



An  
Bord  
Pleanála

## Inspector's Report

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<b>Development</b>	House, garage, entrance off public road, effluent treatment system and all associated works at Ardsallagh, Navan, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	NA/160231
<b>Applicant</b>	David Greally
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Appellant</b>	David Greally
<b>Type of Appeal</b>	1 <sup>st</sup> Party v. Refusal
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	03/08/16
<b>Inspector</b>	Pauline Fitzpatrick

## **1.0 SITE LOCATION AND DESCRIPTION**

The site, which has a stated area of 0.210 hectares, is in the townland of Ardshallagh c. 5km to the south of Navan town centre. It is roughly square in shape, relatively level and constitutes part of a larger field in pasture. The roadside boundary is delineated by a hedgerow with the side boundaries of the site set back from the boundaries of the dwellings to either side. There is a 3<sup>rd</sup> dwelling and commercial premises to the south-east. There are a further 4 dwellings c. 90 metres to the north-east. The local road is relatively straight in the vicinity of the site with a grass verge and footpath noted along the site frontage. The local road runs parallel to the M3 which it crosses by way of a flyover c.300 metres to the north of the site.

## **2.0 PROPOSED DEVELOPMENT**

The proposal is for the construction of a 189.5 sq.m. single storey dwelling house served by an effluent treatment system and detached garage on the site. The application is accompanied by:

1. Design statement
2. Land registry details
3. Documentary evidence regarding compliance with local need
4. Site Suitability Assessment
5. AA – Screening Statement

The applicant is from Lismullen, Tara and resides with his parents. The applicant proposes to purchase the site subject to securing planning permission.

The trial hole dig stopped at 1 metre due to water ingress with the water table observed at 0.6 metres. A T value of 82 and P value of 60 were recorded.

### **3.0 PLANNING AND TECHNICAL REPORTS**

The **Assistant Planner's** report dated **29/04/16** (countersigned) states that whilst the applicant may have a rural housing need it is considered that he has not demonstrated a site specific rural housing need at this location. Ribbon development is evident and to permit another dwelling would exacerbate the situation. The applicant is not building on family owned lands, is not from the area and to permit another dwelling in this overdeveloped area would be contrary to the proper planning and development of the area. A refusal of permission for two reasons is recommended.

### **4.0 PLANNING AUTHORITY DECISION**

The Planning Authority decided to refuse permission for the above described development for two reasons which can be summarised as follows:

1. Based on the information submitted the applicant has not established a site specific rural generated housing need for a dwelling at this location which is designated as being under strong urban influence. The proposal would be contrary to the policies of the Rural Housing Guidelines and the Meath County Development Plan and would set an undesirable precedent.
2. Taken with existing development the proposal would result in an excessive concentration and density of development and would exacerbate the level of ribbon development.

### **5.0 GROUNDS OF APPEAL**

The 1<sup>st</sup> Party appeal against the Planning Authority's notification of decision to refuse permission, which is accompanied by supporting detail, can be summarised as follows:

- The applicant is from the area and has resided in the family home in Tara all his life. The site is c 3.5 km from the said family home. It is ideally suited as it is half way between his family home and Navan.
- It is very difficult to find suitable sites in the area.
- The site should qualify as an infill development as it is between three long established houses. This would result in a line of four houses. There is a gap of 60 metres to the north after which there are a further four houses. There is a gap of 400 metres to the next house.
- On the entire 4.5km length of local road L4009-08 only 5 dwellings have been constructed in 20 years. The area is not over developed.

## **7.0 PLANNING AUTHORITY'S RESPONSE TO GROUNDS OF APPEAL**

The Planning Authority has nothing further to add and refers the Board to the reports on file.

## **8.0 PLANNING HISTORY**

**NA/50323** – permission refused in October 2005 for a dwelling on the site. The applicant was Aidan Curtis. The four reasons pertain to the applicant's failure to demonstrate local housing need, ribbon development and concentration of development, insufficient information on the effluent treatment system and traffic safety due to access onto a narrow road where sightlines are not achievable.

## **9.0 DEVELOPMENT PLAN PROVISIONS**

The **Meath County Development Plan, 2013** refers.

The site is within a rural area designated as being under strong urban influence. The key challenge in such an area is to facilitate the housing requirements of the rural community while directing urban generated housing demand to areas zoned for housing in towns and villages in the area of the development plan.

**Policy RD POL 1** - 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.

Meath County Council recognises the interest of persons local to or linked to a rural area, who are not engaged in significant agricultural or rural resource related occupation, to live in rural areas. For the purposes of this policy section, persons local to an area are considered to include:

- Persons who have spent substantial periods of their lives, living in rural areas as members of the established rural community for a period in excess of five years and who do not possess a dwelling or who have not possessed a dwelling in the past in which they have resided or who possess a dwelling in which they do not currently reside;

**Section 10.5.1** sets out the Development Assessment Criteria which would be taken into account in assessing individual proposals for one off housing including housing need, local circumstances such as the degree to which the surrounding area has been developed and is trending towards becoming overdeveloped, the degree of existing development on the original landholding, the suitability of the site in terms of access, wastewater disposal and house location and the degree to which the proposal might be considered infill development.

#### **Section 10.5.2 Ribbon Development**

Ribbon development is considered to be a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage. (Please note that in all instances where ribbon development is referred to in this Development Plan, the example contained in Appendix 4 of the Sustainable Rural Housing Guidelines for Planning Authorities as published by the DoEHLG in April 2005 shall apply). Whether a given proposal will exacerbate such ribbon development or could be considered will depend on:

- The type of rural area and circumstances of the applicant;
- The degree to which the proposal might be considered infill development, and;

- The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.

## **10.0 ISSUES AND ASSESSMENT**

I consider that the issues arising in the case can be addressed under the following headings:

1. Compliance with settlement location policy
2. Ribbon development
3. Effluent disposal
4. AA- Screening

### **10.1 Compliance with settlement location policy**

As per the current County Development Plan the site is within an area under strong urban influence. As evidenced from the one off housing in the vicinity and, taking into consideration the relative proximity of the area to both Navan and Dublin, the designation is considered to be entirely reasonable. The key challenge in these areas is to maintain a reasonable balance between facilitating the housing requirements of the rural community while directing urban generated housing demand into areas zoned for new housing in towns and villages in the area.

From the details on file the applicant is from Lismullen Tara which is approx. 4 km to the south-east of the appeal site and he resides at the family home. He is self employed as a motor assessor and works from his home address. He is not related to the site owner and proposes to purchase the site should he secure planning permission. In his appeal submission he acknowledges the fact that he carries out his daily business and socialises in the town of Navan which is proximate to his family home and the subject site. Whilst section 10.4 of the development plan provides for a positive presumption for persons who are an intrinsic part of the rural community I would concur with the Planning Authority that the proposed development, based on the documentation provided with the application does not

establish any site specific rural generated need for a dwelling house in a location recognised as being under severe pressure from similar types of development.

Notwithstanding, both the County development Plan and the Rural Housing Guidelines note that the acceptability of the proposal in terms of settlement policy is predicated on other planning and environmental considerations being satisfied. In this regard section 10.5.1 of the development plan, which reproduces the advice of the Sustainable Rural Housing Guidelines, sets out the issues which would be taken into account in assessing individual proposals for one off housing. Over and above local need, relevant concerns are the degree to which the surrounding area has been developed and is trending towards becoming overdeveloped, the degree of existing development on the original landholding, the suitability of the site in terms of access, wastewater disposal and house location and the degree to which the proposal might be considered infill development.

## **10.2 Ribbon Development**

The dwelling is to be positioned between two dwellings along a 110 metre stretch of road with a further dwelling and commercial premises to the south-east. There is a gap of approx. 52 metres to the north-west before a line of a further four dwellings

As per section 10.5.2 of the current development plan ribbon development is considered to be a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage with specific regard had to the Appendix 4 of the Rural Housing Guidelines for Planning Authorities. The development plan does allow for some discretion where a given proposal will exacerbate such ribbon development namely the type of rural area and circumstances of the applicant, the degree to which the proposal might be considered infill development and the degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development. I note that the planning authority considered this issue to be a substantive concern in the previous application dating back to 2005 and was cited in the reasons for refusal.

Taken in the context with the five dwellings to the north-west the proposal will result in a 6<sup>th</sup> dwelling along a 250 metre stretch of road. Whilst it is between two

dwellings I do not consider that it constitutes what would be considered an infill site in such a rural context. As noted above the site is within an area under urban influence and the applicant has not, in my opinion, substantiated a site specific housing need. To allow for the development in this instance would render the site to the north-east as the only undeveloped plot, the development of which could then be argued to constitute infill. As such I consider that the proposal, in addition to exacerbating the pattern of ribbon development, would set an undesirable precedent. I therefore concur with the planning authority's reason for refusal in this instance.

### **10.3 Effluent Disposal**

As per the Soil Characterisation and Site Suitability Assessment Report which accompanies the application a T value of 82 and P value of 60 were recorded. The trial hole dig stopped at 1 metre due to water ingress with the water table observed at 0.6 metres.

Notwithstanding the proposed effluent treatment system's compliance with the EPA code of practice (including the requirement to install a sand polishing filter to counter the issues arising with the relatively high water table recorded) I would suggest that the proposal could be considered to run counter to the recommendations of the Rural Housing Guidelines and RD POL 46 of the current County Development Plan which state that new development should be guided towards sites where acceptable wastewater treatment and disposal facilities can be provided, avoiding sites where it is inherently difficult to provide and maintain such facilities. In this context the relatively poor percolation qualities of the soil and high water table, coupled with the concentration of such facilities in the vicinity are a concern. These considerations, together with the very real precedent for further one off housing served by effluent treatment systems that could be set in the vicinity would, in my opinion, militate against a favourable decision in this instance. I consider that the proposal should only be accepted in exceptional circumstances where an essential housing need at this location has been established. This has not been done in this instance.

### **10.4 AA – Screening**

The application is accompanied by AA –Screening report.



The lands on the opposite side of the road c. 35 from the site are within the River Boyne and River Blackwater SAC (site code 002299) whilst the site is c. 350 metres to the north-east of the River Boyne and River Blackwater SPA (site code 004232).

The qualifying interests of the SAC include Alkaline fens, Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*), River Lamprey, Salmon and Otter. The qualifying interest of the SPA is the Kingfisher

To date generic conservation objectives pertain for the two sites the overall aim being to maintain or restore the favourable conservation status of habitats and species of community interest so as to contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.

As the site is not within or directly adjoining the proposed development will not have any direct effect on the designated sites. There is potential for indirect effects arising from surface water runoff and discharge to ground water. Taking into consideration the nature and small scale of the proposed development in relation to the overall size of the River Boyne and Blackwater SAC, and the incorporation of standard methods during both construction and post construction stages to prevent any spillages and surface water runoff, the maintenance of hedgerows as far as is feasible to protect biodiversity and the proper installation and maintenance of the effluent treatment system, I submit that the likelihood of any indirect or cumulative impacts on the designated sites is negligible.

It is reasonable to conclude that on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and in particular specific site numbers 002299 and 004232 and in view of the sites' conservation objectives. An appropriate assessment (and submission of a NIS) is not therefore required.

## 11.0 CONCLUSIONS AND RECOMMENDATION

Having regard to the documentation on file, the grounds of appeal, a site inspection and the assessment above I recommend that permission for the above described development be refused for the following reasons and considerations.

### REASONS AND CONSIDERATIONS

1. The proposed development is located in an area identified as being under strong urban influence in the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of Environment, Heritage and Local Government (2005), and in a “Rural Area Under Strong Urban Influence”, where housing is restricted to persons demonstrating local need, in accordance with the Meath County Development Plan, 2013 – 2019. On the basis of the documentation submitted in support of the application and the appeal, the Board is not satisfied that the applicant has demonstrated compliance with the housing need criteria as set out in the Guidelines or the Development Plan for a house at this rural location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the existing pattern of development in this area which is not zoned for residential, the Board considered that the proposed development would constitute an undesirable pattern of ribbon development, would contravene section 10.5.2 of the Meath County Development Plan 2013-2019, would seriously injure the residential and rural amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Pauline Fitzpatrick**  
**Inspectorate**

**August 2016**