



Development	House, new site entrance, proprietary waste water treatment system and all associated works
Location	Ballaghaweary, Kilsallaghan, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	AA160200
Applicant(s)	Sorcha Murtagh
Type of Appeal	First Party
Planning Authority Decision	REFUSE
Appellant(s)	1. Sorcha Murtagh
Observer(s)	None
Date of Site Inspection	31 st August 2016
Inspector	Niall Haverty

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1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.39 ha, is located in the townland of Ballaghaweary, a rural area c. 4.5km south east of Ashbourne, Co. Meath. The site is located on the L5023 local road, which connects the R125 and R135 regional roads. The L5023 road is c. 3.5m wide at the location of the appeal site. The appeal site is roughly rectangular in shape and comprises the southern half of a larger field which does not appear to be in active agricultural use.
- 1.2. The north eastern boundary of the site is undefined, while the south eastern (roadside) boundary and the south western boundaries are defined by trees and hedgerows. To the north west (rear) of the site there are two large agricultural type buildings and a yard where a large number of cars were parked on the date of my site inspection. To the north east there are three houses and to the south west there are six houses, all on the same side of the road and in close proximity to the site. St Andrew's Athletic Club grounds are located c. 150m to the north east of the appeal site, on the opposite side of the L5023.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a detached 1 ½ storey house with a floor area of 261.7 sq m, new site entrance, proprietary waste water treatment system and all associated works.
- 2.2. The site is not owned by the applicant or her family, but she intends to purchase it subject to planning permission being granted. A letter of consent was included with the application from the landowner.
- 2.3. A Site Suitability Assessment and local needs form with supporting documentation were also included with the application.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Meath County Council decided to refuse planning permission on 23rd May 2016 for the following reason:

- Having regard to the existing and permitted development on the landholding from which the application site has been taken, the modest scale of the landholding and taken in conjunction with the existing pattern of development in the area, the proposed development would constitute the overdevelopment of this landholding which would consolidate undesirable ribbon development and contribute to the erosion of the rural character of the area which would be contrary to the Meath County Development Plan 2013-2019 and the Sustainable Rural Housing Guidelines for Planning Authorities, set an undesirable precedent for other similar development and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The report of the area planner can be summarised as follows:

- Stage 2 Appropriate Assessment not required.
- Design of house is acceptable in the context of the Meath Rural House Design Guide and visibility at entrance is adequate.
- A Request for Additional Information was issued seeking further information in respect of local housing need and information on the landholding from which the site was taken.

- Three houses have been built on the landholding with extant permission for a fourth (Reg. Ref. DA/120475). Proposed development represents overdevelopment of the modest landholding where family housing has been accommodated.
- Site is the last undeveloped and uncommitted piece of the landholding with road frontage.
- Application site is not an infill site if permission for house to the north east is not implemented. If it is not intended to implement that permission, then an application should be made for one house on the full extent of undeveloped land between the existing houses.
- Development would result in excessive density of development, consolidation of ribbon development and erosion of rural character.
- Screening of agricultural buildings is not a planning gain.
- Applicant has a local need in accordance with the Development Plan.
- Planning Officer recommended refusal for same reason used in the Planning Authority's decision.

3.3. Other Technical Reports

- 3.3.1. There are no technical reports on file.

3.4. Third Party Observations

- 3.4.1. There were no third party observations.

4.0 Planning History

4.1. There is no relevant planning history on the appeal site. The following planning applications relate to the adjoining site to the north east (i.e. the other half of the field).

- **DA/70024:** Permission granted in July 2007 for detached two storey, four bedroom house and associated development. Entrance to be provided off existing entrance for house to north east. Extension of duration of planning permission subsequently granted until 3rd July 2017 (Reg. Ref. DA/120475).
- **PL17.218088; DA/60135:** Permission refused by the Board in October 2006 following first party appeal for detached two storey four bedroom house due to failure to demonstrate local need and consolidation of ribbon development.
- **DA/50359:** Permission refused in January 2006 for detached two storey four bedroom dormer house due to traffic hazard, excessive concentration of wastewater treatment systems and consolidation of ribbon development.

5.0 Policy Context

5.1. *Meath County Development Plan 2013-2019*

5.1.1. The appeal site is located on unzoned lands, in an area designated as being a “*rural area under strong urban influence*” in the *Development Plan*. Policies RD POL1, RD POL 2 and RD POL 3 all relate to this type of rural area and seek to facilitate the housing requirements of the rural community subject to normal planning criteria, while directing urban-generated housing to zoned lands in towns and villages.

5.1.2. Section 10.4 sets out the criteria under which applicants can demonstrate their local housing need. In this regard, persons local to an area are considered to include “*persons who have spent substantial periods of their lives, living in rural area 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”.

5.1.3. Section 10.5.1 sets out the ‘Development Assessment Criteria’ which the Planning Authority will take into account. This includes housing need as defined in Section 10.4, local circumstances, suitability of the site, the degree to which the proposal represents infill development and the history of development on the original landholding. Where there is history of speculative sale of sites, permission may be refused.

5.1.4. Section 10.5.2 sets out the Planning Authority’s criteria for determining whether a development proposal will exacerbate ribbon development, which is defined as “*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*”. In assessing whether a given proposal will exacerbate such ribbon development, the Planning Authority will consider: the type of rural area; the circumstances of the applicant; the degree to which the proposal might be considered infill development; and the degree to which the proposal would cause existing ribbon development to be extended or coalesce.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal has been submitted by the applicant against the Planning Authority’s decision to refuse permission. The grounds of appeal can be summarised as follows:

- Site is too small for agricultural use, was overgrown and detracted from rural setting.

- Site is within 1km of family home where applicant has resided since birth.
- House design, access, wastewater treatment proposals and rural housing need were all acceptable to Planning Authority.
- Landowner's landholding was originally part of a far more significant landholding which was disposed of following his retirement from farming. Development would not constitute overdevelopment of original landholding in its entirety.
- Site is serviced by sufficient public services such a water supply and electricity services and will have minimal impact on the surroundings.
- Proposed development would not provide an undesirable precedent for other similar developments, and represents infill of the existing ribbon of development rather than extending the ribbon in any way.
- A number of the existing houses that contribute to the ribbon development were developed by the Planning Authority.
- Development complies with Planning Authority's Rural Housing Design Guide and will enhance the character of the area since the site was in a neglected state until recently.
- In response to the Planning Officer's statement that screening of agricultural buildings is not considered to be a planning gain in this instance, the applicant states that the cast concrete building with asbestos roofing is not a typical agricultural structure and is unsightly.
- Development will provide sustainable development in an area of ageing population.

6.1.2. The appeal includes a number of OS Maps, indicating the location of the site relative to the applicant's family home, and identifying the landowner's landholding, the sites occupied/owned by his children and the appeal site.

6.2. Planning Authority Response

6.2.1. The Planning Authority request that the Board uphold their decision to refuse planning permission. They advise that the site is located in a rural area under strong urban influence and express concern at the level of ribbon development which has taken place in the vicinity of the site. They note that permission has been granted for dwellings on three sites in addition to the landowner's home and state that this is considered to be a sufficient number taking into account the size of the holding as it presently stands. The proposed development would contribute to an excessive density of development in the rural area, consolidation of the pattern of ribbon development and erosion of the rural character of the area.

6.3. Observations

6.3.1. No submissions/observations are on file from any other party.

7.0 Assessment

I consider that the key issues in determining this appeal are as follows:

- Compliance with rural housing policy.
- Ribbon development.
- Overdevelopment of landholding.
- Site Access.
- Design Issues
- Wastewater treatment.
- Appropriate Assessment.

7.1. Compliance with Rural Housing Policy

- 7.1.1. As noted above, the site is within a rural area under strong urban influence. Having regard to the considerable level of one-off housing evident in the vicinity and taking into consideration the proximity of the area to Ashbourne, the M2 Motorway and the Dublin County boundary, I consider this designation to be reasonable. It is the Policy of the Planning Authority in such areas to facilitate the housing requirements of the rural community while directing urban generated housing to residentially zoned lands in towns and villages.
- 7.1.2. While the appeal site is not owned by the applicant or her family, she states that she has resided all her life in the family home which is located on the R125 at Greenogue, less than 1km to the north of the appeal site.
- 7.1.3. The applicant submitted a significant amount of documentation with the planning application and on foot of a request for additional information to demonstrate her links to the rural community. This included bank statements, various official correspondence and letters from her former schools. She also notes that she is a member of local sports clubs, including the Athletics Club which is located c. 150m from the site.
- 7.1.4. Taking this information into account, I consider that the applicant has satisfied the relevant provisions of section 10.4 of the *Development Plan* and has demonstrated that she is an established member of the rural community with a valid local housing requirement. However, as stated in both the *Development Plan* and the *Rural Housing Guidelines for Planning Authorities*, the acceptability of any individual housing proposal is subject to compliance with normal planning criteria.

7.2. Ribbon Development

- 7.2.1. Ribbon development, as defined in the *Development Plan and Rural Housing Guidelines for Planning Authorities*, is considered to occur where there is a high density of almost continuous road frontage type development, for example where five or more houses exist on any one side of a given 250 metres of road frontage.
- 7.2.2. The L5023 local road serving the appeal site is characterised by a significant level of one-off housing. In the immediate vicinity there are six houses to the south of the site and three existing houses and one permitted house to the north.
- 7.2.3. The houses to the south of the appeal site are generally on smaller sites and are in closer proximity to one another than the houses to the north. The six houses to the south are located within 220m of road frontage and therefore meet the definition of ribbon development. The appeal site and the adjoining site (which has an extant permission for a house) currently form a visual break between this discrete area of ribbon development and the more dispersed ribbon of development to the north.
- 7.2.4. The permitted but as yet unbuilt house on the adjoining site makes use of an existing entrance shared with the house to the north, which serves to visually connect it to the northern ribbon of development. I consider that the proposed house, rather than representing an infill development as claimed by the applicant, would cause two distinct areas of ribbon development to coalesce. The proposed development would therefore result in the consolidation of a pattern of ribbon development in a rural area which is lacking certain services (e.g. wastewater) and would contribute to the erosion of the rural character of the area.

7.3. Overdevelopment of Landholding

- 7.3.1. In addition to the issue of ribbon development, the *Development Plan* states at Section 10.5.1 that the Planning Authority will consider the extent of development on

the original landholding from which the site is taken and may refuse planning permission where there is a history of speculative sale of sites.

7.3.2. In refusing permission, the Planning Authority considered that the proposal represented overdevelopment of the 'modest' landholding. The appeal argues that the proposal does not represent overdevelopment as the remaining landholding was originally part of a far more significant agricultural landholding, which the landowner disposed of upon retirement from farming. A map submitted with the appeal indicates the extent of the landowner's remaining landholding at that time and identifies the three sites that were gifted to his children. Two of these sites have been developed, while permission has been granted on the third site which adjoins the appeal site. I noted on my site inspection that this adjoining site is advertised as being for sale.

7.3.3. I believe that the issue of overdevelopment can only be considered with regard to the landholding from which the appeal site has been taken, and not the wider agricultural landholding which was disposed of by the landowner some time ago. Having regard to the extent of existing and permitted development on this landholding in conjunction with the existing pattern of ribbon development in the surrounding rural area, which is under strong urban influence, I consider that the proposed development would constitute overdevelopment of this landholding and would be contrary to the proper planning and sustainable development of the area.

7.4. **Site Access**

7.4.1. The L5023 local road is narrow in the vicinity of the site, with a typical paved width of c. 3.5m. This limits unimpeded two way vehicular movements along parts of the road although the considerable level of ribbon development does allow for passing areas at the entrance points into houses. The condition and horizontal alignment of the road are adequate and sightlines in excess of 90 metres are achievable in both directions at the proposed entrance to the site, while maintaining the existing

hedgerow along the site boundary. While the road serving the appeal site is narrow, I do not believe that the proposed development would endanger public safety by reason of traffic hazard.

7.5. Design Issues

- 7.5.1. I consider that the design and layout of the proposed house is generally acceptable, although I note that a number of windows are proposed at ground and first floor on the north east elevation, c. 6.3m from the boundary with the adjoining site. Given that there is an extant permission on the adjoining site, I recommend that if the Board is minded to grant permission, then a Condition should be attached requiring these windows to be glazed with obscure glass.

7.6. Wastewater Treatment

- 7.6.1. A proprietary wastewater treatment system and soil polishing filter are proposed and therefore I consider it necessary to determine whether the appeal site is suitable for the disposal of treated effluent to ground. A Site Characterisation Form was submitted with the application, which indicates that the soil in the area consists of well-drained brown earths on limestone till. The area is designated as a 'Locally Important' aquifer and is of 'Low' vulnerability, albeit that the groundwater flow direction is towards areas of 'Moderate' and 'High' vulnerability. It is noted that no wells are identified in the vicinity of the appeal site, with local houses stated to be connected to mains water. While it is not mentioned in the Site Characterisation Form, I also note that the appeal site is located in an area identified as a 'Very High' risk area in the EPA document '*A Risk-Based Methodology to Assist in the Regulation of Domestic Waste Water Treatment Systems*'.
- 7.6.2. The trial hole encountered silt/clay and humus to a depth of 0.35m, with stiff silt and clay with gravel and frequent pebbles to the full depth of the excavation at 2.0m. No bedrock was encountered, while the water table was encountered at a depth of 1.6m

with mottling indicating a seasonal high water table at a depth of 1.1m. With regard to percolation characteristics, a T value of 68.31 minutes/25mm and a P value of 49.14 minutes/25mm were recorded. These results meet the requirements of the EPA's *Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Houses*.

7.6.3. On foot of the test results, a partially raised soil polishing filter is proposed, with an area of 300 sq m. The polishing filter design provides the required 0.9m depth of unsaturated soil between the base of the filter and the winter groundwater level.

7.6.4. While the information submitted by the applicant demonstrates that the appeal site is suitable for the installation of a secondary wastewater treatment system discharging to ground, I have serious concerns in relation to the concentration of individual septic tanks/wastewater treatment systems in the area. There are nine existing houses and one permitted house within a 450m stretch of the L5023 in the vicinity of the appeal site. These houses are generally aligned along a south west to north east axis, which is the same direction as the groundwater flow in the area. In my opinion the concentration and alignment of these houses with their individual septic tanks/wastewater treatment systems gives rise to the potential for cumulative impacts on groundwater quality. Therefore, in the absence of any information to the contrary, I am not satisfied that the proposed development would not be prejudicial to public health.

7.7. **Appropriate Assessment**

7.7.1. The appeal site is not within or adjacent to any Natura 2000 sites. The closest Natura 2000 sites are as follows:

- Rogerstown Estuary SAC and SPA (Site Codes 000208 and 004015, respectively) which are located c. 10.5km to the north west.

- Malahide Estuary SAC and Broadmeadow/Swords Estuary SPA (Site Codes 000205 and 004025, respectively) which are located c. 9.6km to the north west.

7.7.2. The Broadmeadow River is located c. 830m north of the appeal site and connects to the Malahide Estuary SAC and Broadmeadow/Swords Estuary SPA. However, there is no direct hydraulic connection from the appeal site to the River.

7.7.3. Notwithstanding the issues raised above in relation to the concentration of wastewater treatment systems in the vicinity of the appeal site, and having regard to the scale of the development, the separation distance and the lack of a direct hydraulic connection to the above Natura 2000 sites I consider that no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that planning permission should be refused for the reasons set out below.

9.0 REASONS

1. It is the policy of the planning authority as set out in the current development Plan to control urban sprawl and ribbon development. This policy is considered to be reasonable. The proposed development would be in conflict with this policy because, when taken in conjunction with existing and permitted development in the vicinity of the site, it would consolidate and contribute to the build-up of ribbon development in an open rural area that is under strong urban influence and that is lacking certain public services and community facilities. This would militate against the preservation of the rural environment, contribute to the erosion of the

rural character of the area and lead to demands for the provision of further public services and community facilities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that, taken in conjunction with existing and permitted development in the vicinity, the proposed development would result in an excessive concentration of development served by septic tanks/wastewater treatment systems in the area. The proposed development, would, therefore, be prejudicial to public health.

Niall Haverty

Planning Inspector

12th September 2016