal against a decision of Meath County Council to refuse permission to retain a house in the countryside.

2.0 SITE

- 2.1 The site has a stated area of 0.35ha. It lies in a rural area in Meath c6km north of Ashbourne. Access to the site is via a narrow rural road c2.4m in width, which has a substandard vertical and horizontal alignment. The site is c250m east of the N2 national primary road. It is occupied by a single storey house, a mobile home and an agricultural shed with a stated floor area of 208m². The roadside boundary to the north and east of the site is marked by an established hedgerow. The entrance to the site lies at the western end of that hedgerow. A house stands on the adjoining site to the south. There are numerous other one-off houses in the vicinity.

3.0 PROPOSAL

- 3.1 It is proposed to retain –

- The demolition of a stable that had a floor area of 68m²
- The construction of a single storey house with a ridge height of 4.9m and a floor area of 103m²

and to install a new wastewater treatment system and percolation area to replace an existing septic tank and soakpit.

4.0 POLICY

- 4.1 According to the *Guidelines for Planning Authorities for Sustainable Rural Housing* issued in April 2005, the site is in an area under strong urban influence. In such areas the housing needs of the local rural community can be accommodated in the countryside, but urban generated housing demand should be directed to zoned and serviced land in settlements.

- 4.2 The *Meath County Development Plan 2013-2019* applies. The site is in a 'Rural Area Under Strong Urban Influence'. Policies RD POL1 & 2 apply to such areas. They are

To ensure that individual house developments in rural areas satisfy the housing requirements of persons who are an intrinsic part of the rural community in which they are proposed, subject to compliance with normal planning criteria, and

To facilitate the housing requirements of the rural community as identified while directing urban generated housing to areas zoned for new development in towns and villages in the area of the development plan'.

Section 10.4 of the plan describes categories of persons who are considered an intrinsic part of the rural community. It includes those employed in the equine industry and who can demonstrate that such activity is sufficient to support full time employment, or significant part time occupation which is the person's predominant occupation. It also includes persons who have spent substantial period of their lives living in rural areas for more than 5 years.

5.0 HISTORY

- 5.1 Reg. Ref. AA/150945 – the planning authority refused permission for the same development on 9th September 2015 for three reasons relating to traffic hazard, foul drainage and rural housing policy.

6.0 DECISION

- 6.1 The planning authority decided to refuse permission for two reasons.

Reason no. 1 stated that the planning authority was not satisfied that the retention of the development would not be a traffic hazard as the entrance is on a bend on a narrow lane with a number of sharp bends.

Reason no. 2 stated that the applicant had not established a site specific rural housing need and so the development would contravene the policies in the development plan and the guidelines to restrict housing in this part of the countryside.

7.0 REPORTS TO THE PLANNING AUTHORITY

- 7.1 Road Design Section – The site is on a narrow road with many sharp bends with low traffic speeds and volumes. The entrance is satisfactory for normal domestic use and there is no objection to its continued use for such. Any commercial or other use would constitute a hazard.
- 7.2 Planner's report – The development would not comply with the development plan as it would not meet a local rural housing need. The submitted site suitability assessment indicates that the wastewater can be properly treated and disposed of. It was recommended that permission be refused.

8.0 GROUNDS OF APPEAL

- 8.1 The grounds of appeal can be summarised as follows-

- With regard to reason no. 1 of the planning authority's decision, the Roads Design Section of the council reported that they had no objection to the use of the existing entrance to the site for domestic purposes. That entrance is established and it not part of the proposed development. It has been used for the applicant's horse training business. The applicant would cease this business if such is necessary to make the retention of the house safe. It also serves the mobile home on the property which has been in use for 7 years and which is connected to a water supply from the council. Therefore the retention of the house would not result in an increase in traffic from the site and would not cause any hazard. A condition could be imposed that the entrance was only used for domestic purposes in accordance with the report from the council's Road Design Section. The entrance has adequate sightlines for a road with such low traffic volumes and speeds.
- With regard to reason no. 2, the applicant has included a number of documents supporting his local need and his ties to the local area. The applicant has to move from his previous house due to security concerns, as stated in a letter from An Garda Síochana. The applicant's ties to the area relate to the use of the mobile home on the site by his son and his operation of a taxi and horse training businesses. He has demonstrated sufficient local need to comply with the requirements of the development plan and the rural housing guidelines.

9.0 RESPONSES

- 9.1 The planning authority's response states that the applicant has not demonstrated compliance with any of the criteria to establish rural housing need that are set out in section 10.4 of the development plan. The report from the council's Roads Section stated that the use of the entrance for residential and commercial uses would not be acceptable. If the use of the entrance for an equine operation were to cease, this would further undermine the rural housing need that might be met by the development.

10.0 ASSESSMENT

- 10.1 The applicant has not demonstrated that he has lived in a rural area for a significant period. The site would not support an equine operation of sufficient scale to constitute a significant occupation by the applicant. The operation of a taxi business would not require a rural residence. With regard to the presence of the mobile home on the site for more than 7 years and its occupation by a family member, I would comment that a development continues to be unauthorised even if enforcement action against it is barred by the passage of time. It would frustrate the purposes of the planning act and offend against notions of fairness if development that was carried out contrary to the provisions of the act were to provide a justification for a grant of permission under the same act. It is therefore concluded that the development whose

retention is proposed would not meet the housing needs of the local rural community, as defined in section 10.4 of the development plan. It would therefore contravene the provisions of the plan and of the sustainable rural housing guidelines that apply to areas under strong urban influence.

- 10.2 The restricted width and poor alignment of the county road at the site restrict the speed of traffic along it. The specific use of the entrance to the site by the traffic generated by the development would not, therefore, be likely to constitute a hazard. However the road network in the area, including the country lanes and their junctions onto the N2 where the 100 kph speed limit applies, is not suited to carrying the additional traffic that would be generated by sporadic residential development such as that which is proposed in the current application.

11.0 RECOMMENDATION

- 11.1 I recommend that permission be refused for the reasons and considerations set out below.

REASONS AND CONSIDERATIONS

1. The site is located in a rural area that is under strong urban influence. The *Guidelines for Planning Authorities on Sustainable Rural Housing* issued by the minister in April 2005 and Policies RDPOL1 and RDPOL 2 of the *Meath County Development Plan 2013-2019* seek to restrict the development of houses in such areas to cases where it meets the housing needs of the local rural community. The development whose retention is proposed would not meet such a need as defined by the criteria set out in section 10.4 of the development plan. It would therefore contravene the provisions of the guidelines and the development plan and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the restricted width and poor alignment of the roads in the vicinity of the site, and its proximity to junctions on the N2 national primary road where the 100kph speed limit applies, it is considered that deficiencies in the road network in the area would render it unsuitable to carry the increased road traffic that would result from housing development such as that whose retention is proposed.

Stephen J. O'Sullivan
27th July 2016